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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No.654/1996

Dt. of decision: 7-6-1996

Between:

B. Lalitha Prasad .. Applicant
and

1. Superintendent of Post Offices,
Hanamakonda Division,
Hanamakonda.
2. Sub-Divisional Inspector (Postal),
Jangaon East Sub-Division, Jangaon.
3. B. Raja Ratnam, EDBPM
Chilpur village,
Hanamakonda Division. .. Respondents

Counsel for the applicant : Sri Sudheendhar Kulkarni

Counsel for the respondents: Sri V. Rajeshwar Rao

Coram

Hon'ble Mr. Justice M.G. Chaudhari : Vice Chairman

Hon'ble Sri H. Rajendra Prasad : Member (A) *98/*

JUDGEMENT

[Oral orders as per Hon. Mr. Justice M.G. Chaudhari, V.C.]

At the request of Sri Sudheendhar Kulkarni,
learned counsel for the applicant the earlier order of
~~dismissal~~
~~disposal~~ is set aside and the O.A. is restored and heard
for admission.

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2. Two fold grievance is made by the applicant. Firstly, he contends that although interviews were held on 28-3-1996 for regular appointment to the post of EDBPM at which he had also been interviewed, the respondents have not yet finalised the selection and therefore he prays that the respondents may be directed to finalise the selection and issue appointment orders as regular incumbent.

3. As far as this contention is concerned it cannot be said that the respondents have not finalised the selection for grossly unreasonable period. The applicant himself has stated in the application that the selection process initiated in March, 1996 could not be finalised in view of the Lok Sabha Elections. Not much time has elapsed since the elections are over and it will be reasonable to assume that the respondents will finalise the selection in due course. Moreover, if the selection has not been finalised the applicant cannot be per se be affected unless his service has been terminated. The applicant states that under the current provisional appointment he is entitled to continue till 30-6-96. The learned counsel stated that the applicant does not claim a right to continue under the order dt. 20-3-96 beyond 30-6-96. We therefore find it difficult to locate any cause of action for the applicant so as to require us to direct the respondent No.1 to finalise the selection.

4. The second ground urged is that since the applicant is entitled to continue as EDBPM on provisional basis till 30-6-96 nobody else can be appointed without terminating his service. On a reading of Annexure.6 it can be said

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that ordinarily the applicant is entitled to continue an order till 30-6-96 unless under Clause-4 of the order, ^{an order} has been passed terminating his service even prior to 30-6-96. It is stated that such order has not been passed. There is therefore no cause of action since the respondents have not purported to terminate the service of the applicant so far. In that connection the applicant however has alleged that without terminating his service the respondent No.1 has purported to appoint one G. Rajaratnam and respondent No.1 is pressurising him (applicant) to handover the charge. The learned counsel concedes that there is no written order made by respondent No.1 directing the applicant to handover the charge. It is stated that the pressure is being brought orally. That cannot constitute a legal ground for an application U/s 19 of the A.T. Act and ^{the} a proper course for the applicant ^{so} was to ~~complain~~ ^{complain to} if the respondent No.1 acting high-handedly ^{was} ^{complain to} his superior officers. The applicant has not made any such complaint. It is not therefore possible to accept the bald statement of the applicant that he is being pressurised. It is contended that the applicant is ^{not} being allowed to function. However, the answer to that grievance is that if he is entitled to continue until 30-6-96 and his service has not so far been terminated, any ^{monetary} claim on account of ^{he} the not being allowed to function can arise ^{only} after 30-6-96 and not at this stage. On the second ground also we do not find any cause of action.

5. Thus the applicant does not disclose any cause of action in the ^{sense} ~~sence~~ that there is no grievance which is required to be redressed on the face of the application. Hence the application is summarily rejected.


(H. Rajendra Prasad)
Member (A)

Dt. 7-6-96
(Open Court dictation)

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(M.G. Chaudhari)
Vice Chairman


Deputy Registrar

W.A. 654/96.

To

1. The Superintendent of Post Offices,
Hanamkonda Division, Hanamkonda.
2. The Sub Divisional Inspector(Postal)
Jangaon East Sub Division, Jangaon.
3. Sri B. Raja Ratnam, EDBPM Chilpur Village,
Hanamkonda, Division.
4. One copy to Mr. Sudheendhar Kulkarni, Advocate
3-4-164, Lingampalli, Hyderabad.
5. One copy to Mr. V. Rajeswar Rao, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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8/5/96

I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 7-6-1996

ORDER/JUDGMENT

M.A./R.A/C.A.No.

in

O.A.No. ~~6987/96~~ 654/96.

T.A.No. (W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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