

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.680 of 1996.

DATE OF ORDER:11-9-1998.

Between:

N.Subramanyam. .. Applicant

and

1. Union of India, rep., by Secretary, Ministry of Communications, Department of Posts, New Delhi-110 001.
2. Post Master General, Kurnool Region, Kurnool-518005.
3. Superintendent of Post Offices, Kurnool Division, Kurnool-518 001.
4. Sub Divisional Inspector Posts, Atmakoor, Kurnool District.
5. N.Naga Gopala Reddy, s/o M.Pedda-Nagi Reddy, r/o Talamudippi Branch Post Office Account with Gadivemula Sub-Post Office, Kurnool District.518 508.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.B.S.A.Satyanarayana

COUNSEL FOR THE RESPONDENTS: Mr.V.Bhimanna
1 to 4 :
AND R-5 : Mr.P.Naveen Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

ORDER:

ORAL ORDER (AS PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.B.S.A.Satyanarayana for the Applicant and
Mr.V.Bhimanna for Respondent Nos.1 to 4, and Mr.P.Naveen Rao
for Respondent No.5.

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2. The post of EOBPM, Talamudipi Branch Office in account ^{Gudavemula,} with Sub Post Office fell vacant. A notification dated:

14-7-1995 was issued to fill up the said post on a regular basis. The applicant, Respondent No.5 and others submitted their candidatures in response to the said notification.

3. The applicant was selected and appointed as EOBPM of that post office, vide Memo. No.86/BPM/Talamudipi BO, dated: 28-8-1995,

4. While the applicant took charge of the said post. However, by proceedings No.86/BPM/Talamudipi, dated: 13-5-1996, the Respondent No.3 issued notice to the applicant to show cause as to why his ~~services~~ ^{5h-} could not be terminated. In the said Show Cause Notice, it is stated that he is less meritorious and that, therefore, Respondent No.3 has taken decision to terminate his services.

5. Against the said Show Cause Notice, the applicant has filed this OA challenging the propriety of the Show Cause Notice.

6. On 12-6-1996 this Bench relying on the Full Bench decision of this Tribunal in OA. No.57 of 1991 (N. SUBRAMANYAM Vs UNION OF INDIA & OTHERS) passed an Interim Order suspending the said Show Cause Notice.

7. The respondents 1 to 4 have filed the reply.

8. The respondent no.5 has also filed his reply.

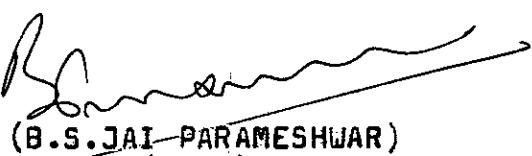
9. More than the Official Respondents, it was Respondent No.5, who opposed this OA vigorously. It is his contention that even inspite of the Full Bench decision of this Tribunal, the appointing authority can have power to review the appointment under Section.6 of the E.O. Service Rules & E.O. Staff (C&S) Rules, 1964. He submits that the appointing authority

has power to review the appointment made by him, if he finds that the appointment is irregular. Further he contended that the OA itself is premature, since it is only the applicant, who had been asked to show cause as to why his services could not be terminated. Thus submitted that the applicant may be permitted to explain to the Show Cause Notice and allow the authorities to take a decision in the matter and if the applicant feels aggrieved by that decision then he may approach the judicial Forum. However, we leave it to the respondent-authorities to dispose the Show Cause Notice dated:13-5-1996 in accordance with Law.

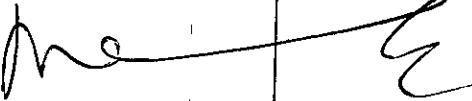
10. Hence, we issue the following directions:

- a) The applicant may, if so advised, submit a reply to the Show Cause Notice dated:13-5-1996 within 10 days from the date of receipt of a copy of this Order;
- b) After receipt of the explanation from the applicant, the concerned respondent-authority may take a decision in accordance with law;
- c) The respondent-authorities shall not implement the decision so taken till the expiry of One month of after service of the decision on the applicant; and
- d) The Stay Order dated:12-6-1996 will remain enforced till that date.

11. With the above directions, the OA is disposed of. No Order as to costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL)

11.9.98


(R.RANGARAJAN)
MEMBER (ADMN)

Dated: this the 11th day of September, 1998
Dictated to stand in the Open Court

DSN


T6-3-98

Copy to:

1. The Secretary, Min. of Communications,
Dept. of Posts, New Delhi.
2. Post Master General, Kurnool Region, Kurnool.
3. Superintendent of Post Offices, Kurnool Division,
Kurnool.
4. Sub Divisional Inspector Posts, Atmakoor, Kurnool District.
5. One copy to Mr.B.S.A.Satyamayana, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Bhimanna, Advocate, CAT, Hyderabad.
7. One copy to HBSJP, CAT, Hyderabad.
8. One copy to O.R(A), CAT, Hyderabad.
9. One duplicate copy.
10. One copy to Mr. P. N. Sreenivas.

YLKR

2/10/98
II COURT

TYPED BY
COMPILED BY

CHECKED BY
APPR VED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI S.S. JAI PARAMESHWAR:
M(J)

DATED: 11/9/88

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

O.A.NO. 680/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
प्रेषण / DESPATCH

24 SEP 1998

हैदराबाद भाषणीट
HYDERABAD BENCH