

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 766/96

Date of Order : 24.8.98

BETWEEN :

Konduru Satyanarayana

.. Applicant.

AND

1. The Chief General Manager,
Dept. of Telecommunications,
Hyderabad.
2. The General Manager,
Dept. of Telecommunications,
Visakhapatnam Dist.,
Visakhapatnam.
3. Area General Manager,
Dept. of Telecommunications,
Dabagardens, Visakhapatnam.
4. The Junior Telecom Officer,
Telegraph Office, Dabagardens,
Visakhapatnam.
5. R.Kanakeswara Rao

.. Respondents.

Counsel for the Applicant

.. Mr.M.P.Chandramouli

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

.. (As per Hon'ble Shri R.Rangarajan, Member (Admn.)) X

None for the applicant. Mr.V.Rajeswara Rao, learned
standing counsel for the respondents.

R

1

2. Express Money Transfer Service (E.M.T.S.) was introduced in the Telegraph Office, Daba Gardens, Visakhapatnam w.e.f. 13.3.94. The JTO incharge called for volunteers for EMT deliveries. Only R-5 volunteered to deliver the EMT messages. He was ^{by} ^{by} ~~incharged~~ ^{by} the duties of the EMT service. The said duty was entrusted ^{by R-5} from 22.4.94.

3. The applicant submitted a representation dated 18.10.95 and 11.12.95 for permitting him to discharge the duties of EMT service. But that was rejected by the impugned order No. TFC 11/95-96, dated 20.1.96 (A-1). It was further added in that impugned letter that the case of the applicant for entrusting the duty of EMT messages will be considered at the appropriate time when the bond of existing EMT T/man R-5 expires.

4. This OA is filed praying for a declaration that the action of the respondents 3 and 4 in ~~not~~ entrusting the job of EMT delivery to R-5 right from 1993 ignoring the seniors is arbitrary, illegal and for a consequential direction to R-4 to engage the applicant herein for the post of EMT T/Man or rotate the same job among the willing T.Mem in the office.

5. In the reply it is clearly stated that R-5 was appointed w.e.f. 22.4.94 on the basis of his volunteering for performing the duties of EMT service. The applicant did not volunteer even though the JTO incharge of the Telegraph Office, Daba Gardens, Visakhapatnam, called for the volunteers for the EMT deliveries. R-5 was entrusted ~~with~~ that EMT duty from 22.4.94 from which date the service started functioning. Even though the applicant says that the security ^{bond} ~~gone~~ from R-5 ^{has} ~~to~~ ^{to} obtain to continue R-5 without replacing him, ^{the} respondents submit that this is a baseless allegation and the bond period is current from 1.11.95 to 31.12.96 and the bond period has started prior to the

R

1

.. 3 ..

applicant's representation dated 25.10.95 and 11.12.95. It is also stated in the reply that the case of the applicant will also be considered at the appropriate time and hence his request is rejected ~~as~~ out right through the impugned order. In view of what is stated above the respondents submit that the applicant has not made out a case.

6. It is evident from the reply that R-5 volunteered for the post when volunteers were called for EMT incharge. The applicant did not respond to that notification. Even though it is so stated in the reply the applicant ^{did} ~~has~~ not care~~d~~ to file a rejoinder to contradict that if that statement is untrue. In view of the above it has to be held that R-5 was entrusted with the duty of EMT delivery service on the basis of his volunteering for that duty when notification was issued. The applicant failed to respond to the notification. Hence he cannot demand handing over the duty to him when he has not volunteered for the duty at the appropriate time. Even then it has been clearly stated in the impugned letter that his case will be considered at the appropriate time. The term of R-5 has not elapsed yet at the time of filing the OA. Hence the applicant can have no grouse if he is not entrusted with that duty. He may file a representation at the appropriate time and request for entrusting the duty to him. No doubt the respondents will consider such a request when received at an appropriate time.

7. In view of what is stated above, we find no merit in this OA and dismiss the OA. No costs.


8. Before ^{we} apart with this OA we like to express that the reply ^{could have been} ~~can be~~ more elucidative than what is stated in the reply. The date of issue of the notification by the JTO is not indicated and also the details in regard to the submission of the application by R-5 on the basis of the above notification. If such details ^{were} ~~are~~ available, the case could have been strengthened better. The

R

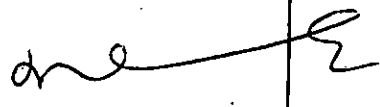
A

.. 4 ..

learned counsel for the respondents was directed to ensure that important details are not left out in the reply ⁱⁿ future. The respondents should note the above and act accordingly in future cases.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

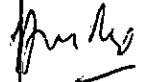
24-8-98


(R. RANGARAJAN)
Member (Adm.)

Dated : 24th August, 1998

(Dictated in Open Court)

sd


D R Jai

..5..

Copy to:

1. The Chief General Manager, Dept. of Telecommunications, Hyderabad.
2. The General Manager, Dept. of Telecommunications, Visakhapatnam District, Visakhapatnam.
3. Area General Manager, Dept. of Telecommunications, Daba Gardens, Visakhapatnam.
4. The Junior Telecom Officer, Telegraph Office, Daba Gardens Visakhapatnam.
5. One copy to Mr.M.F.Chandramouli, Advocate, CAT, Hyderabad.
6. One copy to Mr,V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

8/9/98 (2)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 24/8/98

ORDER/JUDGMENT

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

in

C.A.NO. 766/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED ✓

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अपिचिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

-7 SEP 1998

हैदराबाद न्यायपीठ
HYDERABAD BENCH