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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP 131/99...in OA 1257/96

DATE OF ORDER : 2.3.2000.

Between :-

P.Chandrasekhar Reddy

...Petitioner/Respondent No.3

And

1. The Chief Post Master General,
AP Postal Circle, Hyderabad.
2. The Superintendent of Post Offices,
Proddatur Postal Division,
Proddatur, Cuddapah District.

...Respondents/Respondents 1 & 2

3. Sri G.Ramapavana Reddy

...Respondent/Applicant

4. Sri P.Ramachandra Reddy,
Superintendent of Post Offices,
Sangareddy Postal Division,
Sangareddy, Medak District.

5. Sri K.Subbaramaiah,
Superintendent of Post Offices,
Proddatur Division, Proddatur,
Cuddapah District.

...Respondents/Contemners.

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Counsel for the Applicant : Shri P.Krishna Reddy

Counsel for the Respondents : Shri V.Rajeshwar Rao for official
Respondents
Shri Y.Appala Raju for R-3

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CORAM:

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

THE HON'BLE SHRI B.S.JAI RERAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).



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... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Mrs.Sharada for Sri P.Krishna Reddy, learned counsel for the applicant, Sri V.Rajeshwar Rao, learned Standing Counsel for the official Respondents and Sri Y.Appala Raju, learned counsel for the private respondent.

2. This CP is filed for non-compliance of the orders in OA 1257/97 passed on 28.9.1998. The direction given in that CP reads as follows :-

13.Hence, we issue the following directions:-

(i)The selection and appointment of Respondent No.3 as BPM, Chirajjupalli is hereby set aside;

(ii)The respondents 1 and 2 shall consider the candidatures of the persons who responded to the notification dt.21.3.1996 including the applicant and respondent No.3 and take a final decision;

(iii)The respondents 1 and 2 should complete the process of selection within three months from the date of receipt of a copy of this order;

(iv)Till such time the post of BPM presently filled shall be treated as provisional.

3. Against that order of the Tribunal the Respondents by order dt.30-10-98 terminated the services of the applicant who was treated as provisional in view of the judgement referred to above. In that order dt.30-10-1998 there is a mention that to transfer the charge of the BO to Mr.Ram Pavan Reddy who has been selected for the post of BPM in accordance with the judgement in OA 1257/96. The applicant herein filed WP No.31613/98 in the High Court of AP with WPMP 38763/98 for suspending order of this Tribunal as well as the orders dt.30-10-1998. In that, an order was passed by the Hon'ble High Court indicating interim suspension by order dated 17-6-1999 (Annexure-IX to the CP). Thereafter WP was disposed of by order dt.10-11-1999 (Annexure-VIII Page-12 to the CP).

Order passed by the High Court of AP, reads as follows :-

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We have no hesitation to hold that the respondent-postal authorities did not comply with the orders of the Tribunal. However, we are of the opinion that the petitioner ought to have filed contempt proceedings before the Tribunal instead of filing the writ petition in this court. In the circumstances, we dismiss this writ petition giving liberty to the petitioner to initiate, contempt proceedings against the respondent postal authorities.

No costs.

4. The contention of the applicant in the CP is that (i) the High Court in the final order dt.10-11-1999 has clearly stated that the postal authorities did not comply with the orders of the Tribunal. Hence the contemnor has to be suitably taken up for willful dis-obedience of the order of this Tribunal (ii) Applicant, even though was termed as provisional was terminated by order dt.30-10-1998. He should have been terminated only after regular candidate is posted after considering all the documents received in pursuance of the direction of this Tribunal and the services of the applicant were terminated arbitrarily. However, he was reinstated about a year later (iii) the order of this Tribunal clearly states that the respondents 1 and 2 should consider the candidates who responded to the notification dt.21.3.1996 but respondent No.2 had not consulted the Respondent No.1 before appointing Respondent No.3 in that post office as regular candidate.

5. We have considered all the contentions. The learned counsel for the respondents submit that in view of the dismissal of the wp No.31613/98 filed by the applicant herein in the AP High Court Judicature. Selected candidate was posted in accordance with the directions of this Tribunal in OA 1257/96. Even before the interim order dated 18.11.1998 was passed in the WPMP by the High Court of A.P (page-9 Annexure-V to the cp) Respondent No.3 was considered by the official respondents in accordance with the directions given in the above said OA and hence the services of the applicant were terminated by order dated 30-10-1998 with immediate effect on account of selection of Mr.G.Rama Pavan Reddy (Respondent No.3 herein). The above point was not brought to the notice of the

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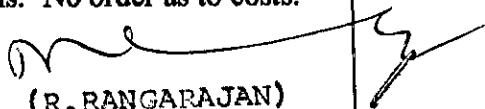
High Court of AP, submits the learned standing Counsel for the official Respondents. He further submits that though that was included in their affidavit in the WP, the same was not referred to by the High Court. Hence the respondents in our opinion had not acted as required so as to ensure the interest of the Department is protected.

6. In view of the above submission of the respondents, we feel that the observations of the High Court has to be seen in the light of the facts of this case to come to a conclusion whether there was disobedience of the order of the Tribunal. In our opinion Respondent No.3 was selected in accordance with the directions given in the OA. Hence it may not be said that the selection of Respondent No.3 is irregular. However, the Respondents to the WP created the unnecessary complications which ^{could have been} ~~should be~~ avoided by the respondents. Hence the first contention of the applicant in our opinion ~~cannot be~~ ^{is} sustainable.

7. The official Respondents in our opinion had appointed Respondent No.3 after considering all the applications received in response to the notification dated 21.3.1996 as stated earlier. The failure on the part of the respondents to bring it to the notice of the High Court resulted in issuance of the interim order. Hence the second contention is not sustainable. The third contention is that Respondent No.2 issued appointment of Respondent No.3 without consulting Respondent No.1. This is purely internal correspondence of the official respondents. It is not necessary at this juncture to look into the internal correspondence files of the official respondents. Hence there is not need to examine this question. The applicant ^{may} ~~can~~ ask for two reliefs viz., for payment of back-wages from the date he was terminated by the impugned order dated 30-10-1998 till he was reinstated as a provisional candidate and also challenge appointment of Respondent NO.3 by filing a fresh application. The applicant is at liberty if he is so advised in that connection.

8. The CP is closed with the above observations. No order as to costs.


(E.S. JAI PARAMESHWAR)
Member (J) 2/2/00


(R. RANGARAJAN)
Member (A)

Dt. 2nd March, 2000 (Dictated in Open Court.)