

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.1017/96

Between:

Date: 7-10-1998

S. Manaiah

.. Applicant

A N D

1. The Superintendent of Post  
Offices,  
Sangareddy Division,  
Sangareddy, Medak Dist.
2. The Director of Postal Services,  
Hyderabad Division,  
Hyderabad.
3. The Sub Divisional Inspector (B)  
Sangareddy Sub Division,  
Sangareddy,  
Medak Dist.
4. Ch.Gangaiah,  
R/o. Makta Laxmapur,  
A/c.Shankarampet under  
Sangareddy Head Office,  
Medak Dist.

.. Respondents

Counsel for the applicant : Mr. D. Linga Rao

Counsel for the respondents: Mr. N.R. Devraj

Coram:

Hon'ble Shri H. Rajendra Prasad, Member (A)

Hon'ble Shri B.S. Jai Parameshwar, Member (J)

*J*

O.A. 1017/96

JUDGEMENT

Date: 7-10-1998

(Per Hon'ble Shri H.Rajendra Prasad, M(A))

Heard Mr. D. Linga Rao for the applicant and Mr. N. R. Devraj for the respondents.

2. The applicant was appointed EDBPM on a provisional basis on 16-6-1994 and has been continuing in the same capacity until now. A notification was issued by <sup>the</sup> first Respondent inviting applications for the post and it is reported that Respondent no.4 has been selected on the ground that he belongs to SC category - a fact which is confirmed by the Respondents in their counter-affidavit.

3. There is no necessity to go into needless details of this case. The impugned notification, and the consequent selection, are held to be incorrect on the following grounds:

- (a) when the disciplinary proceedings against the original incumbent had not reached finality, including the departmental avenues for redressal, no selection could be made to the post on regular basis.
- (b) unless the post was earmarked for a particular reserved community, no selection could be made on the principle of community reservation.

4. The impugned notification and the consequent selection are, therefore, quashed. The present incumbent shall be allowed to continue as at present until the above requirements are satisfied. The Respondents are free to select and appoint a suitable candidate on regular basis at an appropriate time, which is certainly not now.

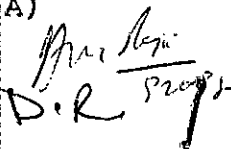
5. Thus the OA is disposed of. No costs.

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

MD

7.10.98

  
(H. RAJENDRA PRASAD)  
Member (A)

  
D.R. Singh

Dictated in the open court  
Date: 7-10-98

OA.1017/96

Copy to:-

1. The Superintendent of Post Offices, Sangareddy Division, Sangareddy.
2. The Director of Postal Services, Hyderabad Division, Hyderabad.
3. The Sub Divisional Inspector (P), Sangareddy Sub Division, Sangareddy, Medak Dist.
4. One copy to Mr. D.Linga Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R.Davaraj, Sr.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

SRR

26/10/98

(7)

II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

*H. Rajinder Prasad*  
THE HON'BLE SHRI R. RAJINDER PRASAD : M(A)

AND

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

DATED: 7/10/98

ORDER/JUDGMENT

M.A/R.A/C.P.NC.

in

G.A.NO. 1017/96

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
दिल्ली / DESPATCH  
14 OCT 1998  
HYDERABAD BENCH