

Up

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.1756 OF 1997.

DATE OF ORDER:9-6-1999.

BETWEEN:

Ch.Vasudevarao.

.....Applicant

and

1. The Superintendent of Post Offices,
Parvathipuram Division, Parvathipuram
-532 501.
2. The Union of India, rep. by the
Secretary, Department of Posts,
Dak Bhavan, New Delhi-110 001.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.V.Suryanarayana Sastry

COUNSEL FOR THE RESPONDENTS :: Mr.B.Narasimha Sharma

CORAM:

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

AND

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

: ORDER :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.V.Suryanarayana Sastry, learned Counsel
for the Applicant and Mr.M.C.Jacob for Mr.B.Narasimha-
Sharma, learned Standing Counsel for the Respondents.

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2. A notification bearing Memo.No.BED/I-87, dated: 8-7-1996, (Annexure.A1, page.7 to the OA), was issued for regularly filling up the post of EDBPM, Seetharampuram Branch Office in Parvatipuram Head Office. It is stated that the said notification was not cancelled and without cancelling it, the second notification bearing Memo No.BED/I-87, dated:29-9-1997, (Annexure.A.12, page.28 to the OA), was issued for filling up that post regularly.

3. Aggrieved by the above, the applicant has filed this OA to set aside the second notification dated: 29-9-1997, and for a consequential direction to the Respondent No.1 to consider and finalise the selection for the post of EDBPM, Seetharampuram Branch Office, from among the applicants who applied with reference to the first notification dated:8-7-1996.

4. A reply has been filed in this OA. It is seen from the reply that the first notification was superseded by the second notification in view of the fact that those ^{had} _{who} applied for the first notification were not eligible for consideration. When we questioned the learned Counsel for the Respondents as to why he has not cancelled the first notification before issuing the second notification, the reply was only sketchy. No rule has been produced before us to show that without cancelling the first notification, the second notification can be issued. When

we further questioned him to quote the rule for issuing the second notification without cancelling the first notification, the learned Counsel for the Respondents fairly admitted that it is a mistake.

5. An Interim Order was passed on 5-1-1998, whereby the second notification dated:29-9-1997, should not be processed until further orders.

6. In view of the above, we are of the opinion that the selection should be done afresh in view of the irregularities committed by the respondent-Organisation. They should issue a fresh notification for filling up that post and on that basis they should call for applications and select the most suitable meritorious candidate in accordance with the law ~~canceling the earlier notifications~~.

7. The learned Counsel for the Applicant now brought to our notice that a third notification has also been issued dated:20-4-1999. When the second notification itself is under adjudication before this Bench, the respondents have no right to issue a third notification. In view of which, we issue notice to the Respondent No.1 for violating the Orders of this Tribunal dated:5-1-1998. Respondent No.1 should be present before us on 22-6-1999 at 10.30 A.M.

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8. The OA is disposed of as per the direction as above. However, the notice issued to the Respondent No.1 will be disposed of on 22-6-1999.

B.S.JAI PARAMESHWAR

9/6/99
MEMBER (JUDL)

R.RANGARAJAN

MEMBER (ADMN)

DATED: this the 9th day of June, 1999

Dictated to steno in the Open Court

DSN

Amma
Tribal

Cor in Still Pending

1ST AND 2ND COURT

COPY TO:-

- 1. HOHN J
- 2. HHRP M (A)
- 3. HBSJP M (J)
- 4. D.R. (A)
- 5. SPARE

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H.NASIR
VICE - CHAIRMAN

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

THE HON^{BLE} MR.R.RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (J)

ORDER: 9-8-98

ORDER, / JUDGEMENT,

MA./BA./CP. No.

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DA. NO. 1756 / 97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALL OWNED:

C.P. CLOSED.

R. A. CLOSED.

O. A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

~~DISMISSED AS WITHDRAW~~

ORDERED ~~REJECTED.~~

NO ORDER AS TO COSTS.

SRR

डिप्लोमा अधिकारी विभाग के द्वारा
District Administration Tribunals
• दूरध्वपत्र / DESPATCH

21 JUN 1999

हैदराबाद न्यायालय
HYDERABAD BENCH

6 (S. 10)