

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1588/97.

Dt. of Decision : 24-03-99.

K.Venkatanna

.. Applicant.

Vs

1. The Sub-Divisional Inspector (Postal), Proddatur South Sub-Division, Proddatur-516 360.
2. The Supdt. of Post Offices, Proddatur South Sub-Division, Proddatur-516 360.
3. The Director of Postal Services, A.P. Southern Region, Kurnool-518 005.

.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.B.N.Sharma, Sr.CGSC.

CORAM:-

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

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

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ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.Jacob for Mr.B.Narasimha Sharma, learned counsel for the respondents.

2. A notification was issued bearing No.PF/ED Messenger/VVR Nagar dated 12-6-97 (Annexure-II) inviting applications from the eligible ST candidates for filling up the post of ED Messenger, VVR Nagar Post office as no candidate was sponsored by the Employment Exchange, Cuddapah. It is stated that the applicant was selected by order No.PF/ED Mgr/VVR Nagar dated 28-07-97 (Annexure-V) and he was directed to report ^{for} duty forthwith. It is also stated that he should occupy the quarters provided and reside in V.V.Reddy Nagar. However R-2 by his letter No. B/3/PDT/South Sub-Division dated 8-9-97 instructed R-1 to review the selection based on all the applications and finalise the selection terminating the services of the selected candidate by giving a month notice and report ~~to~~ ^{instruction to R-2} complaint. In view of the above, the impugned order ~~was~~ bearing No.PF/ED Messenger/VVR Nagar dated 7-11-97 (Annexure-I) was issued.

3. This OA is filed to set aside the impugned order No.PF/ED Messenger/VVR Nagar dated 7-11-97 (Annexure-I) of R-1 terminating the services of the applicant without

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assigning any reason under Rule-6 of the EDA (Conduct and Service) Rules, 1964 at the instance of R-2 by declaring ~~xxxxxx~~ that the interference by R-2 is arbitrary, illegal, unwarranted, frivolous and in violation of Articles 14 and 16 of the Constitution of India, and against the law laid down by the Full Bench of this Tribunal in OA.No.57/91 and for a consequential declaration that the applicant is deemed to have been selected on regular basis and to give consequential directions to the respondents to continue the applicant in service as ED Messenger on regular basis with all attendant benefits.

4. No reply has been filed in this OA. However the file containing the issue of the termination order dated 7-11-97 was produced before us. From the materials available/file it is seen that the R-2 had ~~xxxxxx~~ asked the R-1 to terminate the services/^{of the applicant} for reasons stated therein which has been extracted above. Once an ED Staff has been selected ^{the} neither appointing authority nor any higher authority has any power to interfere with such a selection. Aggrieved candidates has to come to this forum for setting aside the appointment order if there is any irregularity in the selection. As in this case R-2 had interfered with the selection of the applicant, who is superior official to R-1 ^{Rule} the termination order dated 7-11-97 is liable to be

set aside. ~~As~~ ^{Ms. bte} the respondents were directed to continue the applicant ⁱⁿ with this post till the disposal of this OA the applicant is still continuing as ED Messenger of that post office.

5. In view of the above the impugned order No.PF/ ED Messenger/VVR Nagar dated 7-11-97 (Annexure-I) is set aside. ~~Intervin order is made final~~

6. The OA is disposed of. No costs.

B.S.JAI PARAMESHWAR
MEMBER (JUDL.)

24.3.99

R. RANGARAJAN
MEMBER (ADMN.)

Dated : The 24th March, 1999.
(Dictated in the Open Court)

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Copy to:

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

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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)

DATED: 24.3.98

ORDER/ JUDGEMENT

MA./RA./CP. NO.

IN.

O.A. NO. 1588/97

ADMITTED, AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS

SRR

7 (Seven)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

-7 APR 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH