

(28)

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.)

R

..2/-

D

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 candidates 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 ^{to} 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 ^{instruction of R-2} complaint. In view of the above, the impugned order ~~was~~ ~~issued~~ 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

assigning any reason under Rule-6 of the EDA (Conduct and Service) Rules, 1964 at the instance of R-2 by declaring ~~xxxxxxx~~ 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 ^{in the} 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 neither ^{the} 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 ^{Hence} R-1 the termination order dated 7-11-97 is liable to be


(31)

MS be
set aside. ~~As 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. *Interim 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.)

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

spr

Copy to:

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

9/4/99
IST AND IIND 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

