

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.673/97

Date of decision: 20th January, 1999

Between:

B.Venkatarathnam.

.. Applicant.

And

1.The Postmaster, Head Post Office,
Madanapally, Chittoor Division 517325.

2.The Senior Superintendent of Post Offices,
Chittoor Division, Chittoor - 517 001.

Respondents.

Counsel for the Applicant: Sri Krishna Devan.

Counsel for the Respondents: Sri V.Rajeswara Rao,

CORUM.

Hon'ble Sri R.Rangarajan, Member (A)

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

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O.A.No.673/97.

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

Heard Sri Krishna Devan, the learned counsel for the Applicant and Sri P.Srinivasu for Sri V.Rajeswara Rao, the learned standing counsel for the Respondents.

2. The applicant herein was appointed as EDSV (Extra Departmental Stamp Vendor) Madanapalli by Memo No.H/EDSV/96-97 dated 10.4.1996. The applicant reported for duty on 10-4-1996. While he was working, the Respondent No.1 by his letter No.H/EDSV/96-97 dated 14.2.1997 sought explanation from the applicant as to why the post of EDSV of Madanapalli should not be renotified on the ground that the 2nd respondent on review found that his selection for the post was irregular and not in order. The applicant submitted his explanation d/23.2.97. Again the Respondt.No.1 issued letter No. H/EDSV/96-97 d/20.5.1997.

3. The Applicant ~~challenging the said~~ ~~has~~ filed this O.A., to declare that he is entitled to continue as EDSV, Madanapally Head Post Office till the age of superannuation by holding that the action of the Respondent No.1 in issuing the impugned letter No.H/EDSV/96-97 dated 20.5.1997 as illegal, null and void, ~~and~~ without jurisdiction and to set aside the same.

4. The Respondents have filed their reply stating that after the appointment of the applicant

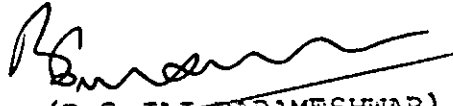
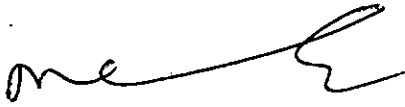
as EDSV certain complaints were received and that therefore, the 2nd respondent directed the Respondent No.1 to re-examine the selection and take suitable action after issuing a show cause notice by the Senior Superintendent of Post Offices, Chittoor. The respondents submit that the action taken by them is in order.

In view of the Full Bench decision of this Tribunal in O.A.No.57/91 dated 10-2-1995 (AMBJAKSHI vs. UNION OF INDIA & OTHERS) that the higher administrative authority has no power to review the order of appointment of ED staff passed by the appointing authority or to set aside the same. If any person is aggrieved by that appointment, then such person has to approach the appropriate judicial forum for redressal of his grievance. We feel that the Respondent No.1 should not have taken cognizance of the complaint received by him regarding the appointment of the applicant as EDSV. The Respondent No.1 should have advised the complainant thereto, to challenge the appointment before the appropriate judicial forum. The aggrieved person is at liberty to approach this Tribunal in regard to the selection of the applicant as EDSV. If the selection Pros., are challenged, before the Tribunal, they will be dealt with according to law.

In that view of the matter, the impugned Order No. H/EDSV/96-97 dated 20.5.1997 is not sustainable and it is liable to be set aside.

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
The O.A., is allowed setting aside the
impugned Order No. H/EDSV/96-97 dated 20.5.1997. No
order as to costs.

	
(B.S. JAI PARAMESHWAR)	(R. RANGARAJAN)
Member (J)	Member (A)

20.1.99

Date: 20-1-1999.

Dictated in open Court.


20.1.99.

SSS.

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312199

IST AND IIND COURT

COPY TO:-

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

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IN 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: 20-1-99

ORDER/JUDGMENT

~~M.A./R.A./E.P.NO.~~

In

O.A. NO. 673197

~~ADMITTED AND INTERIM DIRECTIONS ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

SRR

(7 copies)

