

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.373/97

Date of Order: 1.4.97

BETWEEN:

Gurugupillai Thavitinaidu

.. applicant.

AND

1. Post Master General,
Visakhapatnam,
Visakhapatnam Dist.

2. Senior Superintendent of
Post Offices, Srikakulam,
(Postal Department).

3. Sub-Divisional Inspector,
Post Offices, Amadalavalasa,
Sub-Division, Amadalavalasa,
Srikakulam,

.. Respondents.

Counsel for the Applicant

.. Mr.H.S.Dora

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM:

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

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

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.H.S.Dora, learned counsel for the applicant and and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant while working as Provisional EDBPM, Korlakota Village, Amadalavalasa, OA.1287/93 was filed by one Sri Sanapala Rajulu on the file of this Bench. The applicant was R-4 in that OA. The appointment of the applicant (R-4 in that OA) was set aside and further selection was ordered. The applicant filed *herein thereafter*

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OA.157/97 on the file of this Bench praying for a direction to the respondents to give preference to him in the selection while finalising the post of EDBPM, Korlakota village as he is working as a Provisional EDBPM from 1992 onwards. As an interim measure he also prayed to continue him as Provisional EDBPM, Korlakota post office till the final selection is completed.

3. On that OA this Bench had held in para-4 as follows:-

"The applicant prays for continuing as Provisional EDBPM Korlakota till the selection which is in progress is complete. Nothing has been produced to show that there is a threat of discontinuing him before the final selection of the selection. Hence we are of the opinion that there is no case for him at the present juncture to give any direction as prayed for above. However the applicant is at liberty to approach the Tribunal if need arises in future".

4. The applicant now submits that by the impugned order No. BED/3-342, dt. 7.1.97 (Page-8 of the OA) it was sought to replace him by another provisional candidate.

5. This OA is filed to set aside the termination order No. BED/3-342. dt. 7.1.97 by the R-2 and to reinstate the applicant forthwith.

6. The learned counsel for the respondents submits that OA.157/97 was disposed of on 14.2.97 before which date the impugned order dt. 7.1.97 was issued. The applicant should have brought to the notice of this Tribunal the issue of the impugned order dt. 7.1.97, having failed to do so he cannot now ask for any relief in this OA. Further he submits that nobody is posted even as a provisional appointee in pursuance of the directions given in the order dt. 7.1.97. ||As he is continuing

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as a provisional candidate he is allowed to continue in that capacity till such time a regular candidate is posted. ^{maybe} ~~Submits the learned Counsel for the applicant~~

7. Under the above circumstances the following direction is given:-

- (a) If the applicant is already replaced even by an another provisional appointee no relief can be given to the applicant in this OA.
- (b) If the applicant is not replaced by another provisional appointee till the date of the communication of the order then the applicant should be continued as a provisional EDBPM till a regular appointee is posted.
- (c) If it is proposed to post Sri Sanapala Rajulu (applicant in OA.1287/93) even as a provisional EDBPM in that post office then the applicant should handover charge to Sri Sanapala Rajulu even if he is a provisional appointee.

8. The OA is ordered accordingly at the admission stage itself. No costs.

R. Rangarajan
(B.S. JAI PARAMESHWAR)

1.4.97
Member (Judl.)

R. Rangarajan
(R.RANGARAJAN)

Member (Adm.)

Dated : 1st April, 1997

(Dictated in Open Court)

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D.R. (J)

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Copy to:

1. The Post Master General, Visakhapatnam, Visakhapatnam District.
2. Senior Superintendent of Post Offices, Srikakulam (Postal Department).
3. Sub Divisional Inspector, Post Offices, Amadalavalasa, Sub Division, Amadalavalasa, Srikakulam.
4. One copy to Mr. H. S. Dora, Advocate, 1-1-648/3/1, Gandhinagar, Hyderabad.
5. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R.(A), CAT, Hyderabad.
7. One duplicate copy.

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25/4/97

C.C. today

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TYPED BY
COMPARED BY

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

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

DATED: 1-4-97

ORDER/JUDGEMENT

R.A./C.P/M.A. No.

O.A. NO. 373/97 ⁱⁿ

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

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केन्द्रीय प्रशासनिक अधिकारक
Central Administrative Tribunal
प्रेषण/DESPATCH

7 APR 1997

हैदराबाद आयोडी
HYDERABAD BENCH