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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 808/97

Date of Order : 30.3.99

BETWEEN :

Satyavada Srinivasa Rao

.. Applicant.

AND

1. Superintendent of Post Offices,  
Kakinada Division, Kakinada.
2. Asst. Superintendent of Post Offices,  
Kakinada South Sub Division,  
Kakinada.
3. Extra Departmental Branch Post Master,  
Kaikavolu, Pedapudi Mandal, E.G.Dist.
4. M.V.V. Satyanarayana

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.J.Sudheer

Counsel for the Respondents

.. Mr.B.N.Sharma

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CORAM :

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

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

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O R D E R

X As per Hon'ble Shri B.S.JaiParameshwar, M(J)n. X

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None for the applicant. Mr.M.C.Jacob for Mr.B.N.Sharma  
learned standing counsel for the respondents 1 to 3. Notice  
has been served on R-4. Called absent.

*R*

2. One Sri S. Veerabhadra Rao was the regular incumbent of the post of EDMC Pedapudi Branch Office (H.O. Kaikavolu) a/w Indrapalem S.O. But he was promoted as Postman and posted to Yeleswaram S.O. He applied for leave nominating the applicant as a substitute. Subsequently he tendered resignation to the post of Postman, Yeleswaram S.O. and got re-posted as EDMC, Pedapudi. Then the substitute services of the applicant were terminated. In fact, the respondent authorities at that time thought of filling up the post by <sup>a</sup> regular candidate. As they accepted the resignation of S. Veerabhadra Rao, the process was abandoned.

3. Again S Veerabhadra Rao was selected as Postman and posted to Kak~~inda~~da. Even on this occasion S Veerabhadra Rao <sup>proceeded on leave</sup> nominated the applicant as leave substitute. The respondents <sup>out</sup> 1 to 3 absorbed the respondent No.4 who was a thrown / ED Staff and posted him as EDDA, Vendra, account with Gollalamamidada SO w.e.f. 10.11.95. On learning that the post of EDMC, Pedapudi was vacant due to promotion of Sri S Veerabhadra Rao, the respondent No.4 requested for transfer to the said post as it was nearer to his native place. The respondent No.1 to 3 considered the request of the respondent No.4 and by the proceedings dt. 9.6.97 he was posted as EDMC, Pedapudi. Thus, the substitute services of the applicant were terminated. The applicant has filed this O.A. to call for the records relating to the memo dt. 9.6.97 of the respondent No.2 and set aside the same as illegal, arbitrary, irrational, discriminatory and violative of Posts and Telegraphs Extra Departmental Agents (Conduct and Service) Rules, 1964 and <sup>for</sup> consequential direction to the respondents No.1 to 3 to continue the applicant herein as EDMC Vandra on regular basis or in the alternative to complete the process of selection for the post of EDMC at Kaikavolu as per the rules and continue the applicant in service till such time.

*Dr*

4. The respondents have filed a reply justifying their action in posting the respondent No.4 vice the applicant and the respondents have further relied upon the rule 6(19) of the rules and also the instructions of the DGP&T in the letter No.17-60/95/ED&TRG dt. 28.8.96 and letter No.43-27/85-Pen (EDC & Trg) dt. 12.9.88 to contend that provision exists for transfer of ED Staff from one Branch Office to another Branch Office.

5. It is to be noted that the applicant worked only as a leave substitute for S.Veerabhadra Rao on both the occasions. The respondents 1 to 3 considered the request of the ~~applicant~~ <sup>Respondent No 4</sup> and posted him as EDME, Pedapudi. In view of the rule position stated by the respondents, we cannot find any irregularity in their action in transferring the respondent No.4 and replacing the applicant.

6. In this background, the claim of the applicant for continuing him in the post of EDME, Kaikavolu on regular basis cannot be considered. The transfer of thrown out employee is permitted under the rules and DGP&T instructions relied upon by the respondents and enclosed as Annexure-R1 and R-2 to the reply.

7. The applicant had worked only as a leave substitute. He has no right to claim for a regular post. A provisional candidate also cannot claim for being posted as a regular ED staff. When that is so, the leave substitute cannot at any time pray for regularisation of his services even if he has completed long length of substitute service.

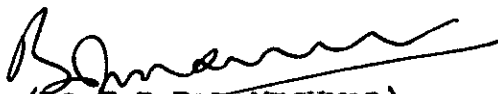
8. Hence posting of Respondent No.4 vice the applicant in the post of EDDA <sup>Pedapudi</sup> cannot be treated as irregular.


10. In view of the matter, we find no merits in the O.A. and the O.A. is liable to be dismissed.

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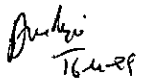
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11. The O.A. is accordingly dismissed. No order as to costs.

  
(BS JAI PARAMESHWAR)  
MEMBER (J)  
30.3.99

  
(R RANGARAJAN)  
MEMBER (A)

Dated, the 30th March, '99  
Dictated in open Court.

  
16-4-99

CS

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HBSBP M(-3)
4. B.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: 30/3/99

ORDER / JUDGEMENT

MA./R.A./C.P.No.

IN

C.A. No. 80897

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS:

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COSTS. HYDERABAD BENCH

SRR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
दोषण / DESPATCH

- 6 MAY 1999

HYDERABAD BENCH