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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 939/97

Date of Order : 25.7.97

BETWEEN :

S.Janaki Rama Chetty

.. Applicant.

AND

Union of India represented by :

1. Chief Post Master General, A.P.
Postal Circle, Hyderabad.
2. Director of Postal Services,
Office of Post Master General,
Kurnool Region, Kurnool.
3. Senior Superintendent of Post
Offices, Chittoor Division,
Chittoor.
4. Sub Divisional Inspector (Postal),
Chittoor, South Sub Division,
Chittoor.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.K.S.R.Anjaneyulu

Counsel for the Respondents

.. Mr.N.R.Devraj

- - -

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

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

- - -

Heard Mr.D.Subrahmanyam for Mr.K.S.R.Anjaneyulu,
learned counsel for the applicant and Mr.N.R.Devraj, learned
standing counsel for the respondents.

2. The applicant was selected for the post of ED Packer Iruvaram subject to verification of his character and antecedents in terms of order No. PF/EDPKR/Iruvaram, dt. 9.12.96 (A-3).

[Signature]

He was given notice bearing No. PF/ED PKR/Iruvaram, dt. 20.6.97 (A-1). As per this notice, his selection and appointment as ED Packer was reviewed by Regional Office Kurnool and pointed out that a person cannot be considered simply because he guarded the post office during strike period. Therefore he was informed to submit a representation if any within 30 days from the receipt of the notice.

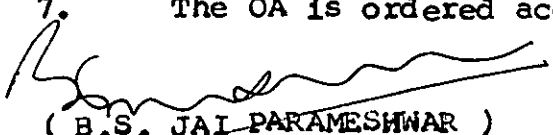
3. This OA is filed for setting aside the impugned show cause notice No. PF/ED PKR/Iruvaram, dt. 20.6.97 (A-1) and for consequential direction to continue the applicant as regular ED Packer.

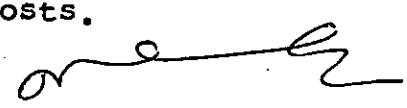
4. When this OA was taken up for admission it was brought to our notice that the scrutiny of his earlier appointment by order dt. 9.12.96 was reviewed by Director of Postal Services who is the regional officer, Kurnool and he was issued the impugned notice. In view of the directions in OA.57/91 decided on 10.2.95 by the Full Bench the higher authorities cannot review the appointment order of the lower ^{appointing} authorities. It is stated that the Director of Postal Services Kurnool ~~who~~ is the higher authority than the appointing authority for the post of ED Packer, Iruvaram ^{and hence} the show cause notice issued is against the rules and hence it has to be set aside.

5. The learned counsel for the respondents also agreed with the above view.

6. In view of the above the impugned show cause notice No. PF/ED PKR/ Iruvaram Dt. 20.6.97 (A-1) is set aside and the respondents are directed to continue the applicant as ED Packer Iruvaram without terminating his services.

7. The OA is ordered accordingly. No costs.



(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

25/7/97
Dated: 25th July, 1997

(Dictated in open court)

sd


D.R. (J)

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Copy to:

1. Chief Postmaster General, A.P., Postal Circle, Hyderabad.
2. Director of Postal Services, O/O The Postmaster General, Kurnool Region, Kurnool.
3. Senior Superintendent of Post Offices, ~~Chittoor District~~ Chittoor Division, Chittoor.
4. Sub Divisional Inspector (Postal), Chittoor, South Sub Division, Chittoor.
5. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT, Hyderabad.
6. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

29/7/97

C.C today

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED: 25/7/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in

O.A. NO. 939/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद
HYDERABAD

29 JUL 1997

CLERK/REG. SEC.
CLERK/REG. SECTION

YLKR

II Court.