

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.1125/97.

Dt. of Decision : 24-09-97.

P.Raghava Rao

.. Applicant.

Vs

1. The Superintendent of Post Offices,
Narasaraopet, Guntur District.
2. The Sub-Divisional Inspector (P),
Vinukonda Sub-Division,
Vinukonda, Guntur District.
3. Smt. K.Mary Danamma

.. Respondents.

Counsel for the applicant : Mr.B.Nageswara Rao

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC

CORAM:-

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

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

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ORDER

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

Heard Mr. Patro for Mr. B. Nageswara Rao, learned counsel for the applicant and Mr. N. R. Dewaraj, learned counsel for the respondents.

2. The applicant was working as a Leave Vacancy ~~xx~~ EDDA from 29-06-97 in Karampudi Sub post office. From 10-07-97 to 22-8-97 the applicant was appointed as a provisional appointee against the post of EDDA, Karampudi sub post office as the incumbent of the post was promoted. Later R-3 was ^{transferred} ~~appointed~~ ^{R-3} who was working as EDMC, Voppicherla B.C. ~~was transferred~~ to the post of EDDA, Karampudi as R-3 had represented for transfer to this place. That request was favourably considered and she was posted as regular EDDA, Karampudi replacing the provisional appointee who is the applicant herein vide memo No. PF/EDMC/DA/Voppicherla/97 dated 20-8-97 (Annexure-2).

3. This OA is filed for setting aside the impugned order No. PF/EDMC/DA/Voppicherla/97 dated 20-8-97 (Annexure-2) and for a consequential direction to the respondents to continue the applicant in that post.


4. The applicant submits that he being a provisional appointee cannot be replaced by another provisional appointee. But the reply clearly states that R-3 ^{was} ~~is~~ not appointed on a provisional basis as she was already a regular EDMC, Voppicherla. She was transferred as a regular EDDA on her request. Hence this contention cannot be up-held.

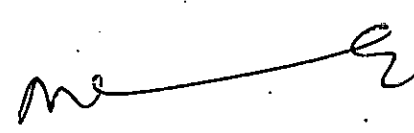
5. The applicant further submits that the EDMC post vacated by R-3 has to be filled by ^{posting} ~~him~~ ^{even} ~~and~~ ^{even} if it is on provisional basis. The applicant has not worked in that post earlier. Hence

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the question of considering ^{him} for the post ^{at} ~~of that~~ his request may not arise at this juncture. The learned counsel for the respondents submit^s that the post vacated by R-3 had already been filled. If the applicant is aggrieved by the filling of the post of EDMC, Voppicherla vacated by R-3 then his remedies lies in ~~the~~ challenging that posting^s as EDMC, Voppicherla. This OA is not filed challenging that. Hence this contention also has to fail.

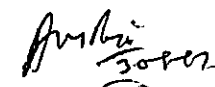
6. In view of what is stated above the OA is dismissed as having no merits. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
24.9.97


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 24th Sept. 1997.
(Dictated in the Open Court)

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D.R. (5)

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Copy to:

1. The Superintendent of Post Offices,
Narasaraopet, Guntur District.
2. The Sub Divisional Inspector (P),
Vinukonda Sub Division,
Vinukonda, Guntur.
3. One copy to Mr.B.Nageswara Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr.M.R.Devraj, Sr.CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

14/10/97
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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: 24/9/97

ORDER/JUDGMENT

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

in
O.A.NO. 1125/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

