

FORM NO. 21

(Sec Rule 114)

THE
IN/CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.OA / ~~DATE~~ / MA / PT 12.4.6 of 1997

..... G. Nagabushanam, Applicant (s)

Versus

..... Trs. post. Master. Gopole

..... Hpo. S. J. Respondent (s).

INDEX SHEET

Serial No	Description of Documents and Dates	Pages.
Docket Orders.		18/1A
Interim orders		
Orders in MA (s)		
Reply Statement		
Rejoinder		
Orders in (Final orders)	19-11-97.	11/16/97

Certified that the file is Complete

In all respects.

Signature of
Dealing Hand

(In Record Section)

12/12/97

Signature of S.o.

Recd 10/12/97

OA. 1246/97

Date	Office Note	ORDER
<u>21/10/97</u>		<p>Mr. T.K. Venkateswara Rao, for the applicant and Mr. K. Baskara Rao, for the respondent: list it on 19/11/97.</p> <p><i>JK</i> <i>D</i> HBSJP HRRN H(J) H(A)</p>
<u>19/11/97</u>		<p>OA is disposed of as withdrawn with no cost vide orders on separate sheet.</p> <p><i>JK</i> <i>D</i> HBSJP HRRN H(J) H(A)</p>

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

D.A. No.

1246

of 1997.

G. Nagabhushanam. Applicants(s).

VERSUS.

The Post master.

Ongole, HPO & one.

(Respondents).

Date	Office Note	ORDER
24/9/97		<p>Mr. K. Venkateswara Rao, for the applicant and Mr. K. Bhaskar Rao, for the respondent.</p> <p>Notice before admission list on 20/10/97. Reply in the meantime. The respondent shall produce the selection proceedings on that day.</p> <p>TC HBS SP M(S)</p> <p>20.10.97</p> <p>At the request of applicant's counsel, list it on 21.10.97.</p> <p>TC HBS SP M(S)</p> <p>HRRN M(A)</p> <p>HRRN M(A)</p>

NBA
1/10/97
Listed 20/10/97
Issued
3/10/97

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1246 OF 1997.

G. Nagabhusanam

(Applicants(s))

VERSUS

Union of India, Repd. by.

The Post Master, Angre Head Post Office

Angre & 3 rd

(Respondent(s))

The application has been submitted to the Tribunal by
Shri K. Venkateswara Rao Advocate/party-in
person Under Section 19 of the Administrative Tribunal
Act, 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure)
Rules 1987.

The application is in order and may be listed for
Admission on -----

① 18/9/97
Scrutiny Asst.

Arora
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested *by*
12. Has the applicant exhausted all available remedies. *by*
13. Has the Index of documents been filed and pagination done properly. *by*
14. Has the declaration as required by item No. 7 of Form I been made. *by*
15. Have required number of envelops (file size) bearing full addresses of the respondent's been filed. *by*
16. (a) Whether the relief sought for, arise out of single cause of action. *by*
(b) Whether any interim relief is prayed for,
17. (c) In case an MA for coronation of delay is filed, is it supported by an affidavit of the applicant. *by*
18. Whether this cause be heard by single Bench. *no*
19. Any other points.
20. Result of the Scrutiny with initial of the scrutiny clerk.
15/4/59
Scrutiny Assistant. *may be numbered 19*

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

12

File No. 2971(9)

Report in the Scrutiny of Application.

Presented by S. K. Venkateswara Rao, Adv. Date of Presentation. (15.9.97)

Applicant(s) G. Nagabhusanam

Respondent(s) The Postmaster, Engol Headpost Office,
Engol & 303

Nature of grievance Appointment

No. of Applicants 1 No. of Respondents 4

Subject Appointment (S) CLASSIFICATION
No. (D) Department Postal (No)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). Y
2. Whether name description and address of all the parties been furnished in the cause title. Y
3. (a) Has the application been fully signed and verified. Y
(b) Has the copies been duly signed. Y
(c) Have sufficient number of copies of the application been filed. Y
4. Whether all the necessary parties are impleaded. Y
5. Whether English translation of documents in a language other than English or Hindi been filed. Y
6. Is the application on time, (See Section 21). Y
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. Y
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) Y
9. Is the application accompanied IPO/DD, for Rs.50/- Y
10. Has the impugned orders original, duly attested legible copy been filed. Y

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL, YOUSAFI BAGH, HYDERABAD

INDEX

O.R. NO. OP/1246 OF 1997.

CAUSE TITLE

G. Nagashishanam.

VERSUS

The Post master

Ongole, H.P.O. I a.s.

SL. NO.	Description of documents	Page No.
1.	Original Application	1-4
2.	Material Papers	5-7
3.	Vakalat	1
4.	Objection sheet	1
5.	Spec. Copies	4-
6.	Covers	4-

To whom the aforesaid order dt. 17-2-97 and declare that
the applicant is entitled to be continued as EDLB as per
order, head post office.

(2)

Perpet IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT : HYDERABAD

O.A. NO.

1246

OF 1997

Between:-

G. Nagabhushanam, S/o. G. Peraiah, aged
about 30 years, Ex-EDLB Peon, Ongole
Head Office, Ongole.

Amendment (5)

पोस्टल/POSTAL

Postal (M).

... APPLICANT

A N D

The Post Master, Ongole Head Post
Office, Ongole and others.

... RESPONDENTS

CHRONOLOGICAL EVENTS

S.No. Particulars

Pg. Nos.

1. The Applicant was appointed by order
dated 12.8. 2

2. Discharged from 17.2.1997. 1

3. Made representation on 26.2.1997. 3

Repet
10/5/97
P.N.R.D.

Chennai
Counsel for the Applicant.



IN THE EXCENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 126 OF 1997

I N D E X

S.No.	Description of the Documents	Pg.Nos.	A.Nos.
1.	APPLICATION	1 to 4	
2.	PF\$EDLB Peon, dt.8.2.97	5	1.
3.	Memo. No.PF/EDLB Peon/95-96, dated 12.8.1996.	6	2.
4.	Representation dated 26.2.1997	7	3.

J. Venkateswaran
Counsel for the Applicant

OFFICE USE ONLY:

1. Date of Filing :
2. Registration No. :

[Signature]
Signature of the Registrar

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO.

OF 1997

Between:-

G.NAGABHUSHANAM, S/o.G.Peraiah, aged
about 30 years, Ex-EDLB Peon, Ongole
Head Office,Ongole.

... APPLICANT

A N D ,

1. The Post Master, Ongole Head Post Office, Ongole.
2. The Senior Superintendent of Post Offices, Ongole.
3. The Director of Postal Services, Office of the Post Master General, Vijayawada Region, Vijayawada.
4. Sk.Khaja Vali, S/o.Not known, aged not known, EDLB Peon, Ongole Head Post Office, Ongole.

... RESPONDENTS

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE APPLICANT : Shown as above
Address for Services : Mr. K.Venkateswara Rao,
Advocate, 2-2-1136/3/1,
Jayalaxminivas, New
Nallakunta, Hyderabad.
2. PARTICULARS OF RESPONDENTS : Shown as above
3. PARTICULARS OF THE ORDER:-
 1. Order No. & Date, :
 2. Subject in brief : *Affirmation Qn EDLB Peon v/s
of the H.O.*
4. JURISDICTION:- The O.A. is within the jurisdiction U/s.14 of the Admn.Tribunal's Act, 1985 as the applicant is working within the state of Andhra Pradesh.
5. LIMITATION:- The O.A. is within the limitation U/s.21 of the Admn.Tribunal's Act, 1985.
6. FACTS OF THE CASE:-
 - (A) The Applicant is aggrieved by the impugned action of first the/respondent in arbitrarily andunjustly discharging w him from the post of EDLB Peon Ongole on 17.2.1997 without any valid reasons or justification and appointing the unofficial respondent as E.D.L.B. Peon contrary to Rule 14 of E.D. Agents Conduct and service Rules which is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution and as such cannot be justified.

/Contd. 2.,

(3)

(B) The Applicant submits that he had registered his name in the Employment Exchange in July, 1985 and has been working in ~~as~~ Ongole Head Post Office as an ~~consider~~ ^{entitled} in short term ~~as~~ ^{various} vacancies of E.D.L.B.Peon, Class-IV, Postman etc. for the past 10 years continuously. The Applicant was selected and appointed to the post of E.D.L.B. Peon in Ongole Head Post Office provisionally for the period from 8.4.1996 afternoon to 31.10.1996 or till regular appointment is made, which ever period is shorter vide Memo. No. PF/EDLB/Peon/95-96 dated 12.8.1996. The Applicant submits that his provisional appointment continued till 17.2.1997, on which date he was discharged by appointing the unofficial respondent herein without observing the provisions of rules relating to E.D. Appointment.

(C) The Applicant submits that Rule 14 of E.D. Agents Conduct Rules lays down that E.D. Agents appointment should be made through Employment Exchange. However the first respondent has ignored this rule and appointed the unofficial respondent as E.D.L.B.Peon by notifying the vacancy in Notice Board in September, 1996. However the said notification was not sent to Employment Exchange and appointed the unofficial respondent ignoring the ~~long~~ ^{long} experience of the applicant. The Applicant submits that if only the notification was sent to Employment Exchange, the name of the unofficial respondent would not have been sponsored and consequently could not have been appointed as E.D.L.B.Peon. The Applicant therefore submits that the unofficial respondent who is no other than the same of Smt. Sultanbi working as Class-IV in Ongole Head Office was appointed straight away ignoring the rules on extraneous consideration. It is therefore submitted that the appointment of the unofficial respondent as E.D.L.B.Peon Ongole Head Post Office is irregular and liable to be set aside.

The Applicant submits that he had made a detailed representation to the respondents 2 and 3 on 26.2.1997 regarding the irregular appointment of the unofficial respondent, but however no action was taken thereon. In any view of the matter the appointment of the unofficial respondent who is hardly 18 years as E.D.L.B.Peon ignoring the legitimate claim of the applicant and his past service for over 10 years is clearly illegal. The Applicant is therefore constrained to approach this Hon'ble Tribunal as he has no other effective, alternative remedy.

7. REMEDIES EXHAUSTED:- The Applicant has no other effective alternative remedy except to approach this Hon'ble Tribunal.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING:- The Applicant has not filed any other O.A./W.P. in this regard and such a case is not pending in any court or authority of law.

9. MAIN RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to call for the records relating to No.P.F./EDLB Peon dated 8.2.1997 issued by the Post Master, Ongole Head Post Office and quash the same and consequently declare that the applicant is entitled to be continued as E.D.L.B.Peon Ongole Head Post Office by holding the action of ^{arbitrarily} the respondents in ~~approaching~~ the unofficial respondent as E.D.L.B.Peon Ongole contrary to Rule 14 of E.D. Agents Conduct and Service Rules as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

10. INTERIM RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to fix an early date for final hearing, and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

11. COURT FEE:-

I.P.O. No. & Date : 812 22973247

Name of the P.O. which drawn: Kacheguda 16th

25/8/92
16th
1. 6.50/-

12. ENCLOSURES:-

I.P.O. ~~RECEIVED~~ Removed

I.P.O., Material Papers, Covers, Pads &

Vakalath and etc.

VERIFICATION

I, G.Nagabhushanam, S/o.G.Peraiah, aged

about 30 years, Ex.EDLB Peon, Ongole Head Office,

Ongole, do hereby verify that the contents in the above
paras 1 to 6 are true to my personal knowledge and
paras 7 to 12 are true to legal advice from my counsel

and I have not suppressed any material facts.

Hyderabad,

Dated :

(G.Nagabhushanam)

Signature of the Applicant

(Venkateswar)

Counsel for the Applicant.

राज्यों-61

A.C.G.-61

POSTMASTER H.S.C.I
ONGOLE H.O.-523001

भारतीय डाक विभाग

DEPARTMENT OF POSTS, INDIA.

(देखिए नियम 267, डाक-सार विभाग पुस्तिका का छन्द 1, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I, Second Edition)

चार्ज की वस्त्री पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of *EDLB Recd, on 8th 4*

चार्ज (नाम) ने

was made over by (name) *Sr. SK. Kharajabali*

(नाम) को *Sr. G. Nagabharath*
to (name)

भाग
at (place) *Orissa*

तारीख को पूर्वाह मे

अंग्रेजी

on the (date) *15.2.97* fore noon in accordance with *PM, OGL 4*

after

EDLB Recd तारीख
No. Dated

8.2.97

के अनुसार है दिन।
from *PM, OGL 4*,

G. Nagabharath
मानुक्त अधिकारी *15/2/97*
Relieved Officer

SK. Kharajabali
भारतीय अधिकारी
Relieving Officer

P.T.I
9

DEPARTMENT OF POSTS

Office of the Post Master,
Ongole H.O.

Memo. No. PF/EDLB Peon/95-96, dated at Ongole 12/8/95

ANNEXURE 'A'

1. Where as the Post of Extra-Departmental L.B. Peon II Ongole H.O. has become vacant and it is not possible to make regular appointment to the said Post immediately, the Postmaster Ongole H.O has decided to make provisional appointment to the said Post for a period from 8-4-96 A/N to 31-10-96, or till regular appointment is made, whichever period is shorter.
against Nagabhusanay to G. Peon
2. Shri. G. Nagabhusanay is offered the provisional appointment. He should clearly understand that the provisional appointment will be terminated when regular appointment is made and he shall have no claim for appointment to any Post.
3. The Postmaster, Ongole H.O also reserve the right to terminate the provisional appointment at any time before the period mentioned in Para 1, above without notice and without assigning any reason.
4. Shri. G. Nagabhusanay will be governed by the Extra Department Agents (conduct and service) Rules, 1964 as amended from time and all other rules and order applicable to Extra-departmental Agents.
5. In case, the above conditions are acceptable to Shri G. Nagabhusanay he should sign the duplicate copy of this memo and return the same to the undersigned immediately.

Copy to: S/o G. Nagabhusanay Postmaster Ongole H.O.

1) S/o G. Peon Postmaster Ongole H.O.

2) Deputy Ongole Postmaster Ongole H.O.

- 2) P.F. of the official.
- 3) APM A/cs., Ongole H.O.,
- 4) S.S.P.O's Ongole, for information
- 5) Spare.

S. B. Bencan

✓

O/C

26/2/97

From

G. Nagabhushanam,
EDLB Peon,
Ongole Head Office,

To

The Superintendent of Post Office,
Ongole.

Sir,

Sub: Irregular appointment of EDLB peon Ongole Head Post Office

-00-

I had been working in Ongole Head Post Office as an outsider in short term vacancies of EDLB Peon, Class IV, Postman etc., for the last 10 years continuously. I was provisionally appointed as EDLB peon from 8-4-96. The appointment order issued by the postmaster Ongole PF/EDLB peon/95-96 dated 12-8-96, specified the provisional vacancy as "from 8-4-96 to 31-10-96. But my provisional appointment continued till 17-2-97 on which date I was discharged and one Sri Sk. Khajavali S/o. Smt. Sk. Sultanbi working as class IV Ongole Head Office was appointed irregularly without observing the provisions of rules relating to ED appointments.

Rule 14 of ED Agents conduct and Service Rules lay down that ED agent appointment should be made through Employment Exchange. But the appointing authority Viz-Postmaster Ongole failed to notify the vacancy of EDLB Peon to the Employment Exchange. He irregularly appointed one Sri Sk. Khajavali S/o. Smt. Sultanbi working as Class IV in Ongole Head Office.

As per rules the Postmaster Ongole must have written to Employment Exchange to sponsor candidates for the vacancy. But he did not do that. Had the rule been observed the present appointee Sri Sk. Khajavali would not have been sponsored by the Employment Exchange simply for the reason he registered with the Exchange recently. I registered my name in the Exchange in July 85. Thus I am many years his senior in that aspect. Besides many persons with meritorious marks would have come in the field.

I submit that in the circumstances the appointment made as EDLB peon Ongole Head Office on 16-2-97 of Sri Sk. Khajavali may kindly be set aside and I may be continued in the post.

Thanking you,

Yours faithfully,

G. Nagabhushanam

W. R. N.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1246/97

Date of Order : 19.11.97

BETWEEN :

G.Nagabhushanam

.. Applicant.

AND

1. The Post Master, Ongole Head Post Office, Ongole.
2. The Senior Superintendent of Post Offices, Ongole.
3. The Director of Postal Services, Office of the Post Master General, Vijayawada Region, Vijayawada.
4. Sk. Khaja

.. Respondents.

Counsel for the Applicant

.. Mr. K. Venkateswara Rao

Counsel for the Respondents

.. Mr. K. Bhaskara Rao

CORAM:

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

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

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

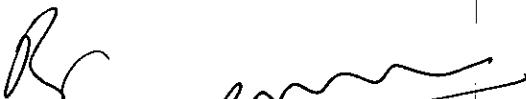
Mr. K. Venkateswara Rao, learned counsel for the applicant and Mr. K. Bhaskara Rao, learned standing counsel for the respondents.

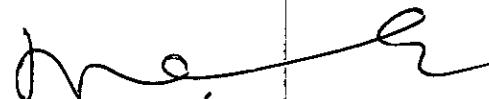
2. This OA is filed for the following relief :-

To call for the records relating to No.P.F./EDLB Peon dated 8.2.97 issued by the Post Master, Ongole Head Post Office, Ongole and quash the same and consequently declare that the applicant

is entitled to be continued as E.D.L.B. Peon Ongole Head Post Office by holding the action of the respondents in appointing the unofficial respondent as E.D.L.B. Peon Ongole contrary to Rule 14 of E.D. Agents Conduct and Service Rules as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution.

3. When the OA was taken up for admission hearing the learned counsel for the applicant submitted that he is withdrawing the OA. Hence the OA is disposed of as withdrawn. No costs.


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


(R. RANGARAJAN)
Member (Admn.)

19.11.97

Dated : 19th November, 1997

(Dictated in Open Court)

sd


D.R.

OA.1246/97

Copy to:

1. The Post Master, Ongole Head Post Office, Ongole.
2. The Senior Superintendent of Post Offices, Ongole.
3. The Director of Postal Services, O/o The Post Master General, Vijayawada Region, Vijayawada.
4. One copy to Mr. K. Venkateswara Rao, Advocate, CAT., Hyd.
5. One copy to Mr. K. Bhaskara Rao, Addl. CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

19/11/97 07
TYPED BY
COMPARED 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: 19/11/97

ORDER/JUDGMENT

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

in
O.A. NO. 1246/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with drawn
Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YUKR

II Court

