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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1375/97

Date of Order: 21.10.97

BETWEEN:

Y.Mohd. Ismail

.. Applicant.

AND

1. Union of India, Rep. by  
the Chief Postmaster-General,  
A.P.Circle, Hyderabad.

2. The Postmaster-General,  
Kurnool Region, Kurnool.

3. The Superintendent of PostOffices,  
Nandyal Division, Nandyal.

.. Respondents.

Counsel for the Applicant

.. Mr.Y.Appala Raju

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.)

O R D E R

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

Mr.Y.Appala Raju, learned counsel for the applicant  
and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant is working as EDBPM, Peddachintakunta EDBO,  
Allagadda Mandal, Kurnool District from 25.7.91 in place of a  
regular employee who was put off duty pending <sup>enquiry</sup> against him. The  
applicant was posted on provisional basis w.e.f. 19.8.91 as he  
fulfilled the requisite conditions for posting as EDBPM. It  
is now stated that the impugned notice No.B6/BPM/P.C.Kunta,

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provisional dated 27.3.97 (A-1) 30 days time for termination of his services has been issued. The applicant in this OA challenges the same on the ground that he is working for about 7 years in that post on provisional basis and hence he should have been regularised in that post in terms of D.G., P&T Letter No. 43-4/77-Pen., dated 23.2.1979.

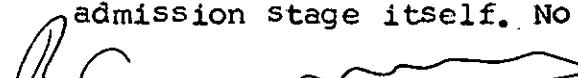
3. The applicant is a provisional EDBPM. Hence he has to give place when a regularly selected candidate is posted. If a regularly selected candidate is posted he cannot object <sup>to</sup> his posting and refuse to ~~stand~~ <sup>hand</sup> over.

4. But the applicant being a provisional employee and had put in more than 3 years of service the D.G.P&T letter dated 23.2.1979 will squarely apply in this case. The relevant portion <sup>is</sup> reproduced below :-

"Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons; if at the time of discharge they had put in not less than three years' service. In such cases their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G.P.&T., Letter No. 43-4/77-Pen., dated 23.2.1979".

5. The authorities should take action <sup>to list his name in the list</sup> in accordance with and regularise him the rules <sup>as</sup> and when his turn comes in the waiting list <sup>as per</sup> Rules.

6. With the above direction the OA is disposed of at the admission stage itself. No costs.

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

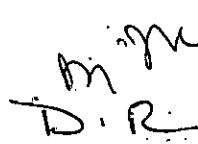
21-10-97

  
( R. RANGARAJAN )  
Member (Admn.)

Dated 21st October, 1997

(Dictated in Open Court)

sd

  
M. D. R.

CA.1375/97

1. The Chief Postmaster General, A.P. Circle, Hyderabad.
2. The Post Master General, Kurnool Region, Kurnool.
3. The Superintendent of Post Offices, Nandyal Division, Nandyal.
4. One copy to Mr. Y. Appala Raju, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr.CGSC., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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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: 21-10-97

ORDER/JUDGMENT

~~M.A/R.A/C.A.ND.~~

in  
Q.A.NO: 1375/97

Admitted and Interim Directions  
Issued.

~~Allowed~~

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

