

OA. No. 1411/97

Between:

Dated: 22.3.1999

N. Bikshmaiah

.. Applicant

And

1. The Superintendent of Post Offices, Suryapet Division, Suryapet, Dist. Nalgonda.
2. The Director of Postal Services, Hyderabad Region, Hyderabad.

3. R. Butchaiah, Occ. TBOP Post Man, Neredcherla S.O., Suryapet Divin, Nalgonda.

.. Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. B. N. Sharma

CORAM:

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR : MEMBER (J)

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr. S. Ramakrishna Rao for the Applicant and Mr. Jacob for Mr. B. Narasimha Sharma for the Respondents.

When the OA was taken up for hearing, the learned counsel for the Respondents submitted that, two Annexures are not enclosed to the Reply and hence, he requests time.

The above submission appears to be a astonishing one for us for asking adjournment. It is for the respondents to ensure that the reply is filed with all documents.

This reply was filed on 22.6.1998. If it is deficient of documents, the respondents could have included the documents. Subsequently without delay insted of doing that, when it is posted for hearing the respondents request for adjournment.

Such a reason for adjournment cannot be granted. However, as a matter of concession, list this O.A. on 7.4.1999. On that date, R-1 should be present personally to answer our questions.

[Signature]
Section Officer

Copy to:-

1. The Superintendent of Post Offices, Suryapet Division, Suryapet.
2. The Director of Postal Services, Hyderabad Region, Hyderabad.
3. R. Butchaiah, Occ. TBOP Post Man, Neredcherla S.O. Suryapet.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
5. One copy to Mr. B. N. Sharma, Sr. CGSC., CAT., Hyd.
6. One duplicate copy.

Srr

Copy to:

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.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: 22/3/99

ORDER/JUDGEMENT

MA./RA./CP.NO.

IN

O.A. NO.

~~1410~~ 1411/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

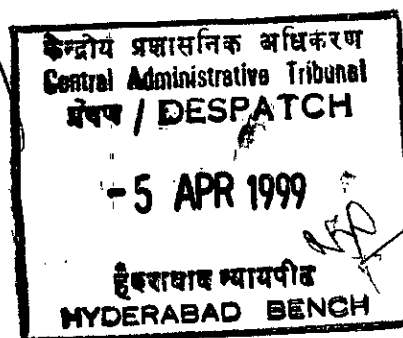
DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

Post on
24/4/99



Cofu
the order in
How these two cases are
commonly typed. m see me

Cofu
m correct the cases
properly

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.1411 OF 1997.

DATE OF ORDER:12-4-1999.

BETWEEN:

N.Bikshamaiah.

.....Applicant

a n d

1. The Superintendent of Post Offices,
Suryapet Division, Suryapet,
Nalgonda District.
2. The Director of Postal Services,
Hyderabad Region, Hyderabad.
3. R.Butchaiah, TBOP Postman,
Neredcherla Sub Office, Suryapet,
Division, Nalgonda District.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER(PER HON'BLE SRI R.RANGARAJAN, MEMBER(A))

Heard Mr.S.Ramakrishna Rao, learned Counsel
for the Applicant and Mr.B.Narasimha Sharma, learned
Standing Counsel for the Respondents. Notice served
on Respondent no.3. Called absent.

R

2

.....2

134

2. The applicant in this OA was posted as Postman with effect from 2-1-1982. He was promoted on adhoc basis as Mail Overseer with effect from 1-10-1993 by Memo No.B1/MOs/93-94, dated:29-9-1993. He was continued as such till 10-10-1997. By the impugned Order No.B1/MOs/97-98, dated:10-10-1997 (Annexure.A-I to the OA), he was reverted as the regular TBOP Postman was available.

3. The applicant became a TBOP Postman with effect from 11-1-1998 and is yet to be posted as a Mail Overseer/Cash Overseer/Sorting Postman/Head Postman.

4. This OA is filed to set aside the impugned Order No.B1/MOs/97-98, dated:10-10-1997, and for a consequential direction to the respondents to continue the applicant in the post of Mail Overseer on a regular basis taking into consideration the continuous service rendered by the applicant with all consequential benefits.

5. The contentions raised in this OA and the relief prayed for are same as the contentions raised in OA.No.1410 of 1997, which is disposed of today.

6. The only difference in this OA is that the applicant in OA.No.1410 of 1997, had already been posted as a Mail Overseer, whereas the applicant is yet to be posted as a Mail Overseer/Cash Overseer/Sorting Postman/Head Postman. Hence, by following

R

D

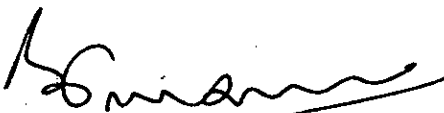
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the reasonings given in OA.No.1410 of 1997, the following direction is given:-

"The applicant should be posted as Mail Overseer/Cash Overseer/Sorting Postman/Head Postman in any of the next vacancy that arises in any one of these categories. When he is posted in pursuance of the direction, he is deemed to have been posted in that post right from 11-1-1998, when he had become a TBOP Postman. Consequential benefits both service as well as monetary benefits, if any, arising out of the above direction should be granted to the applicant accordingly."

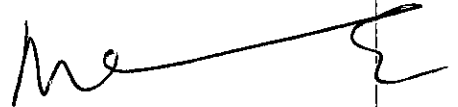
7. The OA is disposed of as above. No costs.



(B.S.JAI PARAMESHWAR)

MEMBER(JUDL)

12-4-99



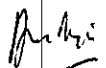
(R.RANGARAJAN)

MEMBER(ADMN)

DATED: this the 12th day of April, 1999

Dictated to steno in the Open Court

DSN


16-4-99

Copy to:

1. HDHND
2. HHP M(A)
3. HBSJA M(J)
4. D.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: 12.4.99

ORDER/JUDGEMENT

MA./CA./CH.NG.

IN

O.A. NO. 1411/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

6. (Copies)

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal बैच / DESPATCH
- 6 MAY 1999
हैदराबाद न्यायपीठ HYDERABAD BENCH

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HACA Bhavan, Opp:Public Garden, Hyderabad.500004.A.P.

ORIGINAL APPLICATION No. 1411 of 1997

Applicant(s)

V/S

Respondent(s)

By Advocate Shri:

(BY CENTRAL GOVT.STANDING COUNSEL)

TO.

- ✓ R-1. The Superintendent of Post Offices, Suryapet Division, Suryapet.
- ✓ R-2. The Director of Postal Services, Hyderabad Region, Hyderabad.
- ✓ P-3. R.Dutchalaiah, Occ.TEOP Postman, Neredcharla SO, Suryapet Div., Nalgonda Dist.

Whereas an application filed by the above named applicant under section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed herewith has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal practitioner/ presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

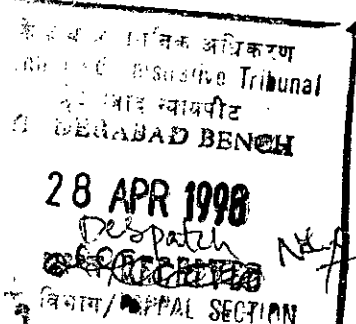
Issued under my hand and the seal of the Tribunal

This the **Twentieth** . . . day of 199
March, **8.**

//BY ORDER OF THE TRIBUNAL//

Date: 26.3.98.

FOR REGISTRAR.



BY REGD. POST ACK DUE
Notice of Miscellaneous Application

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT HYDERABAD.
1st Floor, HACA Bhavan, Opp; Public Garden, Hyderabad. 500004. A.P.

MISCELLANEOUS APPLICATION No. 997. of 199 7.

IN

ORIGINAL APPLICATION NO. 1411. OF 199 7.

APPLICANT (S)
To. N. Bikenmaiah.

VS Respondent (S)
The Supdt. of Post Offices, Suryapet
Division, Suryapet. 20th.

1. The Superintendent of Post Offices, Suryapet Division, Suryapet.
Nalgonda District.
2. The Director of Postal Services, Hyderabad Region, Hyderabad.
3. Shri R. Butchiah, Acc. Insp. Postman, Neredcharla S.O. Suryapet Division-
Nalgonda District.

Whereas the applicant above named has filed Miscellaneous Application (copy enclosed) Under Rule 8 (3) of Central Administrative Tribunal (Procedure) Rules, 1987 in this Tribunal and whereas the Miscellaneous Application was ordered on.... 4-11-97.....

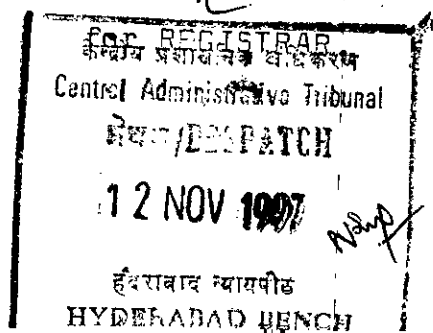
Take notice that within..... 17-12-97..... from the date of Service of this notice, you may appear in person or through a duly authorised Legal practitioner and file in three complete sets, reply to the application along with documents if any, in a paper book form failing which the matter will be heard EX-PARTE.

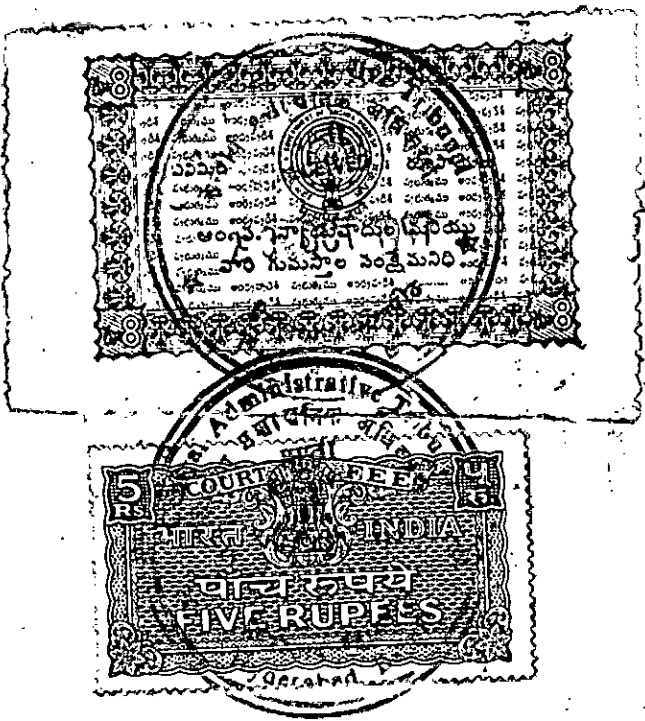
That, you the aforesaid Respondent No..... do send for our use in Central Administrative Tribunal, Hyderabad Bench at Hyderabad all the singular the said records and other with all things touching the same as fully and perfectly as they have been made by you, before the ..~~SEVENTEENTH~~.. Seventeenth.. day of ..December, 199 7. and the case is posted for hearing on ...17-12-97..... at Hyderabad.

// BY ORDER OF THE TRIBUNAL //

Date: 5-11-97.

As
6/11/97





IN THE COURT OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL

AT HYDERABAD

OA No. of 1997

BETWEEN :-

N. Bikshamaiah

PLAINTIFF
PETITIONER
APPELLANT
COMPLAINANT

AND

The supply of Post Office
Surampet and another

DEFENDANT
RESPONDENT
ACCUSED

Accepted
VAKALAT
Accepted

KA

ACCEPTED

Advocate for : Applicant

Filed

23-10-1997

Address for Service

SANKA RAMAKRISHNA RAO

B.A.L.L.B., P.G.D.C.R.S.,

ADVOCATE

1-1-10/2, Jainahar School Lane,
Jawahar Nagar, RTC X Road, Hyderabad-500 020.

PHONE : 7638883

IN THE COURT OF THE CENTRAL ADMINISTRATIVE
TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD

O.A No. 1411 of 1997.

BETWEEN :- N. Bikshamalah

PLAINTIFF
PETITIONER

APPELLANT
COMPLAINANT

AND

DEFENDANT
RESPONDENT

The Supdt of P&T Offices, Suryade and another

ACCUSED

I/W N. Bikshamalah

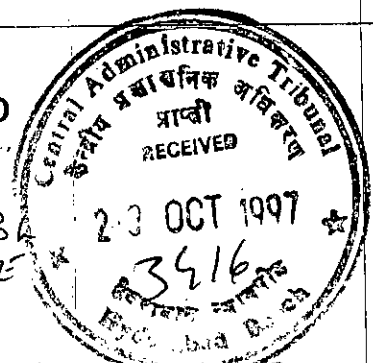
do hereby appoint and retain

SANKA RAMAKRISHNA RAO

B.A.LL.B., P.G.D.C.R.S.,

ADVOCATE

K. J. PRASAD, B.A.B.A.
ADVOCATE



Advocate/s to appear for me/us in the above suit/case and to conduct and Prosecute (or defend) the same and all Proceedings that may be taken in respect of any application for execution of any decree or order Passed therein. I/we empower my/our, Advocates to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted to compromise and to obtain the return of documents and draw any moneys that might be payable to me/us in the said suit or of matter (and I/w do further empower my/our Advocates to accept on my/our behalf, service of notice of all or any appeals or petitions filed in any court of Appeal, reference of Revision with regard to said suit or matter before disposal of the in this Honourable Court.)

N. Bikshamalah

Certified that the executant who is well acquainted with English Read this Vekalatnama the contents of the Vekalatnama were read out and explained in Telugu/Urdu to executant or he/she/ they being unacquainted with English/who appeared Perfectly to understand the same and signed or put his/her/their signature/s or/and marks and in my Presence.

Executed

23

day or

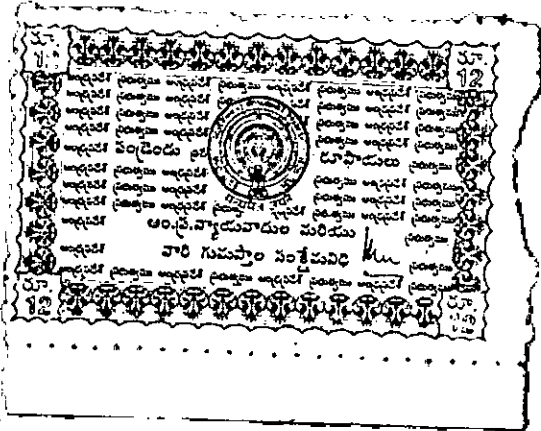
10

1997

[Signature]
Advocate

Central Administrative Tribunal
Hyderabad Bench, Hyderabad.

O.A/B/A No. 1411 of 1997



MEMO OF APPEARANCE

N.R. DEVARAJ
ADVOCATE

Standing Counsel for Railways
Senior Standing Counsel for Central Govt.

Counsel for *The Official Respondent*

Address for Service :

Phone : 7610600

Plot No. 8, Lalithanagar
Jamai Osmania,
Hyderabad - 500 044.

Central Administrative Tribunal, Hyderabad Bench
HYDERABAD.

O.A. / ~~FA~~ No.

1411

of 199

7

BETWEEN

N. Bikshamaiah

Applicant (s)

Vs.

The Superintendent of
post Offices, Wzd & Os

Respondent (s)

MEMO OF APPEARANCE

To,



I N.R. Devaraj, Advocate, having been authorised

(here furnish the particulars of authority)

by the Central/~~State~~ Government/Government Servant/authority/corporation/society notified under Sec. 14 of the Administrative Tribunals. Act, 1985. Hereby appear for applicant No. *Official*
/Respondent No. and undertake to plead and act for them in all matters in the aforesaid case.

Place : Hyderabad.

Date : 24.6.98

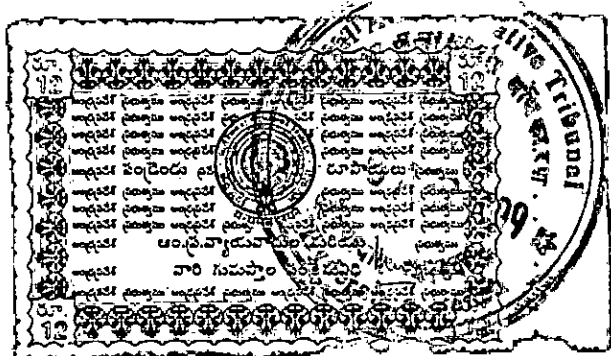
Signature & Designation of the
Counsel

Address of the Counsel for Service

Plot No.8, Lalithanagar
Jamai Osmania
Hyderabad - 500 044.

N.R. DEVARAJ

Standing Counsel for Railways
Senior Standing Counsel for Central Govt.



In the CAT
at Hyderabad

O.A. No. 1411 of 1997



Memo of Appearance

Filed on: 6-4-99

B. NARASIMHA SHARMA
Sr. Central Govt.
Standing Counsel,
Central Administrative,
Tribunal, Hyderabad.

Central Administrative Tribunal, Hyderabad Bench
HYDERABAD

O.A.NO.

1411

OF 199 7

BETWEEN

N. Bikshmaiah

Applicant(s)

Vs.

The Supdt. of Post Office,
& another

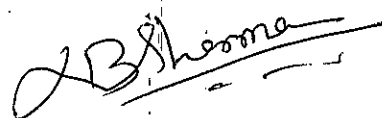
Respondent(s)

MEMO OF APPEARANCE

I, B. Narasimha Sharma, Advocate having been authorised by proceedings of Government of India in F.No. 28(5)/98-Judl. Dt. 11-12-1998 notified under Sec. 14 of the Administrative Tribunals Act, 1985, hereby appear for Applicant No./Respondent No. 1 & 2 and undertake to plead and act for them in all matters in the aforesaid case.

Place: Hyderabad

Date: 6-4-99



Signature & Designation of the Counsel

B. NARASIMHA SHARMA
Senior Standing Counsel for
Central Government.

Address of the Counsel for Service:

512, Nilgiri,
Aditya Enclave,
Amecrpet,
Hyderabad - 33.

FORM III (SEE RULE 8(3))
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT: HYDERABAD

M.A. NO: 997 OF 1997
IN
O.A. No. 1411 of 1997

BETWEEN:

N. Bikkamaiah S/o Rangaiah,
aged about 56 years, working as Mail Overseer,
East Sub-Division, SURYAPET,
District Nalgonda.

APPLICANT/APPLICANT

A N D

1. The Superintendent of Post Offices,
Suryapet Division, SURYAPET, Dist. Nalgonda.

2. The Director of Postal Services,
Hyderabad Region, HYDERABAD.

RESPONDENTS/RESPONDENTS

3. R. Butchaiah S/o not known,
aged not known, Occ. TBOP Postman,
Neredcherla S.O. Suryapet Division,
District Nalgonda.

PROPOSED RESPONDENT

MISCELLANEOUS APPLICATION FILED UNDER RULE 8(3) OF C.A.T.
(PROC.) RULES, 1987

For the reasons stated in the accompanying affidavit,
the Hon'ble Tribunal may be pleased to permit the applicant
herein to implead the proposed Respondent as necessary party
Respondent as Private Respondent (R-3), as proposed Respondent
is promoted and transferred in place of the applicant herein to
the detriment of the interests of the applicant, in the
interest of justice, and be pleased to pass such other and
further order or orders as the Hon'ble Tribunal may deem fit and
proper in the circumstances of the case.

Hyderabad.
Dt.27.10.1997


COUNSEL FOR THE APPLICANT

contd.....

M.A. NO: 997
OF 1997
IN
O.A. No. 1411 of 1997

BETWEEN:

N. Bixamaiah S/o Rangalah,
aged about 56 years, working as Mail Overseer,
East Sub-Division, SURYAPET,
District Nalgonda.
APPLICANT/APPLICANT

AND

1. The Superintendent of Post Offices,
Suryapet Division, SURYAPET, Dist. Nalgonda.
 2. The Director of Postal Services,
Hyderabad Region, HYDERABAD.
 3. R. Butchalaiah S/o not known,
aged not known, OCC. TBOF Postman,
Neredcherla S.O. Suryapet Division,
District Nalgonda.
- PROPOSED RESPONDENT

A F F I D A V I T

I, N. Bixamaiah S/o Rangalah, aged about 56 years,
working as Mail Overseer, East Sub-Division, SURYAPET, District
Nalgonda, do hereby solemnly and sincerely affirm and state on
oath as follows:
That I am the deponent herein and therefore well
acquainted with the facts of the case.

2. I submit that I have filed O.A. No.1411/97 aggrieved
against my reversion from the post of Mail Overseer to the post
of Postman having allowed me to work for more than 5 years after
due process of selection. Theist Respondent issued reversion
order reverting me to the post of Postman and promoting the
proposed Respondent in my place to the detriment of my career.
The Proposed Respondent is sought to replace me affecting my
interests very badly. Therefore it is just and proper that the
proposed Respondent may be impleaded as Party Respondent as

N-Bixamaiah
contd.....

Returned

- ① counsel to sign the MA & copies.
- ② Affidavit to be attested.
- ③ 1 copy of OA was filed.
- ④ one cover & Ack card to be filed.

~~27/10/97~~
27/10/97

14 days time.

Complied into

Under take to file are
~~additional copy of OA after to~~
~~the MA is attached, along with~~
Covers and Acknowledgement.

The MA may be numbered



:PAGE NO. 4:

Pray Lead Petition

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH:
AT: HYDERABAD.

M.A. NO. OF 1997

IN

O.A. NO: 1411 OF 1997

BETWEEN:

N. Bikkamaiah .. APPLICANT

AND

The Superintendent of Post
Offices, Suryapet and others.
RESPONDENTS/RESPONDENTS.



IMPLEAD PETITION:

PETITION FILED UNDER RULE 8(3)
OF CAT (PROC.) RULES, 1987.

Recd
27/10/97
J.N.R.D. ly

FILED FOR: APPLICANT.

FILED ON: 27.10.1997

FILED BY:

SANKA RAMA KRISHNA RAO,
ADVOCATE, 1-B-549/C, IIInd Floor
CHIKKADAPALLY, HYDERABAD-20.
COUNSEL FOR THE APPLICANT

~~27/10/97~~
27/10/97

necessary party as private Respondent No.3 in the above O.A. in the interest of justice and for proper adjudication.

Therefore it is just and proper that the Hon'ble Tribunal may be pleased to permit the applicant herein to implead the proposed Respondent as necessary party Respondent as Private Respondent (R-3), as proposed Respondent is promoted and transferred in place of the applicant herein to the detriment of the interests of the applicant, in the interest of justice, and be pleased to pass such other and further order or orders, as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Sworn and signed on this
13th day of October, 1997
at Hyderabad.

BEFORE ME



ADVOCATE

DEPONENT



MA 997/97 in O.A. 1411/97

4-11-97

Notice. List on 17-12-97.

JE
HBSJP
M(D)

✓
HARKU
M(A)

Notice in MA

17-12-97

CV
5/11/97

Issued
6/11/97

12.3.98.

None for the applicant.
The M.A. is filed
for inclusion of the
proposed R-3
Though notice
was served and
received by the
parties on 13.11.97
no reply is filed
so far. Hence
M.A. is allowed.
Registry should
make necessary
corrections in the
O.A., and issue
notice to the
proposed respondents
also.

JE
HBSJP
M(D)

✓
HARKU
M(A)

ORIGINAL

पोस्टल/POSTAL बेंच केस/BENCH CASE
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

M.A. NO. 997 OF 1997

IN

O.A. No. 1411 OF 1997

~~SINGLE JUDICIAL PETITION~~

Implied Petition

Mr. S. Rama Krishna Rao
COUNSEL FOR THE APPLICANT.

AND

Mr. N.R. Deva Raj
Sr. ADDL. STANDING COUNSEL FOR
C.G. Rlys.