

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1565/97.

Dt. of Decision : 27-8-98.

D.Ashok

..Applicant.

Vs

1. The Asst. Supdt. of Post Offices,
West Sub-Division, Hyderabad-1.
2. The Sr.Suptd. of Post Offices,
Hyderabad City Division, Hyderabad-1.
3. Amarnath

..Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.for R-1&R-2.
Mr.S.Lakshma Reddy for R-3.

CORAM:-

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

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

R

1

ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the official respondents and Mrs.Lakshmi for Mr.S.Lakshma Reddy, learned counsel for R-3.

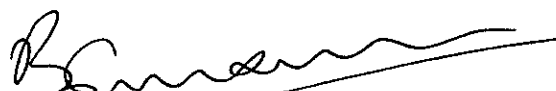
2. The contentions and prayer in this OA ^{are} is same as the prayer and contentions raised in OA.721/97 and OA.891/97. The OA.721/97 was disposed of on 26-3-98 whereas the OA.891/97 was disposed of to-day. As all the contentions raised in this OA ^{have} been elaborately considered in both the OAs, there is no need to further elaborate these points in this OA and the judgement in this OA has to be read along with the judgement in OA.721/97 and OA.891/97.

3. In view of the above, we are following the direction given in OA.721/97 and directed as follows:-

The selection of R-3 is set aside. The post of EDMC, R.K.Mutt should be filled by selecting the suitable candidate from amongst those who had applied in response to the notification dated 2-12-96. Till such time the regular appointment is made the present incumbent shall continue as a provisional candidate.

4. It is brought to our notice that R-3 had put in a year of service as ED Agent. Hence, the learned counsel for R-3 submits that he cannot be discharged without giving any relief to him. In view of that his case also should be considered if any notification is issued in future in addition to ^{SUA} these applications. To enable him to apply a copy of the notification should be supplied to him to the address given in this OA.

5. No costs.



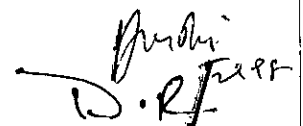
(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)

27.8.98



(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 27th August, 1998.
(Dictated in the Open Court)



DA.1565/97

Copy to:-

1. The Asst. Supdt. of Post Offices, West Sub Division, Hyderabad.
2. The Sr. Supdt. of Post Offices, Hyderabad City Division, Hyderabad.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
4. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
5. One copy to Mr. S. Lakshma Reddy, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

12/9/98

(7)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 27/8/98

ORDER/JUDGMENT

~~M.A/R.A/C.P.NO.~~

in

C.A.NO.

1565/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

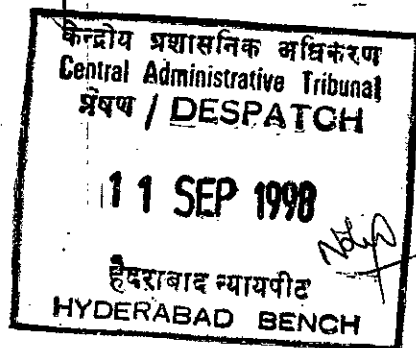
DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR



HIGH COURT FILE NO 161 / 98

GENERAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

WRIT PETITION NO 29062/2008
W.P.M.P. No. /200

A Writ Petition was filed in the High Court of Andhra Pradesh
by Sri A. Mannabhis V/s. Asst. Supdt. Post

VS. Hyd. Zone

against the Order/Judgment of this Hon'ble Tribunal dated 27/8/98
and made in O.A.No... 1565/99

The High Court was pleased to ~~Dismiss/Allow/Dispose~~ of the W.P.
under Interim Suspension/Stay/Notice the operation of judgement dt.

19/2/03. Disposing of the writ petition
without costs

The Judgment of the Tribunal in OA.No. 1565/99
and the order /Notice of the High Court of Andhra Pradesh is enclosed
herewith for perusal.

Submitted

23/4/03
DEPUTY REGISTRAR(J)

REGISTRAR

HON'BLE VICE-CHAIRMAN

HON'BLE MEMBER (ADMIN) - I

HON'BLE MEMBER (ADMIN) - II

HON'BLE MEMBER (JUDL)

(12) DRHJ
Enq
7/4

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE NINETEENTH DAY OF FEBRUARY TWO THOUSAND AND THREE
PRESENT

THE HONOURABLE MR. JUSTICE : BILAL NAZKI

AND

THE HONOURABLE Dr. JUSTICE : G. YETHIRAJULU

WRIT PETITION NO. : 29062 OF 1998

Between :

Amarnath

Petitioner

and

1. Asst. Supdt. of Post Offices,
West Sub Division, Hyd.
2. Sr. Supdt. of Post Offices,
Hyderabad City Division, Hyd.
3. D. Ashok
4. The Registrar,
Central Administrative Tribunal,
Hyd.

Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari calling for the records relating to the order in OA 1565/97 dated 27-8-98 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad and the consequential proceedings No. EDMC/Pkr/RK Mutt/98 dated 14-10-98 passed by the first respondent terminating the services of the petitioner, and quash the same as illegal and without jurisdiction and consequently direct the respondents to continue the petitioner as EDMC/Packer.

FOR THE PETITIONER : MR. S. LAXMA REDDY, ADVOCATE
FOR THE RESPONDENTS 1&2 : MRS. A.P. LAXMI, ADDL. SC FOR CENTRAL GOVT.

FOR THE RESPONDENT NO.3 : NONE APPEARED
FOR THE RESPONDENT NO.4 : MR. D.S.R. KRISHNA, ADVOCATE
THE COURT MADE THE FOLLOWING JUDGMENT :

(Per the Hon'ble Mr. Justice Bilal Nazki)

Heard the learned counsel for the parties. They submit that this matter is covered by a judgment of this Court in W.P. No. 28159/98 and batch dated 10-1-2003. The operative portion of the judgment is reproduced :

Indl
105
10-4-07

"Therefore, in our view, even without issuing a public advertisement notice, the official respondents were duty bound to consider the eligible candidates even if they were not sponsored by the Employment Exchange. For these reasons, the selection of the writ petitioners confirming the selection to the candidates who were sponsored by the Employment exchange was manifestly illegal. Therefore, we do not find any illegality in the orders passed by the Tribunal, which has quashed the selection of the writ petitioners and directed that a fresh selection be made. In fresh selection all the candidates who

Contd... 2

will apply shall be considered. It is directed that, not only the Employment Exchange will be asked to sponsor the eligible candidates, but also the selection shall be made after inviting applications from open market by issuing a notification. The interim arrangements which have been ordered by the Tribunal shall continue till the fresh selection is made. With these directions, the writ petitions are dismissed."

Therefore, this Writ Petition is disposed of in accordance with the decision given in W.P. No. 28159/98 & Batch.

The learned counsel for the petitioner at this stage submits that the petitioner has become aged barred and he may not be considered afresh. In this connection he may make an application for age relaxation and if such an application is made they may be considered by the appropriate authority.

Sd/-K.Narasimha Raju
Asst. Registrar

//true copy//

he.
section Officer

To

1. The Asst. Superintendent of Post Offices,
West Sub Division, Hyd.
2. The Sr. Superintendent of Post Offices, Hyderabad
City Division, Hyd.
3. The Registrar, Central Administrative Tribunal, Hyd.
4. 2 C.D. copies
5. 1 cc to Mr. S. Lakshma Reddy, Advocate (OPUC)

tsl



High

No. 161/98

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

WP.MP. No. 35521/98 in

WRIT PETITION NO. 29062/98

Petition was filed in the High Court of Andhra Pradesh by sri Amarnath Against Asst. Supt. of Post offices, Hyd. & ons. against the Order/Judgment of this Hon'ble Tribunal dt. 27-8-98. and made in O.A.No. 1565/97.

The High Court was pleased to ~~Dismiss/Allow~~ Order Interim Suspension ~~stay the operation of judgment~~ on 20-10-98.

The Judgment of the Tribunal in O.A.No. 1565/97 and the letter/order of the High Court of Andhra Pradesh enclosed herewith for perusal.

Submitted.

Deputy Registrar (J) *R*

~~Registrar~~

Hon'ble Vice-Chairman *28/12*

Hon'ble Member (A) I *[Signature]*

Hon'ble Member (A) II *[Signature]*

Hon'ble Member (J) *[Signature]*
34/12

161/98
THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

W.P.M.P.No.35521 of 1998

in

W.P.No.29062 of 1998

Between:

Amarnath S/o.Lokchandra Rao

and

..Petitioner
(Petitioner in WP.29062/98 on
the file of the High Court)

1. Asst.Suptd. of Post Offices,
West Sub Division, Hyderabad.
2. Sr.Suptd. of Post Offices, Hyderabad City Division
Hyderabad.
3. D.Ashok, R/o.18-6-487/A/68/A, Indiranagar Flour Mill, Hyd.
4. The Registrar, Central Administrative Tribunal, Hyd.

..Respondents
(Respondents in do)

COUNSEL FOR PETITIONER : S.LAKSHMA REDDY

COUNSEL FOR RESPONDENT
No.4 : Mrs.D.S.R.Krishna Addl.Central
Govt. Counsel

Tuesday the twentieth day of October 1998

HONOURABLE SRI JUSTICE B.SUBHASHAN REDDY

AND

HONOURABLE SRI JUSTICE VAMAN RAO

Petition filed under Section 151 of C.P.C. to issue an order directing the respondents to suspend the impugned order in O.A. 1565/97 dated 27-8-98 on the file of the Honourable Central Administrative Tribunal, Hyderabad and the consequential proceedings No.EDMC/PKR/RK/Mutt/98 dated 14-10-98 passed by the first respondent terminating the services of the petitioner, pending W.P. No.29062/98 on the file of the High Court.

The court, while directing issue of notice to the respondents herein to show cause why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"Interim suspension."

Sd/-B. ESTHARY RAO
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

TO

1. Asst. Suptd. of Post Offices, West Sub-Division,
Hyderabad (RPAD)
2. Sr.Suptd. of Post Offices, Hyderabad City Division, Hyd.
(RPAD)
3. D.Ashok S/o.Agaiah, R/o.18-6-487/A/68/1, Indiranagar
Flour Mill, Hyderabad (RPAD)
4. The Registrar, Central Administrative Tribunal, Hyd. (RPAD)
5. One spare copy.
6. One CC to MR.S.LAKSHMA REDDY ADVOCATE (OPUC)

T.BY: VNRK

- 2 NOV 1998

RECEIVED
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

699
21/10/98

ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the official respondents and Miss.Lakshmi for Mr.S.Lakshma Reddy, learned counsel for R-3.

2. The contentions and prayer in this OA ^{are} ~~is~~ same as the prayer and contentions raised in OA.721/97 and OA.891/97. The OA.721/97 was disposed of on 26-3-98 whereas the OA.891/97 was disposed of to-day. As all the contentions raised in this OA ^{have} ~~has~~ been elaborately considered in both the OAs, There is no need to further elaborate those points in this OA and the judgement in this OA has to be read along with the judgement in OA.721/97 and OA.891/97.

3. In view of the above, we are following the direction given in OA.721/97 and directed ~~ed~~ as follows:-

The selection of R-3 is set aside. The post of EDMC, R.K.Mutt should be filled by selecting the suitable candidate from amongst those who had applied in response to the notification dated 2-12-96. Till such time the regular appointment is made the present incumbent shall continue as a provisional candidate.

4. It is brought to our notice that R-3 had put in a year of service as ED Agent. Hence, the learned counsel for R-3 submits that he cannot be discharged without giving any relief to him. In view of that his case also should be considered if any notification is issued in future in addition to ^{over} ~~these~~ applications. To enable him to apply a copy of the notification should be supplied to him to the address given in this OA.

5. No costs.

प्रमाणित प्रतिलिपि
CERTIFIED TRUE COPY

न्यायाधीश
COURT OFFICER
दस्तावेज प्रमाणित किया गया
Central Adjudicatory Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

केस संख्या	CASE NUMBER	OA.1565/97
निर्णय का तारीख	Date of Judgement	27/8/98
प्रति तय्यार किया गया दिनांक	Copy Made Ready on	10/9/98
अनुभाग अधिकारी (अथवा) उपस्थित अधिकारी	Section Officer	Dr. Ranga

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

Q.A.1565/97.

Dt. of Decision : 27-8-98.

D.Ashok

..Applicant.

Vs

1. The Asst. Supdt. of Post Offices,
West Sub-Division, Hyderabad-1.
2. The Sr.Supdt. of Post Offices,
Hyderabad City Division, Hyderabad-1.
3. Amarnath



..Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC. for R-1&R-2.
Mr.S. Lakshma Reddy for R-3.

CORAM:-

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

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

R

..2

1

Hearing Date

RETURN

Hearing Date

RETURN OF THE WRIT OF CERTIORARI ORDER : NISI

(To be endorsed on Writ to appear)

The Process of the Writ of Certiorari where of mention is which made was served on respondent This day of one thousand nine hundred and ninety seven

This should be served urgently on the respondent No. and returned to the High Court.

writ and rule nisi

W.P. No. of 98

Certified that the required conveyance charges and the process for the service of the Process been collected it is requested that English Translation of the Process Service, Report, it is in Vernacular, my along with the Rule-Nisi returned.

FORM: 8

FORM: 8

RETURN OF THE WRIT OF CERTIORARI ORDER NISI

(TO BE ENDORSED ON WRIT TO PRODUCE)

The process of the Writ of certiorari where of mention is within made with all things touching the same in the several papers hereto annexed as within commanded.

The Answer of

The

Date

day of

respondent here

1998

RECEIVED

1-3 DEC 1998

RECEIVED

NOV 1998

(8d)

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
20th day of one thousand nine hundred and ninety

WRIT PETITION NO 29062 of 1998

BETWEEN:

Amarnath, S/o Lokchandra Rap,
aged about 30 years, EDMC/Packer,
RK Mutt Post Office, Hyderabad.

...PETITIONER

AND

1. Asstt. Supdt of Post Offices,
West Sub Division, Hyderabad.
2. Sr. Supdt of Post Offices,
Hyderabad City Division,
Hyderabad.
3. D. Ashok, S/o Agaish,
aged 26 years, R/o 18-6-487/A/68/1,
Indira Nagar Flour Mill,
Hyderabad.
4. The Registrar,
Central Administrative Tribunal,
Hyderabad.

Respondents.

Respondent No. 4

Mr. S. LAKSHMA REDDY, Advocate, upon motion this day made in to this Court by bring of opinion that the record to and touching upon all the matter and contentions raised in the memorandum of representation petition, a copy of which is annexed hereto, together with the decision therein should be called for and pursued: IT IS HEREBY COMMANDED.

(1) That you, the aforesaid Respondent No. 4 do sent, of our use in High Court of Judicature of Andhra Pradesh all and singular the said record and other with all the things touching the same as fully and perfectly as they have been made by you and now remain in your custody or power together with this, Rule Nise before the day of 1998 and 21.85/ December,

That you intend to oppose the petition you the aforesaid Respondent No. 4 do appear personally OR by Advocate on the 21.85/ DEC. 1998 at 10-30 A.M. before the court show cause why this petition should not be complied with and that we may cause further to be done there on what of right and according to law we shall see fit to be done.

WITNESS the Hon'ble

Chief Justice of High Court of Judicature, Andhra Pradesh at Hyderabad, this the year one thousand nine hundred ninety

Assistant Registrar

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

3 DEC 1998

प्राप्त/RECEIVED
उप विभाग/APPAL SECTION

NOTE: You have to file your Counter Affidavit within 6 months unless otherwise directed by the Court. Material should be filed in the form duly signed and giving.

10th Class examination during the year 1973 and registered myself with the Employment Exchange. The Employment Exchange has sponsored my name for appointment to the post of ED MC/Packer at R.K.Mutt Post Office pursuant to the employment notification issued by the first respondent vide its letter dated 2.12.96. The Employment Exchange has sponsored 20 candidates on 11.3.97 in which my name was also sponsored. I have submitted my application to the first respondent for selections to be held on 21.4.97. The selection was finalised and finally I was selected and accordingly given appointment as ED MC/Packer at R.K.Mutt Post Office on 16.5.97. On my appointment on regular basis, the provisional appointment in favour of the third respondent was cancelled. Aggrieved by the same, OA No.1365/97 was filed by the third respondent before the Hon'ble Central Administrative Tribunal, Hyderabad. He has contended before the Hon'ble Central Administrative Tribunal that an open notification was given by the first respondent on 2.12.96 and that he has applied pursuant to the said notification against the post of ED Mail Carrier/Packer at R.K.Mutt Post Office and that without finalising the selection pursuant to the said notification dated 2.12.96, the first respondent has appointed me. He has also further stated that while the open notification dated 2.12.96 was not cancelled, the first respondent has also issued a re-notification on 12/13.5.97 for the same post of ED Mail Carrier/Packer. I have filed the counter before the Hon'ble Central Administrative Tribunal stating that I was duly sponsored by the Employment Exchange alongwith 20 other candidates and in the selections I was selected and appointed on regular basis and further the third respondent was only a provi-

2nd Page:
Corrections:

ATTESTOR

DEPONENT

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

WP NO.

29062
OF 1998

Amarnath

...PETITIONER

A N D

Asstt. Supdt of Post Offices,
West Sub Division,
Hyderabad and others.

...RESPONDENTS

AFFIDAVIT

I, Amarnath, B/o Lokchandra Rao, aged about 30 years, ED Mail Carrier/Packer, R.K. Mutt Post Office, Hyderabad District, R/o Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under:

1. That I am the deponent herein and the petitioner in the above writ petition. Therefore, I am fully acquainted with the facts of the case.
2. Aggrieved by the order of the Hon'ble Central Administrative Tribunal in OA 1563/97 dated 27.8.98 setting aside my selection to the post of ED MC/Packer and directing the respondents 1 & 2 to fill up the said post from amongst the candidates applied in response to the open notification dated 2.12.96, this writ petition is filed.
3. It is respectfully submitted that I have passed

1st Page:
Corrections:

ATTESTOR

DEPONENT

view that since the Employment Exchange has not sponsored the candidates within the time stipulated in the original employment notification, it should be treated that the number of candidates sponsored from the Employment Exchange within the stipulated time is zero and it should be read that no candidate is sponsored by the Employment Exchange and hence, no candidate sponsored by the Employment Exchange can be clubbed with those, who responded to the first open notification for finalising the selections. The Hon'ble Central Administrative Tribunal has not considered the aspect of delay that has occurred due to the correspondence between the Employment Exchange and the first respondent with regard to notifying the vacancies category-wise and also with regard to the contention that as per the rules, only candidates sponsored by the Employment Exchange should be considered and it is only in the case of non-availability of candidates from the Employment Exchange or due to non-sponsorship of sufficient number of candidates atleast 1 : 3, then only an open notification could have been issued by the first respondent and even in such a case, the candidates sponsored by the Employment Exchange, also should be considered alongwith other candidates as per rules. But in the instant case, sufficient number of candidates i.e., 20 (twenty) were sponsored by the Employment Exchange but mere delay in sponsoring the candidates cannot be taken as the warrant to treat the selections held as illegal and that too vesting a legally enforceable right with the third respondent to challenge my appointment. The Hon'ble Central Administrative Tribunal went further and held that the candidates responded against the open

4th Page:
Corrections:

ATTESTOR

DEPONENT

signal candidate and he has no right to question the regular appointment in my favour and further mere issuance of an open notification by mistake or otherwise would not vest him with any vested right accrued for challenging my selection. But the official respondents have also filed the counter stating that the sponsorship of the candidates by the Employment Exchange pursuant to the first employment notification was delayed for the reason that the Employment Exchange has requested the first respondent to notify the vacancies category-wise separately for each post vide its letter dated 12.12.96 and in the process when there was delay in receiving the letter from the Employment Exchange, the first respondent has issued an open notification and in the meanwhile on notifying the vacancies category-wise, the Employment Exchange has sponsored the candidates and in view of sufficient number of candidates sponsored by the Employment Exchange, the selections were held from out of the Employment Exchange sponsored candidates and accordingly I was selected and given appointment. They have also contended that mere notification by mis-apprehension of the facts due to the delay from the Employment Exchange will not by itself vest with the third respondent any right to claim regular appointment against the post in preference to the Employment Exchange sponsored candidates.

4. It is further submitted that the Hon'ble Central Administrative Tribunal has heard the batch of OAs filed by the candidates, who are on adhoc appointment basis and the said OAs were heard on 27.8.98 and judgment was pronounced on the same day. The Hon'ble Central Administrative Tribunal has taken the

3rd Page:
Corrections:

ATTESTOR

DEPONENT

Q-

7. The petitioner has not filed any writ in this Hon'ble Court or any suit in any civil court or any other proceedings in any other Tribunal regarding the same cause of action and for the said relief as prayed for in this writ petition.

It is, therefore, prayed that the Hon'ble Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari calling for the records relating to the order in OA 1565/97 dated 27.8.98 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad and the consequential proceedings No.EDMC/Pkr/RK Mutt/98 dated 14.10.98 passed by the first respondent terminating the services of the petitioner, and quash the same as illegal and without jurisdiction and consequently direct the respondents to continue the petitioner as ED MC/Packer and be pleased to pass such other and further order or orders as may be deemed fit.

Pending disposal of the writ petition, the Hon'ble Court may be pleased to suspend the impugned order in OA 1565/97 dated 27.8.98 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad and the consequential proceedings No.EDMC/Pkr/RK Mutt/98 dated 14.10.98 passed by the first respondent terminating the services of the petitioner and pass such other and further order or orders as may be deemed fit.

Sworn and signed on this
the 20th day of October,
1998 at Hyderabad.

Deponent

6th & last page Corrs:

BEFORE ME

ADVOCATE/HYDERABAD

notification alone should be considered excluding me and other candidates sponsored by the Employment Exchange while finalising the selections to the post on our appointment being set aside by the impugned judgment.

5. It is further submitted that the judgment of the Hon'ble Central Administrative Tribunal is totally contrary to law, illegal and suffers from errors apparent on the face of the record. It also suffers from in exercising the jurisdiction in excess of its power, while substituting the discretion of the first respondent and second respondent in selecting the candidates in accordance with rules. It is further submitted that as on today I am working and in the meanwhile the respondents have issued the impugned proceedings No.EDMC/Phr/RK Mutt/98 dated 14.10.98 terminating my services and appointing the third respondent on provisional basis in my place. It is submitted that even the said appointment order is totally in violation of the judgment rendered by the Hon'ble Central Administrative Tribunal, which is impugned in this writ petition and unless the impugned judgment in OA 1565/97 dated 27.8.98 and the consequential proceedings passed by the respondents dated 14.10.98 are stayed, I will suffer irreparable loss and damage.

6. Under these circumstances, I have no other alternative remedy except to invoke the jurisdiction/extra-ordinary civil original jurisdiction of this Hon'ble Court under article 226 of the Constitution of India.

5th Page:
Corrections:

ATTESTOR

DEPONENT

:: 2 ::

by the first respondent terminating the services of the petitioner, and quash the same as illegal and without jurisdiction and consequently direct the respondents to continue the petitioner as ED MC/Packer and be pleased to pass such other and further order or orders as may be deemed fit.

HYDERABAD

October 18, 1998


COUNSEL FOR THE PETITIONER.

MEMORANDUM OF WRIT PETITION
(UNDER SPECIAL ORIGINAL JURISDICTION)
(UNDER ART. 226 OF THE CONSTITUTION OF INDIA)

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD.

W.P. NO.

29062

OF 98

BETWEEN:

Amarnath, S/o Lokchandra Rao,
aged about 30 years, EDMC/Packer,
RK Mutt Post Office, Hyderabad.

...PETITIONER

A N D

1. Asstt. Supdt of Post Offices,
West Sub Division, Hyderabad.
2. Sr. Supdt of Post Offices,
Hyderabad City Division,
Hyderabad.
3. D. Ashok, S/o Agalah,
aged 26 years, R/o 18-6-487/A/68/1,
Indira nagan Flour Mill,
Hyderabad.
4. The Registrar,
Central Administrative Tribunal,
Hyderabad.

... Respondents.

The address of the petitioner for the purpose of service of summons and process etc., in this case is that of his counsel S. Lakshma Reddy, 102, Premier Plaza Apartments, Beside Water Tank, Narayanagur, Hyderabad - 79.

For the reasons stated in the affidavit accompanying, this Hon'ble Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari calling for the records relating to the order in OA 1565/97 dated 27.8.98 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad and the consequential proceedings No. EDMC/Pkr/RK Mutt/98 dated 14.10.98 passed