

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1700/97

dt.24-2-1999

Between

Chalamala Srinivasa Rao

: Applicant

and

1. Chief Postmaster General
AP Circle, Hyderabad

2. Postmaster General
Vijayawada Region
Vijayawada

3. Sr. Supdt. of Post Offices
Vijayawada, Postal Division,
Vijayawada

4. Sub Divnl. Inspector of Post Offices
Tiruvuru Sub Division, Tiruvuru

: Respondents

Counsel for the applicant

: K.S.R. Anjaneyulu
Advocate

Counsel for the ~~Respondents~~

: V. Vinod Kumar
CGSC

Coram

Hon. Mr. R. Rangarajan, Member(Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member(Judl.)



OA.1700/97

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Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(J)

Heard Sri K.S. R. Anjaneyulu, learned counsel for the applicant and Sri V. Vinod Kumar, learned counsel for the respondents.

1. The Respondent-4 issued a notification No.PF/EDDA-MC/G Atukur/96 dated 4-11-1996 (Annexure 2) inviting applications from eligible candidates to fill up the post of EDMC/DA at Gani Atkur Branch Office, Kanchikacherla sub division in Vijayawada Postal Division.
2. The applicant was one of the prospective applicants in response to the said notification.
3. Respondent-4 verified the documents and other particulars of the applicant and others who responded to the notification.
4. While the selection was in progress the applicant submitted a representation dated 24-6-1996 to Respondent-3. Considering his representation, Respondent-3 vide para-32 IX of the I.R. dated 11-7-1997 directed the Respondent-4 to issue fresh notification.
5. Accordingly Respondent-4 issued fresh notification No. PF/EEDA MC/G.Atukur dated 17-11-1997.
6. Being aggrieved by the issue of fresh notification dated 17-11-1997 the applicant has filed this OA challenging the second notification dated 17-11-1997 as illegal, arbitrary, unsustainable and for consequential direction to Respondent-4 to finalise the selection on the basis of applications received in response to the notification dated 4-11-1996 (Annexure-2).
7. Respondents have filed a reply stating that since Respondent-3 felt rejection of the applicant's candidature was not regular, he directed Respondent-4 to issue fresh

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notification. That they had taken necessary steps to select suitable candidate. That infact one candidate by name Nagulmaera was selected by Respondent-4 as per office note. That since the applicant has responded to the second notification dated 17-11-1997 he has no locus-standi to challenge the said notification.

8. During the course of arguments, the learned counsel for the applicant relied upon the decision of the Ernakulam Bench of this Tribunal reported in AISLJ 1991(1)(CAT) 105 (Ernakulam Bench) (R. Ralathi Vs. SDI(P), Harippad and three others). In the said decision the applicant therein was appointed as Provisional candidate and on the basis of some complaints her appointment was cancelled and was further directed to appear for the interview on 12-10-1989. The applicant therein attended the interview. Further she challegned her termination under Rule 6 of the P&T EDA (C&S) Rules, 1964.

9. The learned counsel relied upon the observations made in para-4 of the order. The circumstances appeared in that case are not applicable to the facts of this case. In that case a provisionally appointed candidate was terminated by invoking Rule 6 without disclosing the reasons, and was directed to appear for the interview to be held on 12-10-89.

In this ^{background} ~~case~~ ^{the} Ernakulam Bench of this Tribunal held when the applicant ^{had} ~~was~~ ^{ed} challenging her termination, mere appearing for the interview at a subsequent date does not ^{her} debar ^{her} from challenging her termination.


10. In this case no candidate was selected and appointed. Further, Respondent-3 appears to have entertained the representation dated 24-6-1996 to order renotification. Infact, it is the applicant who is responsible for the issue

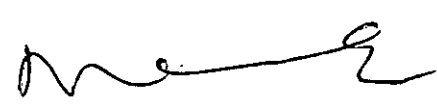
of renotification dated 17-11-1997. When that is so, the applicant cannot, now challenge the said notification. 11. That apart, the applicant has submitted his candidature in response to the second notification. He should have challenged the second notification before submitting his candidature and should have sought necessary direction from this Tribunal to submit his candidature without prejudice to his contentions raised in this OA. He has not done so. Having submitted his application for the renotification dated 17-11-1997, we feel that, the applicant is estopped from challenging the said notification.

12. For the reasons stated above, we find no grounds to set aside the second notification dated 17-11-1997.

Respondent-4 shall complete the selection process in response to the notification dated 17-11-1997 as expeditiously as possible.

13. With the above ^{observations} ~~directions~~ the OA is dismissed. No order as to costs.


(B.S. Jai Parameshwar)
Member (Judl.)
24.2.99


(R. Rangarajan)
Member (Admn.)

Dated : February 24, 99
Dictated in Open Court


26.2.99.

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Copy to:

1. HONMO
2. HHRD M(A)
3. HSSDP M(J)
4. D.R.(A)
5. SPARE

9/3/99
Ist and IInd Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD
MEMBER (A)

THE HON'BLE R. RANGARAJAN
MEMBER (A)

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

DATED: 24.2.99.

ORDER/JUDGMENT

M.A./R.A/C.P.NO. —

IN

O.A.NO : 1700/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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