

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No.513/99.

Date of Decision: 07-01-2000.

Pirisingula Ravinder

.. Applicant.

Vs

The Superintendent of Post Offices,
Adilabad Division-504 001.

.. Respondent.

Counsel for the applicant : Mr.G.S.S.Siva Keshav

Counsel for the respondents : Mr.P.Phalguna Rao, Addl.CGSC.

CORAM:-

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

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

ORDER

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

None for the applicant. Heard Mr.P.Phalguna Rao, learned counsel for the respondents.

2. The applicant in this OA was offered provisional appointment to work as EDBPM, Narayanpur BO in a/w Rebbana SO with effect from 8-1-1994 in view of the fact that the regular EDBPM was placed off duty with effect from 29-12-1993 as some disciplinary case had been initiated against him. The disciplinary proceedings initiated against the regular employee was finalised on 5-6-98 awarding punishment of removal from service. He has not preferred any appeal within 3 months of the proceedings. Hence action was initiated to fill up the vacancy on regular basis addressing the employment exchange Adilabad on 6-10-98 and open notification was also issued on 13-3-99 by fixing 14-4-99 as last date for receipt of applications. The impugned order dated 13-3-99 is at Annexure-I to the OA. The applicant submits that he has put in more than 3 years of service as provisional EDBPM counting his provisional EDBPM from 17-10-94 on the

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date of even approaching the employment exchange. Hence he requested for regularizing his service instead of selecting from open market.

3. This OA is filed for setting aside the impugned notification Memo No.B3-276m dated 13-3-99 issued by the sole respondent and for a consequential direction to the respondents to appoint the applicant as EDBPM, Narayanpur Village, Rebbena Mandal on permanent basis.

4. An interim order was passed in this OA on 5-4-99 and it was directed with no further action should be taken to process the impugned notification dated 13-3-99 until further orders.

5. A reply has been filed in this OA. It is an admitted fact that the applicant had joined as provisional EDBPM of that post office on 8-1-94. Thus he had completed more than 3 years of service on the date when the employment exchange was approached i.e., 6-10-98. In view of the DG P&T letter dated 18-05-79 the applicant has to be kept in the thrown out ED Agent by offering him alternative appointment as and when it arises. The applicant submits that instead of keeping in the alternative appointment he can be posted regularly in that post office as EDBPM instead of keeping him in the thrown out ED Agent list.

6. Similar request in other OAs have been considered and it was held that in case there are no thrown out ED Agent kept in the list and the applicant is the first on that list then before finalizing the notification such a provisional EDBPM should be considered for regularisation in accordance with rules subject to the condition that the post to be filled as per the notification provided the applicant in the provisional EDBPM belongs to the same community for which the notification was issued. Such a direction squarely holds good in this case also. Hence the following direction is given:-

The case of the applicant should be considered first for posting him as EDBPM at Narayanpur, Rebbena Mandal if he is ^{to} ~~be kept as~~ first candidate in the thrown out ED list ^{and} ~~as~~ the notification dated 13-3-99 is not reserved for any community. If the applicant is eligible in all respects for posting in that post office he should be appointed first and if he is not found eligible then the notification dated 13-3-99 should be revived

and regular candidate should be selected. In case he could not be accommodated for some reasons or other as EDBPM of that post office regularly his name should be kept in the thrown out ED List for consideration as and when it arises.

7. The OA is ordered accordingly. No costs.

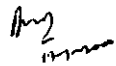


(R. RANGARAJAN)
MEMBER(ADMN.)



(D. H. NASIR)
VICE CHAIRMAN

Dated: The 07th January, 2000.
(Dictated in the Open Court)



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

12/2000.

COPY TO:

1. HDHND
2. HBRN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A (DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

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

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.)

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

* * *

DATE OF ORDER: 7/01/2000

MA/RA/CP.NO.

IN

OA. NO. 513/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

21 JAN 2000

हैदराबाद न्यायापीठ
HYDERABAD BENCH