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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:HYDERABAD

O.A.No.555 of 1999.

DATE OF ORDER:4-4-2000.

Between:

Smt.L.Padma.

...Applicant

and

1. Asst.Superintendent of Post Offices,
Hyderabad(West) Sub-Office,Hyderabad.
2. Senior Superintendent of Post Offices,
Hyderabad City Division, Hyderabad.
3. Chief Postmaster General, AP Circle,
Hyderabad.
4. A.Leslie Herold Wilfred, EDSV,
Gunfoundry Sub-office, Hyderabad.
5. Smt.P.Blessie, EDSV, Old MLA Quarters
Post Office, Hyderabad.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.N.Saida Rao

COUNSEL FOR THE RESPONDENTS : Mr.K.Narahari for R1 to R-3
: Mr.R.Yegender Singh for R-4.

CORAM:

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

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

: ORDER :

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

Heard Mr.N.Saida Rao, learned Counsel for the Applicant,
Mr.K.Narahari, learned Standing Counsel for the Official Respondents,
and Mr.R.Yegender Singh, learned Counsel for the Private Respondent
No.4. Notice to Private Respondent No.5 served. Called absent.

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2. The applicant in this OA was appointed as a provisional ED Stamp Vender, Old MLA Quarters Post Office, which arose due to the promotion of one Sri M.R.Vijaya Simha as Postman. She was appointed as a provisional EDSV, Old MLA Quarters Post Office with effect from 18-7-1996. A notification was issued on 2-12-1996 for filling up that post regularly. Another notification for the same post was issued in the year 1997. Hence, the applicant filed OA.No.709 of 1997 on the file of this Bench for considering the candidates who applied in response to the notification dated 2-12-1996 cancelling the latter notification issued in 1997. That OA was disposed of by Order dated 10-9-1998 directing the respondents to appoint the most meritorious candidate among those who responded to the notification dated 2-12-1996 and fill up the post of EDSV, Old MLA Quarters Branch Office. Accordingly, Respondent No.5 was appointed.

3. The contention of the applicant in this OA is that, earlier OA was allowed and she should have been appointed in view of her provisional appointment and also due to the fact that similar provisional appointees in the North Sub-Division were appointed without calling for applications. The appointment of Respondent No.4 as EDSV in Gunfoundry Post Office is contrary to the notification dated 2-12-1996.

4. This OA is filed praying for a declaration that the action of the respondents in continuation of Respondent No.4, who was appointed in Sports Queta as EDSV in the Gunfoundry Post Office is contrary to the notification dated 2-12-1996, and for action of the a consequential declaration that the/respondents in regularising the services of the provisional appointees in North Sub-Division and termination of the services of the provisional appointees

including the applicant in the West Sub-Division is discriminatory and violation of Articles 14 and 16 of the Constitution of India, and for a consequential direction to the respondents 1 to 3 to select and appoint the applicant as EDSV in the Gunfoundry Post Office/Old MLA Quarters Post Office by regularising her services from the date of her provisional appointment with all consequential benefits as was done in the North Sub-Division, Hyderabad.

5. At the outset it has to be held that, OA.No.709 of 1997 pertains only to the appointment of a suitable meritorious candidate in the Old MLA Quarters, Hyderabad. That Judgment cannot be extended to the other appointments/ EDSV in other Post Offices. Hence, the applicant cannot say that Judgment should be followed in all other EDSV appointments in other Post Offices.

6. The respondents have selected the most meritorious candidate in accordance with the rules and appointed the Respondent No.5 as EBSV, Old MLA Quarters in pursuance of the directions given in OA.No.709 of 1997. Hence, the applicant cannot question the appointment of R-5 as EDSV, Old MLA Quarters. Further the applicant has not completed three years of provisional service for consideration for posting her as a regular EDSV in view of the D.G.P.&T. Letter No.43-4/77-Pen, dated 18-5-1979.

7. The applicant submits that she should be posted in the Gunfoundry Post Office as EDSV replacing Respondent No.4, who is

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a Sports Quota appointee. If the applicant is aggrieved by posting Respondent No.4 in Gunfoundry Post Office and if she has applied for that post also in response to the notification dated 2-12-1996 or latter in 1997, she can challenge that separately. It cannot be clubbed in posting in MLA Quarters Branch Office. Hence, we do not consider it necessary to pass any direction in regard to the appointment of Respondent No.4 in Gunfoundry Post Office.

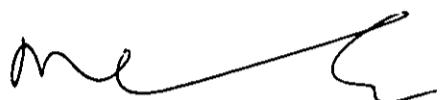
8. The applicant contends that in the North Sub-Division, the provisional candidates were regularised and such procedure should have been followed in MLA Quarters Post Office also. In this connection, it is stated in the reply that "the version of the applicant in Narayanaguda Post Office a provisional candidate was appointed and her services were regularised with effect from her initial appointment dated 18-7-1996 was not correct". If so, in the West Sub-Division, no provisional candidate appear to have been regularised discriminating the case of the applicant herein.

9. As regards the Post Offices in North Sub-Division, the respondents submit that the Post Offices, Central Secretariat, Banjara Hills, Shantinagar, Erragadda and LIC Division, come under the control of ASPOs, Hyderabad North Sub-Division, is no way concerned with this case. Even here we suggest that if the applicant had applied in response to the notification for filling up the post in the said Post Offices in North Sub-Division, she is at liberty to challenge if her case is not considered in accordance with the rules. Merely saying that

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they were appointed/provisional candidate is no submission to
grant relief to the applicant. Further none of the appointees
in the North Sub-Division has been impleaded in this OA. Hence,
passing any orders against them will not arise.

10. In view of what is stated above, we find no merit in this
OA. Hence, the OA is dismissed. No costs.


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


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: this the 4th day of April, 2000

Dictated in the Open Court

DSN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HONJ THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN
2. HRRN (ADMIN) MEMBER. THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMIN)
3. HBSJP. M. (JUDL)
4. D.R. (ADMN) THE HON'BLE MR. B.S. JAI PARANESHWAR
MEMBER (JUDL)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

DATE OF ORDER 4/4/00

MA/RA/CF.NO

IN

C.A. NO. 555/00

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

8/4/00

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

नियंत्रित विधानिक अधिकार
Central Administrative Tribunal
केंद्रीय विधानिक अधिकार
HYDERABAD BENCH

17 APR 2000
Despatch

RECORDED

प्रम. विजयन / N. P. P. S.