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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.751/99

dt.4-3-99

Between

P. Vinod Kumar

: Applicant

and

1. Supdt. of Post Offices  
Eluru Division, Eluru  
West Godavari Dist.

2. Asst. Supdt. of Post Offices  
Kovvur Sub Division, Kovvur  
WG Dist.

3. Postmaster  
Kovvur HO, Kovvur  
WG Dist.

4. C. Laxmi Vara Prasad, s/o Laxmipathirao  
r/o Devarapalli village  
and Mandal, WG Dist.

: Respondents

Counsel for the applicant

: A. Rajendra Babu  
Advocate

Counsel for the respondents

: P. Phalgun Rao  
CGSC

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

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



## Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

Heard Mr. A. Rajendra Babu for the applicant and Mr. P. Phalgun Rao for the respondents.

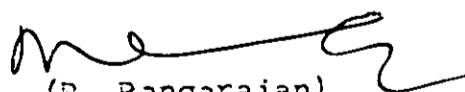
1. Notice has been served on Respondent No.4 as submitted by the Court Officer, ~~Called~~ absent.
2. The applicant was provisionally appointed as EDMC Bandapuram village Post office, Devarapalli Mandal, on 26-11-1997. This has been admitted by the respondents themselves in reply. It is stated that at the time of inspection of the post office <sup>by</sup> ~~of~~ Assistant Superintendent of Post Offices, Kovvur on 15-12-1998, the Superintendent of Post Offices, Tadepalligudem ordered to fill up the vacancy. Hence, notification for filling up the vacancy was issued on 11-1-1999. It is further submitted that the Branch office is running on loss~~es~~ and hence abolition of the post of EDMC/DA, Bandapuram post office was ~~reconsidered~~ and ~~was~~ under active consideration, for ~~abolition~~. It is stated that in view of the above, notification was issued for appointment on purely temporary basis <sup>as</sup> and the post is likely to be abolished. The last date for receipt of applications was 15-2-1999. Among those who responded to the notification was Respondent No.4. He was selected and was appointed as Temporary employee of EDMC of that post office.
3. This OA is filed to set aside the temporary appointment of Respondent No.4 in pursuance of the notification dated 11-1-1999 of Respondent No.2 and for a consequential direction to Respondent No.2 to continue the applicant as Extra Departmental Mail Carrier/DA of Bandapuram post office a/w Devarapalli sub office.

4. Respondent No.4 was appointed on temporary basis on the plea that the post office is likely to be abolished. We asked the learned counsel for the respondents to show us in the ED Service Rules in regard to appointment of a candidate as a Temporary ED Staff. The ED service Rules has got only two categories of ED Staff viz. i) Provisional and ii) Regular. There are no temporary appointment in the ED Service. Hence the applicant's submission that R-4 ~~was appointed~~ on temporary basis has got no locus-standi and is ~~not supported by ED service rules~~ <sup>not</sup> ~~is in order~~. As Respondent-4 was appointed on temporary basis without any provision in the rules for appointment as Temporary candidate the post of R-4 as Temporary EDMC cannot be countenanced. Hence, the submission of the applicant that the appointment of R-4 is ~~irregular and has to be abolished~~ <sup>is a ~~fact~~</sup> ~~irregular~~ <sup>fact</sup> ~~and has to be abolished~~.

5. Accordingly, the appointment of Respondent No.4 as EDMC is set aside and the applicant is permitted to continue as Provisional EDMC till a regular candidate is posted. The respondents are directed to issue a notification for regular appointment of the candidate in that post office as EDMC, if the respondents are of the opinion that a posting of regular EDMC is necessary for ~~that~~ <sup>the</sup> post office.

6. The applicant should be continued till a regular candidate is posted.

7. With the above direction the OA is disposed of at the admission stage itself. No costs.

  
(R. Rangarajan)  
Member (Admn.)

  
(D.H. Nasir)  
Vice Chairman

Dated : August 4, 1999  
Dictated in Open Court



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