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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.752/99

dt. 31-3-2000

Between

Ch. Jayaram@Nanda Santhe : Applicant
And

1. Supdt. of Post Offices
Parvathipuram Divn.
Parvathipuram

2. Postmaster General
Visakhapatnam Region
Visakhapatnam

3. Chief Postmaster General : Respondents
AP Circule, Hyderabad

Counsel for the applicant : K. Venkateswara Rao
Advocate

Counsel for the respondents : P. Phalguna Rao
CGSC

Coram

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

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

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ORDER

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

Heard Mr. K. Venkateswara Rao for the applicant and Mr. P. Phalguna Rao for the respondents.

1. The applicant in this OA while working as EDBPM, Sivannapeta under Kurupam SO was placed under ~~put of~~ from 8.1.1998 and he has been continuing as such. Memorandum of charges vide No.F.4-2/97-98 dated 20.8.98 was issued to him and inquiry is in progress. The disciplinary proceedings initiated against the applicant are not complete in all respects. In the mean time a notification was issued vide No.BEL/V-28 dated 10.4.99. The applicant submits that it is for a regular appointment and since his disciplinary proceedings ~~has~~ not ended he is challenging the notification dated 10.4.99.
2. This OA is filed to set aside the notification dated 10.4.99 issued by the Superintendent of Post Offices, Parvathipuram Division, Parvathipuram, for filling up the post of EDBPM, Sivannapeta on regular basis and quash the same as being illegal and violation of DG P&T Letter No.43-4/77-Pen, dated 18.5.1979 and for consequential declaration that the post of EDBPM, Sivannapeta could be filled up on regular basis only after the applicant exhausted all channels of appeal.
3. The learned counsel for the respondents submitted that the notification dated 10.4.99 is only for a provisional appointment. Hence the question of challenging the same does not arise and if the applicant is successful finally, he will be posted back in the same post as EDBPM. In that view, we feel that no order is necessary as the respondents themselves say that he will be replaced by a regular candidate only after the disciplinary proceedings initiated against him has been finalised in accordance with the DG P&T letter dated 18.5.1979.
4. In the reply it is stated that one Smt. V.T. Padimavathi, was appointed as stopgap arrangement. As her credentials were not in order Respondent No.1 was ordered for issuance of notification dated 10.4.99 for appointment of provisional candidate. But she had already filed OA.188/99 and an interim order was given in that OA to continue her till a regular appointment is

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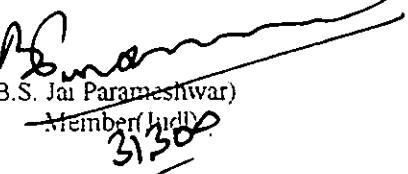
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made. Hence, in view of the above no further order is necessary in regard to continuation of Smt.

V.T. Padmavathi.

5. The OA is disposed of. No costs.


(B.S. Jai Parameshwar)

Member(Ldly)

31/3/00


(R. Rangarajan)

Member(Admn)


T.N. Rangarajan

Dated : 31 March, 2000
Dictated in Open Court

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

3. HBSJP. M. (JUDL)

4. D.R. (ADMN) ✓ THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL) ✓

5. SPARE ✓

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 31/3/2000

MA/RA/CP. NO

IN

C.A. NO. 752/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

(7 copies)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

Central Administrative Tribunal
Central Administrative Tribunal
Hyderabad, Hyderabad
HYDERABAD BENCH
APR
17 ~~2000~~ 2000
Despatch No.
RECORDED
Lok Patnaik / SE
Lok Patnaik / SE