

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.304/99.

Date of Decision: 22-11-99.

Godugu Ramesh

.. Applicant.

Vs

1. The Superintendent of Post Offices,
Peddapalli Division, Peddapalli,
Karimnagar District,
AP-505 172.

2. The Post Master General,
Hyderabad Region,
Abids Road, DAK SADAN,
Hyderabad-500 001.

.. Respondents.

Counsel for the applicant : Mr.Aijaz Ahmed

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.0

ORDER

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

Heard Mr.Aijaz Ahmed, learned counsel for the applicant and
Mr.P.Phalguna Rao, learned counsel for the respondents.

2. The applicant in this OA was appointed as provisional EDBPM, Medpally
BO in view of the fact that the regular appointee was put off duty with effect from 2-12-94.
The applicant joins on provisional basis with effect from 20-12-94. The disciplinary
proceedings against the regular EDBPM was concluded and he was removed from service
with effect from 29-09-97. In view of the above R-1 has issued an open notification dated
30-11-98 (Annexure-I) for regularly filling up the post fixing the last date for receipt of
application as 31-12-98. The post has been reserved for SC community. But it was

mentioned in the notification that ^{it} there is no SC community candidate the post will be filled by ~~SC~~/OBC/OC candidates in the order of preference.

3. The applicant has filed this OA to set aside the impugned notification dated 30-11-98 and to regularize the services of the applicant herein.

4. A reply has been filed in this OA. The facts of this case as above have been admitted. But the respondents only submit that the applicant cannot aspire for regularization as EDBPM of that post office and his name only can be kept on the thrown out ED list in accordance with the letter of the DG dated 18-05-79.

5. Similar case was considered in OA.1124/99 and the judgement was passed in that OA on 10-11-99. The facts of this case ^{are} exactly same as the facts of that case. Hence there is no need to further examine this issue and hence the following direction is given:-

If no candidates from SC and ST community ~~candidates~~ are available who responded to the notification dated 30-11-98 the case of the applicant should be considered before considering other OBC candidates who had responded to the notification dated 30-11-98. On that basis the applicant ^{is} found eligible for appointment as regular EDBPM of that post office he should be posted. If the applicant cannot be appointed as regular EDBPM in pursuance of the above direction then the case of the applicant should be considered by keeping him in the thrown out ED list in accordance with the letter of the DG dated 18-05-79.

6. The OA is ordered accordingly at the admission stage itself. No costs.


(R. RANGARAJAN)
MEMBER(ADMN.)


(D. H. NASIR)
VICE CHAIRMAN

Dated: The 22nd November, 1999.
(Dictated in the Open Court_

SPR

