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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.778 of 1999.

DATE OF ORDER:25-01-2000.

Between:

S.Satyanarayana.

..Applicant

a n d

1. Director General, Department of
Posts, Dak Sadan, New Delhi.
2. Chief Postmaster General,
AP Circle, Hyderabad.
3. Superintendent of Post Offices,
Adilabad Division, Adilabad-504 001.
4. Postmaster, Head Post Office,
Mancheriyal, District Adilabad-504 208.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS:: Mr.P.Phalguna Rao

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

THE HON'BLE SRI S.MANICKA VASAGAM, MEMBER (ADMN.)

: O R D E R :

(PER HON'BLE SRI S.MANICKA VASAGAM, MEMBER (A))

Heard the learned Counsel Mr.S.Ramakrishna Rao
for the Applicant and the learned Standing Counsel
Mr.P.Phalguna Rao for the Respondents.

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2. The applicant has been functioning as EDSV, Mancherial HO with effect from 5-11-1994 on provisional basis. It is stated in the application that, ^a notification was issued on 28-4-1999, calling for applications for the post of EDSV on regular basis stipulating the last date of receipt of the applications ^{as} 28-5-1999. It is the case of the applicant that he had put in already more than 4½ years of service on provisional basis and is threatened with a replacement. Therefore, he is aggrieved and is before the Tribunal challenging the action taken by the respondents.

3. The respondents have filed a detailed reply that the regular incumbent of Mancherial, was placed off-duty and subsequently was removed from service on 30-11-1997. The applicant was provisionally appointed in that place with effect from 5-11-1994. The appeal preferred by the erstwhile EDSV, Mancherial was also rejected. Therefore, appropriate action was initiated to fill up the said post on a regular basis.

4. The learned Counsel for the Applicant Mr.S.Rama-krishna Rao strenuously argued that, vide D.G's instructions dated 23-2-1979, such of those EDAs working on provisional basis for more than 3 years are not to be disturbed unless the post itself is abolished or the delinquent employee has been ordered to be reinstated.

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5. In view of the fact that, in the instant case these two parameters are absent, respondents are precluded from calling for candidates for selection from the Open Market omitting the claim of the applicant.

6. The learned Counsel for the Respondents Mr.P. Phalguna Rao effectively countered the argument and submitted that he has no objection that if the applicant makes a representation to the D.G., the same can be disposed of within a reasonable time. Thereafter, if the applicant is still not satisfied, he can approach this Tribunal, if he is so advised.

7. Having heard both sides and after perusing the documents and having regard with the circumstances of the case, we are of the view that a limited direction in this regard would meet the ends of justice.

8. Accordingly, the following direction is issued:-

The applicant in this case is directed to make a representation to the Director General giving details of his case as early as possible and on receipt of such representation, the D.G. shall consider the case in its totality and dispose of the same within three months from the date of receipt of such representation by a Speaking Order.

The Interim Direction given with regard to the applicant's continuance shall remain in force till the representation is disposed of by the Respondent No.1.

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9. The OA is ordered accordingly. No costs.

S. Manicka Vasagam
(S.MANICKA VASAGAM)
MEMBER (ADMN.)

D.H. Nasir
(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 25th day of January, 2000

Dictated in the Open Court

DSN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 11ND COURT

COPY TO:

1. HDHND
2. HARN 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

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

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

* * *

DATE OF ORDER: 25/1/2000

MA/RA/CP.NO.

IN

DA. NO. 778/99

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~~

