

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1160/99

DATE OF ORDER : 27-1-2000

Between :-

Smt.A.Bhuvaneswari

...Applicant

And

1. Union of India rep. by Senior
Superintendent of Post Offices,
Chittoor Division, Chittoor.
2. The Director of Postal Services,
O/o Postmaster General, AP Southern
Region, Kurnool.

...Respondents

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Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri V.Rajeshwar Rao, Addl.CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

THE HON'BLE SHRI S.MANICKA VASAGAM : MEMBER (A)

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman)

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...2.

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

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Heard the learned counsel Sri Krishna Devan for the applicant and Sri V.Rajeshwar Rao, learned Standing counsel for the Respondents.

2. The applicant has asked for the following relief in this OA :

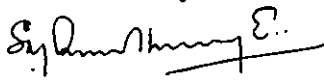
To call for the records relating to the impugned order dated 16-6-1999 and declare the action of the respondents in issuing notification in Memo No.B3/46, dated 16-6-1999 without disclosing the reasons for cancellation of the first notification after selection process is finalised and calling for the applications from those who have and who have not applied for the earlier notification, for filling up the post of Extra Departmental Branch Post Master of Chittapara Village in Chittoor Division as arbitrary, malafide and violative of article 14 and 16 of the Constitution of India and set aside the notification dated 16-6-1999 and to direct the respondents to finalise the selection from among those those candidates who applied for the earlier notification dated 12-4-1999.

3. It appears that on the same subject matter on a previous occassion the applicant had filed OA No.958/99 which was disposed of by order dated 12-7-1999 by a Bench of this Tribunal. It is observed in the earlier order that the applicant in this CA submitted application for the post of EDBPM, Nangamangalam Sub Post Office in respnse to the notification No.B3/46 dated 12-4-1999 and that it was clearly stated that the vacancy was reserved for OBC candidates. That notification was cancelled by the subsequent notification dated 16-6-1999 and even in that notification it was stated that the post was reserved for OBC candidates. It was further stated in the order in OA 958/99

filed for setting aside the second notification dated 16-6-1999 and for a consequential direction to the respondents to finalise the selection pursuant to the notification dated 12.4.1999. It is also observed in the said order that the learned counsel for the applicant submitted that the applicant was OBC candidate and hence the cancellation of first notification is not warranted. In para-5 of the judgement in OA 958/99 the Bench observed that the learned counsel for the Respondents submitted that ~~there were~~^{no} OBC candidates applied in response to the first notification. The records in that regard therefore were called for and after perusal of the application submitted by the applicant, it was disclosed that the applicant herself categorically stated in the Serial No.6 of the application that she did not belong to either SC or ST or OBC and therefore the question of treating her as OBC will not arise. Considering the above facts, the Bench was pleased to declare that there ^{was} ~~is~~ no irregularity in issuing the second notification dated 16.6.1999 and therefore the OA was dismissed.

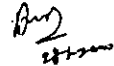
4. We are at a loss to appreciate why this order passed by the Bench of this Tribunal in OA 958/99 dated 12-7-1999 was not brought to the attention of the Tribunal because it produces, ^{in effect on the basis of the} in our opinion a fatal principle of res-judicata. It is also necessary to take note of the fact that the second notification ^{held to be suffering from any infirmity in the earlier OA} dated 16-6-1999 is not, sought to be challenged, and hence there ^{is} is no question of passing order with regard to the legality of the notification dated 16.6.1999.

view of what is stated (2)
5. In regard to the above, the O.A. summarily deserves to be dismissed. Hence the O.A. is dismissed. No order as to costs.


(S. MANICKA VASAGAM)
Member (A)


(D. H. NASIR)
Vice-Chairman

Dated: 27th January, 2000.
Dictated in Open Court.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 11ND COURT

COPY TO:

1. HDHND
2. HRRN 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

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

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

* * *

DATE OF ORDER: 27/1/2000

MA/RA/CP/IND.

IN

OA. NO. 1160/99

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

7 copies

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal दस्तावेज / DESPATCH
2 FEB 2000
हैदराबाद न्यायपीठ HYDERABAD BENCH