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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.91 of 1999.

DATE OF ORDER:15-2-2000.

Between:

C.Gangaiah.

...Applicant

a n d

1. Union of India, rep. by :
The Chief Postmaster General,
Andhra Pradesh Circle, Hyderabad-1.
2. The Postmaster-General,
Hyderabad Region, Hyderabad-500 001.
3. The Superintendent of Post Offices,
Sangareddy Division, Sangareddy-502 001.
4. The Sub-Divisional Inspector (Postal),
Sangareddy Sub-Division, Sangareddy-502 001.
5. S.Manaiiah, s/o Laxmapur BO, a/w Shankarampet,
Sangareddy, Postal Division, Medak District.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.Y.Appala Raju

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narsimha Sharma
(for R-1 to R-4)

: Mr.S.Ramakrishna Rao
(For R-5)

CORAM:

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

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

: O R D E R :

(PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.Y.Appala Raju, learned Counsel for the
Applicant, Mr.B.Narsimha Sharma, learned Standing Counsel
for the Official Respondents 1 to 4, and Mr.S.Ramakrishna Rao,
learned Counsel for the Private Respondent No.5.

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2. The regular EDBPM of Makthalaxmapur Branch Office, was issued with a Charge Sheet for some misconduct and he was ~~put-off duty~~. Subsequently he was also removed from service. When the post ^{had} fallen vacant on temporary basis due to the regular BPM having been placed on put-off duty, Respondent No.5 was appointed as EDBPM on provisional basis pending finalisation of the disciplinary action. As there was no response to the indent placed on the Employment Exchange on 18-1-1996, an open notification was issued on 15-2-1996 with the condition to submit the applications before 15-3-1996. In response to the open notification dated 15-2-1996, eight(8) applications were received including that of the applicant and Respondent No.5. It is stated that the applicant herein even though was less meritorious, he was appointed on a regular basis as there was shortage of SC community candidates in the EDBPM cadre. Respondent No.5 challenged the appointment of the applicant on the basis of the notification dated 15-2-1996 by filing OA.No.1017 of 1996 on the file of this Bench. That OA was allowed setting aside the notification dated 15-2-1996 and with a consequential direction to select the most meritorious candidate by issuing a fresh notification once again. In accordance with the directions in the OA.No.1017 of 1996, the applicant was continued as a provisional candidate of that Post Office. In pursuance of the direction in the earlier OA, a fresh notification dated 24-12-1998, (Annexure.I, page 11 to the OA) was issued for filling up the post regularly reserving the post for SC/ST/OBC in that order.

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3. This OA is filed to set aside the impugned notification No.B3/Makthalaxmapur, dated 24-12-1998, and for a consequential direction to ~~uphold~~ the regular selection of the applicant as EDBPM, Makthalaxmapur EDBO made by the Respondent No.3 pursuant to the earlier Open Notification dated 15-2-1996.

4. The applicant herein was one of the respondents in the earlier OA.No.1017 of 1996. He has received the notice in that OA. Hence, it has to be held that OA was in his knowledge and was disposed of in accordance with the law setting aside the earlier notification dated 15-2-1996. When the earlier notification dated 15-2-1996 has to be set aside, the applicant who was regularly selected for that Post Office is also deemed to have been affected and is regular status has been brought down to provisional status in accordance with the Judgment in that OA. Though the applicant submits that no regular order was issued and that made him to believe that he may be continued regularly, if no regular order is issued, it is ~~of~~ more appropriate to allow the present notification dated 24-12-1998, as the applicant should have been continued only as a provisional candidate. Hence, this contention has no legs to stand.

the
5. As/ earlier notification dated 15-2-1996 had been set aside, the respondents are at liberty to issue the fresh notification dated 24-12-1998. The applications

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received in response to the notification dated 24-12-1998 should be finalised selecting the most meritorious candidate in accordance with the rules and the conditions laid down in the notification dated 24-12-1998.

6. The OA is disposed of as above. No costs.



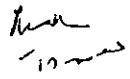
(R.RANGARAJAN)
MEMBER (ADMN.)



(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 15th day of February, 2000

Dictated in the Open Court



DSN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND 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
COMPILED 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: 15/2/2000

MA/RA/CP.NO.

IN

DA. NO. 91/99

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

