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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ; HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.920/99

DATE OF ORDER : 1-2-2000.

Between :-

Shaik Siraj Ahammad

...Applicant

And

1. Superintendent of Post Offices,
Proddatur Division,
Proddatur, Cuddapah Dist.
2. Chief Post Master General,
A.P.Circle, Abids, Hyderabad.

...Respondents

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Counsel for the Applicant : Shri N.Saida Rao

Counsel for the Respondents : Shri K.Narahari, CGSC

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CORAM:

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

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri N.Saida Rao, learned counsel for the applicant and Sri K.Narahari, learned Standing Counsel for the Respondents.

2. The permanent incumbent of the post of BPM, Nandyalampet ^{was} Branch Office/ finally dismissed from service by memo No.F.IV/I/96-97 dated 31-12-1998. Earlier the permanent incumbent was granted L.W.A. from 16.7.96 to 12-9-1996. Thereafter he did not report ~~for~~ ^{to} duty. The applicant was appointed provisionally as BPM of that post office.

3. A notification was issued to the Employment Exchange on 12-3-1999 for filling up that post regularly fixing the last date for receipt of applications as 13-4-1999. Fourteen applications were received in response to that notification. However, that notification was sought to be cancelled to transfer another EDBPM to that post office. Hence the applicant in this OA filed this OA challenging the cancellation of the notification. An interim order was passed in this OA on 21-6-1999 directing that the cancellation which will be made in pursuance of the impugned notification dated 12-3-1999 shall be subject to the final result in the O.A. In view of the above, it is stated that the order of transferring Mr.A.Jamalu, BPM, Nagasanipalle BO a/w Mydekur SO was cancelled.

4. The applications received in response to the notification dated 12.3.1999 including that of the applicant was considered. The applicant has passed the 10th class examination only compartmentally. Hence he did not fulfill the qualification required

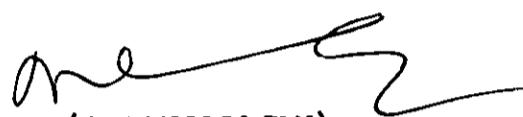
- 3 -

for appointment as regular EDBPM of that post office submits the learned counsel for the Respondents. Further it is also stated that there is no record to come to the conclusion that he ~~was~~ had worked as provisional EDBPM from 12.6.1996 to 13.12.1996. Relying on the charge report, the Respondents submit that the applicant had assumed the post on provisional basis on 14.2.1996. There was no record to show that the applicant worked from 12.6.1996 to 13.12.1996 as claimed by him. It is also stated that the provisional orders for 90 days have been issued to him only on 6.1.1997 by memo dated 6.1.1999. The applicant received orders only on 7.1.1997. The Respondents submits that on the date of impugned notification the applicant had completed only 2 years 3 months but not 2 years 10 months as claimed by him. The Respondents denied the fact that the applicant had completed 3½ years of service as provisional ED as submitted by him. He has completed only and 2 years 7 months to the date of notification he had completed 2 years 3 months only. The regular incumbent ^{was} dismissed from service on 31.12.1998 and not 3 years back as claimed by the applicant. Considering the above facts that the applicant is not fulfilling the educational qualifications and also he has not completed 3 years of service as on the date of the issue of the impugned notification dated 12.3.1999 to bring him under the DGs letter dated 18.5.1979, the respondents submit that the applicant has not made any case. The Standing Counsel for the Respondents submits that the selection will be completed in accordance with the notification dated 12-3-1999 and the most meritorious candidate will be selected and posted.

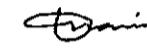
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5. As there is no rejoinder to the counter, there is no material to come to the conclusion that the applicant had worked for more than 3 years or atleast 3 years on provisional basis on the date of notification dated 12.3.1999. Further, the applicant is not educationally qualified as he had passed the SSC examination compartmentally. Considering the above facts, we have no hesitation in saying that the applicant has not made out any case for granting relief.

6. In view of the forgoing, we find no merits in the O.A. Hence the same is dismissed. No order as to costs.



(R.RANGARAJAN)
Member (A)


(D.H.NASIR)
Vice-Chairman

Dated: 1st February, 2000.
Dictated in Open Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

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1. HONJ
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4. D.R. A (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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: 12/2/2000

MA/RA/CP NO:-

IN
OA. NO. 920/99

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

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