

29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.924/99

dt. 28-7-99

Between

N. Ramanaiah : Applicant

and

1. Sr. Supdt. of Post offices  
Nellore Postal Division  
Nellore, Nellore Dist.

2. Post Master General, Vijayawada  
Krishna District

3. Chief Postmaster General  
Hyderabad Circle, Hyderabad : Respondents

Counsel for the applicant : K. Venkateswara Rao  
Advocate

Counsel for the respondents : B. Narasimha Sharma  
Sr. CGSC

CCRAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

D

## Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member (Jud1)

Heard Mr. K. Venkateswara Rao, learned counsel for the applicant and Mr. M.C. Jacob for Mr. B. Narasimha Sharma, learned counsel for the respondents.

1. The respondents issued notification dated 18-5-1999 for filling up the post of EDBPM, Peddareddypally Branch office, Nellore District.
2. The applicant ~~who~~ has been working in that post for the last 4 years and 5 months on provisional basis.
3. Being aggrieved by the said notification the applicant has filed this OA challenging the notification No.B2/BPM/PR pally(BO) dated 18-5-1999 issued by the Respondent No.1 as illegal, arbitrary, discriminatory and in contravention of the letter and spirit of the DG P&T letter dated 23-2-1979<sup>and</sup> for a consequential direction to the respondents to appoint him as the EDBPM, Peddareddypally BO in account with Gandipalle (SO) in Kavali Head office, Nellore District.
4. The respondents have filed a reply stating that pursuant to the notification applications were received and they have scrutinised the applications.
5. When the applicant was appointed on provisional basis and was continued in the post for 4 years and 5 months then it was for the respondents to consider his suitability for absorption in that post. If he is not found suitable then they could have gone in for issuing open notification. It is stated that rules are there for treating such provisional ED agents as thrownout ED agents and to register their names in the live register for consideration for regular absorption.

2

..2.

But in this case, the respondents allowed the applicant to work for 4 years and 5 months on provisional basis. When that was so instead of throwing him out now from the post, and consider his case at a later stage they may as well consider his case for regularisation provided there is no other thrown out candidate in the live register in the Division for absorption.

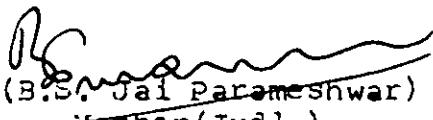
6. In that view of the matter we feel it proper to direct the respondents to consider the case of the applicant for absorption as he was allowed to continue for 4 years and 5 months on provisional basis. If there is anybody in the live register of thrown out ED agents, then the name of the applicant should be kept on the register of thrown out ED agents and others above him in that list should be considered. If there is no body in that list and if the applicant is not found suitable then only the impugned open notification shall be processed. Till such time the case is decided the impugned notification dated 18-5-1999 is suspended.

7. Hence the following direction is given.:

- a) The respondents shall consider the case of the applicant for absorption in the post of EDBPM, Peddareddypally on the basis of his working on provisional basis for the last 4 years and 5 months if there is no one in the live register of thrown out ED agents, in the Division.
- b) If the applicant is not found suitable then the respondents may proceed with the selection proceedings in accordance with the notification dated 18-5-1999.
- c) Till such time the applicant shall be continued in the post on a provisional basis.
- d) If the case of the applicant cannot be considered for regular absorption then his name shall be entered in thrown

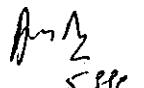
out ED agents live register in accordance with the DG  
P&T letter No.43-4-177-pen dated 23-2-1979.

8. Thus the OA is disposed of. No costs.

  
(B.S. Jai Parameshwar)  
Member (Judl.)  
28.7.99

  
(R. Rangarajan)  
Member (Admn.)

Dated : July 28, 1999  
Dictated in Open Court

  
Amulya  
S. Rao,

sk

1st AND II Ind COURT.

COPY TO:-

- 1. HDHAD
- 2. HHRP M(A)
- 3. HBSDP M(J)
- 4. D.R. (A)
- 5. SPARE

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD.

17/8

THE HON'BLE MR. JUSTICE D.H. WASIR  
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD,  
MEMBER ( ADMN )

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

THE HON'BLE MR. S. JAI PARAMESHWAR,  
MEMBER ( JUDL )

ORDER: Date. 28/7/99

ORDER / JUDGMENT

MA./RA./CP.NO

IN  
DA.NO. 924/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

फैसलों व दस्तावेजों का विकाराल  
Central Administrative Tribunal  
मुद्रण / DESPATCH

- 9 AUG 1999

हैदराबाद स्थायी बैठक  
HYDERABAD BENCH