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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.967/99.

Dt. Of Decision : 09-08-99.

K.J.Sarveswara Rao

.. Applicant.

Vs

1. The Sr.Superintendent of Post Offices,
Tadepalligudem Division,
Tadepalligudem - 534 101,
West Godavari District.

2. The Postmaster General,
Vijayawada Region,
Vijayawada.

.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.M.C.Jacob, Addl. CGSC.

CORAM:-

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.S. Ramakrishna Rao, learned counsel for the applicant and Mr.M.C.Jacob, learned counsel for the respondents. Mr.P.Krishna Rao, Sr. Superintendent of Post Offices, Tadepalligudem was present.


2. A notification bearing No.B.10/201 dated 31-12-98 (Annexure-I) was issued for regularly filling up the post of EDBPM, Vellachintalagudem, Gopalapuram Sub-Office. The applicant is working in that post office as provisional EDBPM w.e.f., 2/3-8-1996 as the regular incumbent of the post office was put off duty and disciplinary proceedings were initiated against him. It is an admitted fact that the regular incumbent was removed from service in 1989 and he had filed an appeal on 24-05-99. It is not

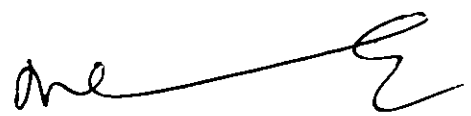
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known when that appeal was disposed of. As per the DG(P&T) Letter No.43-4/77-PEN dated 18-05-1979, posting of a regular candidate can start only after the proceedings against the regular incumbent are completed in all respects including the disposal of the appeal, if any, which has been filed in accordance with rules. In the present case, the regular incumbent who has been removed from service, has not exhausted all his channels including that of disposal of his appeal. Hence issue of a notification earlier to the date of removal of the regular incumbent from job is irregular. Hence, the impugned notification dated 31-12-98 has to be set aside. The respondents are at liberty to issue a fresh notification for filling up of that post regularly after the disposal of the appeal, if any, filed by the regular incumbent in accordance with law.

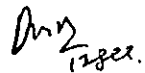
3. The applicant shall be continued as provisional EDBPM of that post office till a regular candidate is posted, as a provisional candidate cannot be replaced by another provisional candidate.

4. The OA is disposed of. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)
9.8.99


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 09th August, 1999.
(Dictated in the Open Court)


12822.

SPR.

COPY TO:-

1. HDHND
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

~~1st~~ AND II nd COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD:

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 PARAMESHWAR
MEMBER (JUDL)

ORDER DATE: 9/8/99

MA/RA/CP.NO

IN

DA.NO. 967/99

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

