

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A.969/99.Dt. of Decision : 30-07-99.

S.Mutyalamma

.. Applicant.

Vs

1. The Sr. ~~Res~~ Superintendent of Post Offices, Prakasam Division, Ongole-1.

2. The Post Master General, Vijayawada Region, Vijayawada.

3. The Chief Post Master General, A.P.Circle, Hyderabad.

.. Respondents.

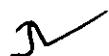
Counsel for the applicant : Mr.K.Venkateswara Rao

Counsel for the respondents : Mr.B.N.Sharma, Sr.CGSC.

CORAM:-

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

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



..2/-



CRDER

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

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.Jacott for Mr.B.N.Sharma, learned counsel for the respondents.

2. Notice before admission was issued on 1-7-99. No reply has been filed.

3. The applicant in this OA challenges the impugned Notification No.B-II/Palukur dated 31-12-98 (Annexure-I) which was issued for filling up the post of EDBPM, Palukur Post office regularly.

4. The applicant is now working as a provisional EDBPM of that post office as the regular incumbent did not report for duty and he is treated as unauthorised absentee. The regular incumbent has not been even issued with the charge sheet and hence issue of the notification dated 31-12-98 for regular posting of a candidate is incorrect in view of the DG P&T Letter No.43-4/77-PES, dated 18-5-79 (Annexure-VI). The relevant portion is reproduced below:-

"Even in cases where an appointment is made to fill the vacancy caused by the dismissal/removal of an ED Agent and the dismissed/removed employee has not exhausted all channels of appeal, the appointment should only be provisional. The offer for appointment should be in the form annexed (Annexure-B)."

5. The learned counsel for the respondents did not contradict the above submission. Hence issue of the notification dated 31-12-98 for filling up of the post of EDBPM regularly is against the rule stipulated by the DG P&T letter which is extracted above. Hence the impugned notification dated 31-12-98

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..3/-

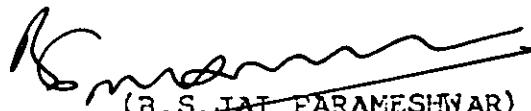


-3-

is liable to be set aside. Accordingly it is set aside.

The respondents can issue a notification after fulfilling the conditions laid down by the DG P&T in his letter dated 18-5-79. The applicant is should be continued as a provisional candidate till a regular candidate is posted.

6. No costs.

  
(B.S. JAI PARAMESHWAR)  
307-95  
MEMBER (JUDL.)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 30th July, 1999.  
(Dictated in the Open Court)

  
D.S.P.

spr

1st AND 2nd COURT.

COPY TO:-

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

TYPED BY  
CHECKED BY  
COMPARED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL 98  
HYDERABAD BENCH, HYDERABAD;

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

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

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

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

ORDER: Date. 30/7/99

ORDER / JUDGMENT

MA./RA./CP. NO

IN

- DA. NO. 969/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED..

ALLOWED.

C.P. CLOSED

R.A. CLOSED. *Directions*

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

