

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
HYDERABAD

O.A.No.989 of 1999.

DATE OF ORDER:18-8-1999.

Between:

J.Babu.

...Applicant

a n d

1. Sub-Divisional Inspector of Posts,
Warangal Sub-Division, Warangal.

2. M.Swamy,

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS:: Mr.Shama (for R-1)

: Mr.M.V.Krishna Mohan(for R-2)

CORAM:

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

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.S.Ramakrishna Rao, learned Counsel for the
Applicant, Ms.Shama, learned Standing Counsel for the Official
Respondent and Mr.M.V.Krishna Mohan, learned Counsel for the
Respondent No.2.



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2. It is stated that the regular incumbent of the post of EDMC, Papaiahpet Branch Office, fell vacant in 1998, as the regular EDMC was promoted as Group 'D' and deputed to Army Postal Service.

3. Normally, a Gr. 'D' ^{in the} / Army Postal Services can have his lien as a ED Staff in the present Post Office. Hence, the applicant submits that the post cannot be filled regularly.

4. The applicant also states that in pursuance of the notification bearing No.SDIP/Papaiahpet, dated:17-10-1998, (Annexure.A-I, page.6 to the OA), one Smt.M.Yashoda was selected as the most meritorious candidate, but she declined the offer and hence, Respondent No.2 was selected and is likely to be posted as a regular candidate of that Post Office. The applicant submits that he is the second candidate in the list but his case was rejected as the Income Certificate was in the name of his father.

5. In view of the above, he has filed this OA to appoint him as EDMC, Papaiahpet Branch Office as he is the second candidate in the select list and the Income Certificate is of no consonance for filling up the post of EDMC.

6. It is the considered view of the Tribunal that once the candidate is selected for ED posts and that candidate refuses, then a fresh notification has to be issued for filling up that post as Only One candidate can be kept in the panel for posting as ED Agent. In this case the first candidate viz., M.Yashoda

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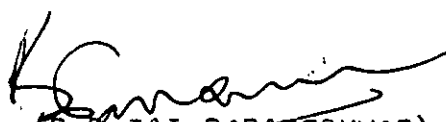


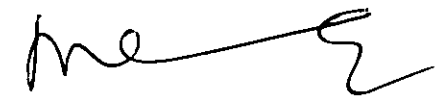
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declined to join the post and hence, none could ~~be~~ posted from that select list. We ^{that} feel/ the respondents should issue a fresh notification for filling up that post regularly, if required, in accordance with the law.

7. In view of the above, the respondents are directed to issue a fresh notification for filling up that post as the selected candidate viz., Smt.M.Yasodha had declined to join the post. Till such time the post is regularly filled, the present provisional candidate shall be continued as such.

8. The OA is disposed of at the admission stage itself. No costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDG) 18/8/25


(R.RANGARAJAN)
MEMBER (ADMN)

DATED: this the 18th day of August,

Dictated to steno in the Open Court

Aug 18/25

DSN

COPY TO:-

1. HDHNS
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: 18/8/99

MA/RA/CP.NO

IN

DA.NO.

989/99

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

