

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 996/99.Dt. of Decision : 20-08-99.

K. Ramana Reddy

.. Applicant.

Vs

1. The Sr. Supdt., of Post Offices,
Chittoor Postal Division,
Chittoor.

2. The Post Master General,
A.P. Southern Region,
Kurnool.

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

4. K. Srinivasulu

.. Respondents.

Counsel for the applicant : Mr. K. Venkateswara Rao

Counsel for the respondents : Mr. V. Rajeswara Rao, Addl. CGSC.

CCRAM:-

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

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



..2/-

ORDER

ORAL ORDER (PER HON.Mr.B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents. Notice to R-4 served. Called absent.

2. The applicant herein was appointed as EDBPM, Alapalle Branch Office vide order dated 13-09-96 on regular basis. Accordingly he took charge of the post on 13-09-96. While he was working as such, a show cause No.3/5 dated 4-6-97 (Annexure-IV) was issued asking him to produce any evidence to show that he got an independent liveli-hood through property on or before 20-6-97, failing which his services would be terminated without giving any further notice. The applicant submits that he submitted a copy of the Pattadar Pass Book No.237 bearing No.K393566 showing that he owned 2.58 1/2 acres land.

3. In the mean while the first respondent issued another show cause notice No.B3/5 dated 13-4-99 (Annexure-V) directing him as to why his selection as BPM, Alapalle BO could not be treated as invalid and cancelled on the ground that he had given letter dated 23-8-96 to the IPO © stating that he had no property in his name and that his Pattadar Pass Book was misplaced. The applicant submitted a detailed explanation to the show cause notice on 30-4-99 wherein he had stated that the property was transferred in his name on 11-4-96 earlier to the notification dated 25-6-96 and that therefore it was incorrect to say that he was not having any adequate means of liveli-hood.

4. The respondent authorities have issued the impugned order dated 28-6-99 canceling the selection and appointment of the applicant as EDBPM, Alapalle BO on regular basis.

5. The applicant has filed this OA challenging the order of cancellation on the ground that the higher authority than the appointing authority had no power ^{in view of} ~~and that~~ the decision of the Full Bench of this Tribunal in the case of N.Ambujakshi Vs Union of India ~~in~~ (OA.57/91 decided on 10-02-95.)

6. Thus he prays for a declaration that the cancellation order dated 28-06-99 issued by the Senior Superintendent of Post Offices, Chittoor Division, Chittoor is invalid and

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for a consequential declaration that the applicant is entitled to be continued as EDBPM of Alapalle BO in account with Baireddipally Sub Post Office with effect from 1-7-99 with continuity of service.

7. The respondents have filed their reply. The learned counsel for the respondents submits that in a similar case which was disposed of following the Ambujakshi case is pending adjudication before the Hon'ble High Court of AP. Hence he requests that this OA may also pend till the disposal of the Writ Petition before the Hon'ble High Court of AP. We see no reason to wait for the disposal of the Writ Petition. No interim order passed in that Writ Petition was brought to our notice. Even if any interim order is, it only pertains to the Writ Petition. ~~The~~ Ambujakshi case was decided by the Full Bench of this Tribunal. Hence in our opinion there is nothing improper in following that case and pass the order in this application.

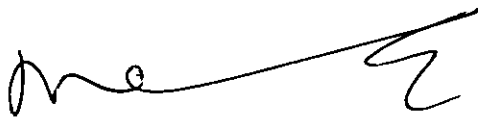
8. In view of the principle laid down by the Full Bench of this Tribunal in Ambujakshi case, referred to above the Respondent No.1 should not have interfered with the appointment of the applicant as EDBPM, Alapalle BO. Hence, the impugned order dated 28-06-99 is not sustainable and has to be set aside.

9. Hence, the following directions are given:-

- (a) The OA is allowed.
- (b) The impugned order dated 28-06-99 is hereby set aside.
- (c) The applicant shall be continued in that post on regular basis.
- (d) The payment for interim period shall suitably be decided by the respondents.

10. With the above direction the OA is disposed of. No order as to costs.


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


(R. RANGARAJAN)
MEMBER(ADMIN.)

Dated : The 20th August, 1999.
(Dictated in the Open Court)

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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:

20/8/99

MA/RA/CP.NO

IN

CA.NO.

996/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज / DESPATCH

8 SEP 1999

हैदराबाद ब्याचपीठ
HYDERABAD BENCH