

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABD

O.A.No.1164/99.

Dt. Of Decision : 11-08-99.

A.Manjula

.. Applicant.

Vs

The Superintendent of Post Offices,
Wanaparth Division, Wanaparth.

.. Respondent.

Counsel for the applicant

: Mr.S.Ramakrishna Rao

Counsel for the respondent

: 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 respondent.

2. The applicant in this OA is working as provisional EDBPM, Manmarri post office with effect from 4-8-97. ~~As~~ ^{was} the permanent incumbent of that post was put off duty and disciplinary proceedings ~~had been~~ initiated against him. It is stated that the said regular incumbent was removed from service and he had filed his appeal and that appeal was disposed of on 23-07-99. In the mean time before the disposal of the appeal the impugned notification No.B-2/BPM/Manmarri dated 25-06-99 (Annexure-I) was issued for regularly filling up of that post.

3. This OA is filed to set aside the impugned notification No.B-2/BPM /Manmarri dated 25-06-99 (Annexure-I) as the regular incumbent had not exhausted all his channels of appeal against his disciplinary case, as laid down by the DG (P&T)'s letter dated 18-05-1979.




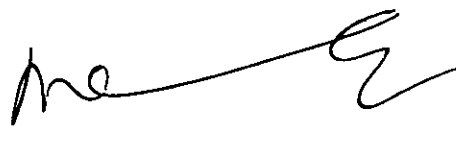


4. It is evident from the submission of the learned counsel for the respondents that the appeal of the regular incumbent was disposed of only on 23-07-99 till then no notification for appointing regular candidate ^{could} ~~can~~ be issued in view of the DG P&T letter dated 18-05-1979. The said impugned notification was issued on 25-06-99 earlier to the disposal of the appeal of the regular incumbent i.e., on 23-07-99.

5. Hence issue of the notification dated 25-06-99 is irregular and hence it has to be set aside. Accordingly it is set aside. The respondents are directed to initiate fresh proceedings for posting a regular candidate ^{to} ~~in~~ that post office. Till such time, the applicant should be continued as provisional EDBPM of that post office.

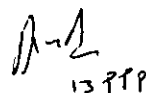
6. The OA is disposed of at the admission stage itself. No costs.


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


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated: The 11th August, 1999.
(Dictated in the Open Court)

SPR


13/8/99