

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

D.A.No.627 OF 1999.

DATE OF ORDER:26-4-1999.

BETWEEN:

P.Yacob.

....Applicant

a n d

1. The Senior Superintendent of Post Offices, Prakasam Division, Ongole.
2. The Sub-Divisional Inspector, Ongole(W), Ongole.
3. The Post Master General, Vijayawada, Region, Vijayawada.
4. The Chief Post Master General, A.P.Circle, Hyderabad.
5. Union of India, represented by the Secretary to the Department of Posts, Secretariate, New Delhi.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Venkateswara Rao

COUNSEL FOR THE RESPONDENTS:: Mr.K.Narahari

CORAM:

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

A N D

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

: O R D E R :

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

Heard Mr.TVVS.Murthy for Mr.K.Venkateswara Rao, learned Counsel for the Applicant and Mr.K.Narahari, learned Standing Counsel for the Respondents.



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2. The applicant was appointed as a provisional EDMC when the regular EDMC of that Post Office died on 12-6-1997. The applicant happened to be the son of the deceased regular EDMC. The applicant submitted a representation for considering his case as EDMC of that Post Office on compassionate ground quota. It is stated that the applicant's case was rejected as he did not possess the necessary educational qualification and relaxation of the qualification was also not recommended. The applicant submitted a representation against that Order, vide his representation dated:22-4-1999 addressed to Respondent No.5.

3. This OA is filed to set aside the impugned Order No.BII/Relax/PY, dated:20-4-1999, whereby his request for compassionate ground appointment was rejected and for a consequential declaration that the applicant is entitled for appointment as EDMC of East Gangavaram of Talluru S.O. of Prakasam Postal Division, Ongole on compassionate grounds by relaxation of educational qualification by holding the clarification in Office Lr.No.17-85/93-ED& Trg., dated:2-2-1994, that the relaxation of educational qualification would be available only to the widow/widower excluding the sons and daughters of the deceased ED Agent is illegal, arbitrary and discriminatory.

4. The applicant has submitted his representation against the impugned Order dated:20-4-1999 only on 22-4-1999. Hence, it is the respondents cannot dispose of that representation within a short time. We have no doubt in our mind that the respondents will dispose

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of it in accordance with the rules. Hence, no further direction is necessary in this connection in regard to his representation dated:22-4-1999.

5. The applicant was appointed as EDMC knowing fully well that he does not possesses the minimum educational qualification. Hence, the applicant should not be discharged immediately on the ground that he does not possesses the educational qualification. He should be continued as a provisional candidate till a regular EDMC ^{had} is posted to that Post Office. If the applicant ~~is~~ ^{already} been discharged and ~~none~~-else has been posted, the applicant ^{reported and} should be continued as EDMC of that Post Office till a regular candidate is posted.

6. The OA is ordered accordingly at the admission stage itself. No costs.

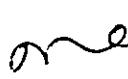

(B.S.JAI PARAMESHWAR)

MEMBER (JUDL)

26.4.99

DATED: this the 26th day of April, 1999

Dictated to steno in the OpenCourt


(R.RANGARAJAN)

MEMBER (ADMN)

DSN


Amala
26/4/99

1ST AND 2ND COURT

COPY TO:-

1. H.D.H.N.
2. H.H.R.P. M.(A)
3. H.B.S.D.P. M.(J)
4. B.R. (A)
5. SPARE

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. H. RAJENDRA PRASAD :
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESWAR :
MEMBER (J)

DATED: 26. 4. 93

ORDER / JUDGEMENT

M.A./R.A./C.P.H.Q.

IN

C.A. No. 627/93

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COSTS

SRR

