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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.638/99

DATE OF ORDER : 9-3-2000.

Between :-

S.Ramulu

...Applicant

And

1. The Director of Postal Services,
Hyderabad City Region, Hyderabad-1.
2. The Sr. Superintendent of Post Offices,
Sec'b'dd Division, Hyderabad-500 016.

...Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri V.Vinod Kumar, Addl.CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri S.Ramakrishna Rao, learned counsel for the applicant and Sri

V.Vinod Kumar, learned Standing Counsel for the Respondents.

2. This OA has to be considered within a short compass. The applicant in this OA ^{was} appointed regularly as EDBPM, Jangaon BO with effect from 18.5.1998 on the basis of the notification dated 30-12-1997. The impugned order No.BIII/ED/Jangaon/98-99 dated 5.1.1999 (Annexure-I page-9 to the OA) was issued revoking his appointment by the higher authorities higher than the appointing authority in view of the fact that the applicant was holding an elective post of Upa Sarpanch Grampanchayat at the time of applying to the post of ED BPM, Jangaon BO and that he had suppressed the same fact in the application submitted.

3. This OA is filed to set aside the impugned order No.B-3/ED/Jangeon/98-99 dated 5-1-1999 of Respondent No.2 proposing to revoke the appointment of the applicant on fictitious grounds that the applicant was holding an elective post at the time of applying for the post, declaring the same as arbitrary, illegal, unwarranted, frivolous, mis-conceived and to direct Respondents to continue the applicant to work as ED BPM, Jangaon duly maintaining status quo allowing the applicant to perform the duty with all the consequential benefits.

4. An interim order was passed in this OA dated 26.3.99 for maintaining status quo as obtaining on that day. The main contention of the applicant that revoking of his appointment will amount to setting aside the appointment order either by appointment authority or by higher authorities which is not permissible in view of Full Bench decision in OA 57/91 (Ambujakshi's case). He submits that the order dt.5.1.99 is irregular. He further adds that if at all any mis conduct on his part is ^{noticed} committed, he can be taken up under ^{the} ED conduct Rules. But setting aside the appointment order is not permissible and that the impugned order dated





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5-1-1999 has to be set aside and the applicant should be allowed to continue as EDBPM.

5. ^{With} We fully agree ~~by~~ the submission made by the applicant. Revoking of the appointment order is not in order in view of the Full Bench decision in OA 57/91.

6. The interim order dated 26.3.1999 is made final. The applicant should be allowed to continue in that post. However, any aggrieved party who responded to the notification can approach this Tribunal if they are aggrieved by the appointment of applicant herein. Liberty is also given to the respondents to ~~feel~~ proceed against the applicant if they ~~feel~~ that the applicant is responsible for any mis-conduct.

7. With the above observation, the OA is allowed. No order as to costs.


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


(R.RANGARAJAN)
MEMBER (A)

Dated: 9th March, 2000.

Dictated in Open Court.

*Amg
12/2000*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HONMJ

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

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

3. HONSP. M. (JUDL)

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

4. D.R. (ADMN)

5. SPARE ✓

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 9/3/2001

MATERIAL/C.P. NO

IN

C.A. NO. 638/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

(6 copies)

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS / DESPATCH

