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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.857/99

dt. 8-6-99

M. Bikshapathi

Applicant

Vs.

1. Sr. Supdt. of Post Offices  
Hyderabad South East Divn.  
Hyderabad

2. Chief Postmaster Genl.  
AP Circle, Hyderabad

3. Director of Postal Services  
Hyderabad City Region  
Hyderabad

Respondents

Counsel for the applicant

S. Ramakrishna Rao  
Advocate

Counsel for the respondents

K. Narahari  
CGSC

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. H. Rajendra Prasad, Member (Admn.) *✓* *u/b*

OA.857/99

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## Order

Oral order (per Hon. Mr. H. Rajendra Prasad, Member(Admn))

Heard Mr. S. Ramakrishna Rao and Mr. Narahari for the opposite parties.

1. The applicant is aggrieved by the notification (No.B3/BGP/Narkheda) dated 16-4-1999 (page 6 Annex.I) issued by Respondent-1, on the ground that his appeal against penalty of removal imposed on him by Respondent-3 is pending consideration of Respondent-2. It is pointed out that as per the instructions of DG P&T Lr.No.43-4/77-Pen, dated 18-5-1979 the impugned action is incorrect. An extract of the said instructions is as under :

"Even in cases where an appointment is made to fill the vacancy caused by the dismissal/removal of an ED Agent and the dismissed/removed employee has not exhausted all channels of appeal, the appointment should only be provisional... ~~The offer of appointment should be in the form annexed.~~ (Annexure-B)".

2. The OA is disposed of with the following directions :

a) No final action shall be taken for the present by Respondent-1 in pursuance of the impugned notification. While the process of selection may be proceeded with, no final appointment shall be issued in favour of any candidate, until the appeal submitted by the applicant is disposed of.

b) The appeal submitted by the applicant (Annex.II) shall be disposed of by Respondent-2, or any other approved Appellate authority, within 45 days from today.

3. The OA is disposed of. No costs.

H. Rajendra Prasad  
(H. Rajendra Prasad)  
Member (Admn.)

Dani  
(D.H. Nasir)  
Vice Chairman

Dated : June 8, 1999  
Dictated in Open Court

Amulya  
Tribes

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