

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO..889/99

DATE OF ORDER : 31-3-2000

Between :-

K.Anantaiah

...Applicant

And

1. Sr.Superintendent of Post Offices,
Nizamabad Division, Nizamabad.
2. Chief Postmaster General, AP Circle,
Hyderabad.
3. Director General, Department of Posts,
Dak Bhavan, M/o Communications,
New Delhi.

...Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri P.Phalguna Rao, 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 P.Phalguna Rao, learned Standing Counsel for the Respondents.

2. The applicant was appointed as a provisional EDBPM of Anantha-giri Post Office with effect from 9-3-1996 as the regular EDBPM was put off duty due to some Disciplinary Proceedings case. The regular EDBPM was removed from service by order dated 24.3.1999. Hence ^{the} provisional arrangement of the applicant was also terminated with effect from 27.2.1999 and the Employment Exchange was addressed and the open notification was also issued on 29.4.1999 for filling up that post regularly. The applicant challenged the notification dated 29-4-1999 (Annexure-I page-8 to the OA) on the ground that the regular EDBPM has not exhausted ^{in full} his redressal ^{in full} of channels in pursuance to DGs instructions in letter dated 18.5.1979.

3. This OA is filed to set aside the notification dated 29.4.1999 and for a consequential direction to post the applicant as EDBPM of that post Office as he had completed 3 years of service.

4. The applicant was put back as a provisional EDBPM with effect from 4.3.1999. That would mean that the applicant was out of service from 27.2.1999 to 4.3.1999. The applicant submits that his absence during the period from 27.2.1999 to 4.3.1999 should be treated as duty as the higher authority has considered his appeal and put ^{him} back to the duty. If that period is taken on duty, ^{the} applicant completes 3 years of service and he stands at first to be considered as EDBPM instead of issuing a fresh notification to

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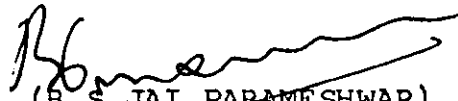
...3.


that post.

5. The learned counsel for the respondents submits that the prayer in this OA has already been met with in view of the fact that the impugned notification dated 29-4-1999 has already been cancelled and fresh notification dated 15.6.1999 has been issued. The applicant has not challenged the second notification dated 15.6.1999 ^{hence} and/no further order is necessary in this O.A. We see a point in the respondents contention. The applicant could have ammended this OA to set aside the second notification. Alternatively he could have filed a fresh OA challenging the notification dated 15.6.1999. Hence we do not express any opinion in regard to the notification dated 15.6.1999. ~~Further the~~ the applicant has been put back to the duty on 5.3.1999 and ~~there is~~ no mention has been made in the reply in regard to the treatment of the period from 27.2.1999 to 4.3.1999. Hence the official who has ordered for posting the applicant back to duty on 5.3.1999 should indicate as to how the period from 27.2.1999 to 4.3.1999 should be treated. If that official decides in favour of the applicant so as to count his provisional appointment for 3 years ~~and~~ then his case should be considered first ~~for appointment~~ for appointment as EDBPM of that post before considering cases of others who responded to the notification dated 15.6.1999. In case the post had already been filled, then the applicant should be kept in the thrown out EDAs' list for consideration in next vacancy arises in that Unit in the EDAs cadre. In case of treatment of period from 27.2.1999 to 4.3.1999 decided against to the interests of the applicant and that made the services of the applicant less than 3 years, ~~the~~ ^a suitable reply should be given to the applicant. The applicant

if aggrieved by that reply, he is at liberty to challenge the same in accordance with the law.

6. O.A. ^{is} ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
3130


(R. RANGARAJAN)
Member (A)

Dated: 31st March, 2000.
Dictated in Open Court.



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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. HON'BLE MR. JUSTICE D.H. NASIR
2. HON'BLE MR. R. RANGARAJAN
3. HON'BLE MR. B.S. JAI PARAMESHWAR
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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)

DATE OF ORDER 31/3/2000

MA/RA/CP.NO.

IN

CA.NO.

889/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

(7 copies)

RECEIVED 19 APR 2000 RECEIVED STANDING COUNSEL SECTION
