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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.897/99

Date of Order : 17.6.99

BETWEEN :

T.Ananda Bhushanam

.. Applicant.

AND

1. The Branch Post Master,
Gottipadu Post Office,
Gottipadu, Guntur Dist.

2. The Assistant Superintendent of
Post Offices, Chilakaluripet,
Guntur District.

.. Respondents.

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Counsel for the Applicant

.. Mr.T.V.P.Prabhakar

Counsel for the Respondents

.. Mr.B.N.Sharma

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.T.V.P.Prabhakar, learned counsel for the
applicant. None for the respondents.

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2. The applicant in this OA belongs to SC community and he passed Intermediate in the year 1980. He has been appointed as EDDA in Gottipadu post office vide memo dated 24.7.97 w.e.f. 1.7.97 as a provisional candidate. The impugned notification No.PF/EDDA/Gottipadu, dated 24.2.99 was issued for filling up the post regularly by an eligible ST candidate.

3. This OA is filed praying for a declaration that the action of the respondents in issuing a fresh notification for appointment to the post of EDDA, Gottipadu post office without regularising the services of the applicant as EDDA inspite of continuous service of 2 years is highly arbitrary, illegal and unconstitutional and for a consequential direction to set aside the impugned notification dated 24.2.99 issued by R-2 and to regularise the services of the applicant as EDDA.

4. The applicant belongs to SC community. The notification issued ^{was} for an ST candidate. Hence the applicant cannot apply for the post as he does not belong to ST community. The applicant also cannot stand in the way of the respondents to discharge their ^{Constitutional obligation} ~~filling up the post~~ by appointing an ST community candidate as there was not enough ST candidates in the cadre of EDDA. The applicant has not

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put in 3 years of service to keep him in the register for
thrown out ED candidates in terms of DGP&T letter of 1979.

5. From all angle the applicant has no reason to
protest against the issue of the impugned notification
dated 24.2.99. Hence the OA is liable ~~only~~ to be dismissed
and accordingly dismissed. However the applicant should
only be replaced by posting a regular candidate.

6. No costs.


(B.S. JAI PARAMESWAR)
Member (Admn.)


(R. RANGARAJAN)
Member (Admn.)

Dated : 17th June, 1999

(Dictated in Open Court)

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COPY TO:-

1. HDHND
2. HMRP M(A)
3. HBSOP M(J)
4. D.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPOSED 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)

ORDER:

17/6/99

ORDER / JUDGEMENT

MA./RA./CP No.

in

DA. No.

897/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

D.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS.

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

वैषम्य / DESPATCH

-1 JUL 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH