

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.1016/1999

18

DATE OF ORDER : 21-07-1999.

Between :-

J.V.Narasimha Raju

... Applicant

And

1. The Superintendent of Post Offices,  
Kakinada Division, Kakinada-533 001.
2. The Union of India, rep. by the  
Director General, Dept. of Posts,  
New Delhi - 110 001.

... Respondents

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Counsel for the Applicant : Shri T.V.V.S.Murthy

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

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CORAM:

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

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

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

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... 2.

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

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Heard Sri T.V.V.S.Murthy, counsel for the applicant and Sri Vinod Kumar standing counsel for the Respondents.

2. The applicant had been appointed as Provisional EDBPM Somavaram B.O. when the regular incumbent was put off duty and it is stated that the case of the regular incumbent has not been finalised so far which is still pending. In the meantime Annexure A-II (page-8 to the OA) has been issued for posting another EDBPM on provisional basis.

3. This OA is filed challenging the impugned order dt.10.6.1999 bearing No.BED/201 and for a direction to continue the applicant on provisional basis till a regular incumbent is selected.

4. An interim order <sup>was</sup> ~~is~~ passed in this OA on 12.7.1999 whereby the notification dt.10.6.1999 is suspended until further orders.

5. Learned Standing Counsel for the respondents submit that the applicant was ~~not~~ appointed on provisional basis without following the extant rules. When we asked the standing counsel for the respondents to show the procedure to be adopted for filling up the post of EDBPM on provisional basis, the answer, as expected, does not satisfy us at all. The only reason stated by the standing counsel that the/procEDURE has not been followed in this case. This Tribunal had dealt with thousands of cases where it has been admitted by the Postal Department that a provisional

EDBPM will be appointed to meet the exigencies of the services without adhering strictly to the rules and regulations. The applicant has been posted accordingly. Hence in our opinion we do not feel that any procedure has not been followed in appointing the applicant as Provisional EDBPM. Hence issuance of notification dt.10.6.1999 for appointing ~~the~~ another EDBPM on provisional basis is not warranted. Further in Pyara Sing's case the Supreme Court held that no provisional ED can be replaced by another provisional EDBPM. Hence we are of the opinion that the notification dt.10.6.99 is unsustainable. Hence notification dt.10.6.99 is set aside. The applicant should be continued till a regular incumbent is posted in that post office. Issuance of notification for filling up the post on regular basis should be done only after the case of the <sup>present</sup> regular incumbent has been completely disposed of in accordance with the rules.

6. Original Application is disposed of with the above direction.  
No order as to costs.

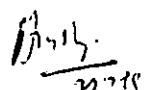


(R. RANGARAJAN)  
Member (A)



(D.H. NASIR)  
Vice-Chairman

Dated: 21st July, 1999.  
Dictated in Open Court.



avl/

COPY TO. -

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

1st AND 11th COURT.

TYPED BY  
COMPILED 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 ( ADMN )

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

THE HON'BLE MR. D. S. JAT PARAMESHWAR  
MEMBER ( JUDL )

ORDER. Date. 21-7-99

ORDER / JUDGMENT

MA. / BA. / CP. NO.

IN

DA. NO. 1016/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक अपिचरष  
Central Administrative Tribunal  
दस्तावेज / DESPATCH

2 AUG 1999

हैदराबाद बेंच  
HYDERABAD BENCH