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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.161/99

Dated: 31.12.99

Between

B. Babu Kannaiah

: Applicant

And

1. Asstt. Supdt. of Post Offices
Hyderabad City Division
Hyderabad

2. Sr. Supdt. of Post Offices
Hyderabad City Division
Hyderabad I

3. Md. Aquechuddin
S/o Md. Habeebuddin
EDMC/Packer, Bazarghat P.O.
Hyderabad

4. J. Durgaraj
S/o J. Saianna, EDMC,
Sectharampet post office
Hyderabad

: Respondents

Counsel for the applicant

: N. Saida Rao
Advocate

Counsel for the respondents

: Shyama
CGSC

Counsel for the Respondent No.3

: S. Ramakrishna Rao
Advocate

Coram

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

Hon. Mr. R. Rangarajan, Member (Admn.)



O.A.161/99

Dated: 31.12.1999

Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn))

Heard Mr. N. Saida Rao, learned counsel for the applicant, Mr. Venkateswarulu for Ms. Shyama, learned counsel for the official respondents and Mr. S.Ramakrishna Rao, learned counsel for the Respondent No.3. Mr. J.T. Venkateswarlu, respondent No.2 was present.

1. The applicant submits that he is working as Provisional ED MC/Packer in the Himayat Nagar Post office, Hyderabad, with effect from 18.7.1996 and his services were terminated with effect from 4.6.1997.
2. The applicant earlier filed OA.707/97 on the file of this Bench challenging the notification dated 13.9.96 (Annex.A.7 at p.22 to the O.A) and for considering the applicant's case in response to the earlier notification dated 2.12.1996 (Annex.A.5 page 18 of the OA). That OA was allowed on 2.3.1998 and the appointment of Respondent No.4 in this OA who was appointed in the Sports quota earlier was set aside. Similarly, Respondent No.3 in this OA also challenged the notification dated 13.9.1996 (Annex.7 at page 22 of the OA) and requested for selection on the basis of earlier notification dated 2.12.1996 by filing OA.1466/97 before this Tribunal. That OA also was allowed by order dated 26.3.98.
3. Subsequently, Respondent No.3 was posted as ED MC/Packer in Bazar ghat post office. The applicant also was an aspirant for that post of EDMC, Bazar ghat post office on regular basis.
4. The applicant contends that Respondent No.3 was also posted as EDMC, Himayatnagar post office against the selection held in accordance with the notification dated 2.12.1996. But he was posted and joined at Bazarghat post

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office as EDMC on regular basis. The applicant submits that Respondent No.3 should have been posted at Himayat nagar post office instead of Bazarghat post office as he was also selected as per the notification dated 2.12.1996. As that was not done the applicant submits that he lost his opportunity to be posted as EDMC, Bazarghat post office on the basis of provisional appointment.

6. This OA is filed to declare that the selection of Respondent No.3 as EDMC/Packer at Bazarghat post office is illegal, arbitrary and to set aside the same and for a consequential direction to the official Respondents to select the applicant as EDMC/Packer in Bazarghat Post office and appoint him at that post office and regularize his services from the date of initial appointment in September,95 with all consequential benefits like continued service and other benefits.

6. It is a fact that respondent No.3 applied for the post of EDMC/Packer in both the post offices viz.Himayatnagar and Bazarghat post offices. The learned counsel for the Respondent No.3 submits that the Respondent No.3 got his appointment as EDMC first in Bazarghat post office and hence he joined there first. It is left ^{to} ~~for~~ him to select the place of his ^{posting} ~~choice~~. The applicant had no option to choose Bazarghat post office instead of Himayatnagar post office even though he was selected in both the post offices.

7 When a candidate has been selected for two similar posts it is up to him to choose the ~~post office~~ ^{posting} which he finds beneficial to him. Respondent had chosen Bazarghat post office to join as regular EDMC, Bazarghat post office. Hence no question of challenging the posting of the Respondent No.3 as EDMC/Packer Bazarghat post office. In view of that the OA is liable to be dismissed.

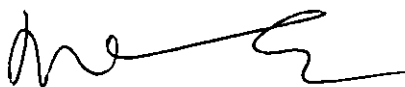
8. However, the applicant submits that in the same postal jurisdiction number of provisionally appointed ED staff were regularized in that post even though they have not completed three years of service as provisional appointees to appoint them regularly on the basis of the DG's letter dated 17.5.89. Hence, similar rule has to be followed in the case of applicant also. That is a different relief than

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what is prayed for in this OA. If the applicant is aggrieved that his rights have been eroded, ^{as} ~~that~~ similar benefits have been conferred on others and that he is discriminated, he should come up with a separate application challenging such action of the respondents. In this OA, no ~~such~~ order can be given, if he is aggrieved by the notification dated 8.4.1996.

9. In view of the above, we do not find any merit in this OA. Hence, it is dismissed. However, the applicant is at liberty to challenge the notification dated 8.4.96 if he is so advised. No order as to costs.

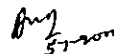


(R. Rangarajan)
Member(Admn)



(D.H. Nasir)
Vice Chairman

Dated: 31 December, 99
Dictated in the Open Court



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