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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1058/99

DATE OF ORDER : 8.9.1999.

Between :-

P.Padmaleela

... Applicant

And

1. Sr.Superintendent of Post Offices,
Nizambad Division, Nizamabad.

... Respondent

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri J.R.Gopal 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 B.S.Jai Parameshwar, Member (J)).

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... 2.

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (A)).

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Heard Sri S.Ramakrishna Rao, counsel for the applicant and Sri J.R.Gopal Rao, Standing Counsel for the Respondents.


2. The applicant after resigning ~~from~~ her service from Andhra Nagar Post Office where she was working as Regular EDBPM took over charge as EDBPM, Hegdoli post office on provisional basis on 18/19-4-1998. The post at Hegdoli became vacant as the permanent incumbent was put off duty and was removed from service with effect from 31.5.1999. ~~In terms of~~ DG instructions in letter No.43-4/77-Pen., dated 18-5-1979 reads 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 for appointment should be in the form annexed (Annexure-B).

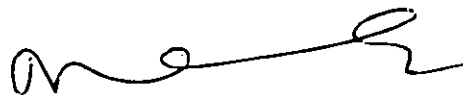
3. The removed employee had to be given at least 45 days ^{he appealed} if not more from 31.5.1999 which will end only in July, 1999. Hence no notification for filling-up that post should be issued before the expiry of that period. Unfortunately, the respondents issued notification (Annexure-I page-11 dated 18-6-1999) within 18 days after the date of removal of the ex-employee from service. Hence it is to be held that the notification dated 18-6-1999 is irregular and against the DGs instructions dated 18-5-1979. Hence on that score, this impugned notification dated 18-6-1999 has to be set aside.

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4. Accordingly notification dated 18-6-1999 is set aside.
and no further orders are necessary in this O.A. No order as to
costs.


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

89/99


(R. RANGARAJAN)
Member (A)

Dated: 8th September, 1999.
Dictated in Open Court.

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1ST AND II ND COURT

7/4/99

COPY TO :-

1. HDHND
2. HERN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED 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. R. RANGARAJAN
MEMBER (ADMN.)

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (JUDL)

* * *

DATE OF ORDER: 8/9/99

MA/RA/CP.NO.

IN

CA. No. 1058/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

CA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

(6 copies)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

29 SEP 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH