

LW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A.1078/99.

Dt. of Decision : 02-02-2000.

B.Srinivas

.. Applicant.

vs

1. The Assistant Superintendent of Post Offices, Hyderabad North Sub-Division, Hyderabad-1.
2. The Sr.Superintendent of Post Offices, Hyderabad City Division, Abids, Hyderabad.
3. The Postmaster General, Hyderabad Region, Hyderabad.

4. A.Vareprasad

.. Respondents.

Counsel for the applicant : Mr.N.Saida Rao

Counsel for the respondents : Mr.M.C.Jacob, Addl.CGSC.

CORAM:-

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

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

ORDER

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

Heard Mr.N.Saida Rao, learned counsel for the applicant and Mr.M.C.Jacob, learned counsel for the respondents.

2. The applicant in this OA challenges his termination order No.PF/EDMC/PKR/JNTU/99 dated 22-07-99 (Annexure-I) and for a consequential direction to continue the applicant as regular incumbent in view of his regular selection made in pursuance of the notification dated 8-4-1996 with all consequential benefits.

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3. Earlier the applicant filed OA.642/98 in which it was prayed for a direction to the respondents to regularise the services of the applicant as EDMC, JNTU SO with effect from the date he has been working i.e., 18-10-1995 he having been selected pursuant to the notification dated 8-4-96 and for a consequential direction to the respondents to enhance the pay and allowances commensurate with the number of hours of duties of work put in by the applicant consequent on the upgradation of the 'C' Class SO to 'B' Class SO, with monetary benefits such as arrears etc. That OA was disposed of with the following directions:-

"(i) If Mr.Vara Prasad had exhausted all the channels of appeal in his disciplinary case and he was finally terminated from service, then the applicant should be treated as a regular appointee from the date of final disposal of the case of Mr.Vara Prasad. He cannot get regular appointment from the date of his selection as the earlier incumbent has not completed all his channels of appeal in his case. The respondents should not initiate fresh selection for appointment against that post after final order is passed in the case of Mr.Vara Prasad terminating his services. The selection of the applicant already made stands good.

(ii) In case the earlier incumbent Mr.Vara Prasad is to be reinstated into the service, then the services of the applicant stand terminated. If the services of the applicant are to be terminated, para-2 of the same DGP&T letter dated 18-05-79 should be adhered to."

4. An RA was filed in that OA viz., R.A.50/99 which was disposed of on 24-09-99. That RA was disposed of observing then that if that RA is allowed/it may lead to posting back of the applicant as replacing Mr.Vara Prasad whom it is stated/already had taken over as EDMC of that post office. Hence no order could be given.

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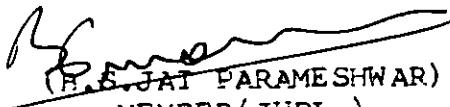
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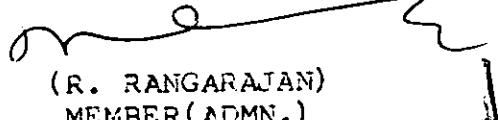
..3/-

be passed without hearing Mr. Vara Prasad in that RA. However it was further observed that the applicant now has been posted as EDSV, Anand Nagar post office and hence that posting at Anand Nagar post office should not be treated as a fresh appointment and it should be treated as a continuation of his earlier appointment in JNTU post office where he worked as provisional EDMC. If that is done his request for continuing him as regular EDMC will be achieved. It was observed while disposing of the present OA the order in the RA has to be noted.

5. The applicant has been regularly posted as EDSV Anand Nagar post office with effect from 7-8-99. In view of the order in the RA referred to above the only direction needs to be given is in regard to the length of service of the applicant as ED employee. The applicant is reported to have been successful as EDMC on the basis of the notification issued on 8-4-96 for filling up the post of EDMC of JNTU post office. However he has been replaced by the regular incumbent and that posting ~~should~~ ^{can} not be set aside for the reasons stated in the RA. However as per the observation in the RA the applicant has to be given seniority in the ED cadre from the date he was selected as EDMC of JNTU post office in response to the notification dated 8-4-96. But no posting has been made in the JNTU post office on the basis of the notification dated 8-4-96. Hence it is ~~proper~~ proper to give the seniority to the applicant in the ED cadre from the issue of the notification dated 8-4-96 and that length of seniority should be given ~~to~~ him the necessary relief for his career ~~enhancement~~ ^{advancement}.

6. With the above direction the OA is disposed of. No costs.


(H.S.JAT PARAMESHWAR)
MEMBER(JUDL.)
2/1/00


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 2nd February, 2000.
(Dictated in the Open Court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

1. HDHN
2. HRRN M (ADMN.)
3. HBSOP M (JUDL.)
4. D.R. A (DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY *A*

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: 21/2/2000

MA/RA/CD.NO.

IN
DA. NO. 1078/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALTBUTED

CP CLS'D

BA LCLSED

DISPOSITION WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

copy

