

38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1081/99

DATE OF ORDER : 9.8.2000

Between :-

Smt.P.Laxmi Mangatayaru

And

...Applicant

1. Superintendent of Posts, Khammam.

2. Asst. Superintendent of Posts,
Bhadrachalam, Khammam District.

3. K.Veeraiah

...Respondents

-- -- --

Counsel for the Applicant : Shri S.A.Anand Kumar

Counsel for the Respondents : Shri V.Bhimanna, Addl.CGSC

-- -- --

CORAM:

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

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

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

R

-- -- --

...2.

2

- 2 -

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

-- -- --

Heard Sri S.A.Anand Kumar, learned counsel for the applicant and Sri V.Bhiamanna, learned standing counsel for the Respondents, and 2. Notice to respondent No.3, served, called, absent.

2. The applicant was appointed as EDBPM of China Bandi Revu, Dummugudem Mandal on temporary basis. She applied for that post in response to the notification dated. 13.10.1998 (Annexure R.2 page-17 of reply affidavit). In that notification the last date for receipt of application form for temporary/provisional appointment is prescribed as 23.10.1998. Now the applicant contends that she has been appointed regularly on the basis of that notification.

3. Three notifications were issued one after another for filling up the said post of EDBPM giving preference to ST candidate and in case of non availability of ST candidates, the vacancy will be filled giving preference to OBC/SC/OC in that order. The first two notifications failed to get the suitable candidates. Hence the last notification dated 16.10.1998 which is enclosed as (Annexure-III) page-8 to the O.A. was issued reserving the post as stated above. Respondent No.3 was selected, who is ^{an} ST candidate.


4. This O.A. is filed to set aside the appointment of Respondent No.3 and for a consequential direction to the respondents to continue the applicant in service.


5. The main contention of the applicant is that she was taken

...3.

regularly. But the notification dated 13.10.1998 issued to which she was appointed clearly states that it is only a temporary and purely ^a stopgap arrangement. Further the last date fixed for receipt of completed applications is hardly 10 days from the date of notification. Normally in cases of regular appointment at least one month time is given for receipt of the application forms. In the present case the applicant was given time only 10 days. Hence the notification dated 13.10.1998 is only for a provisional appointment and not for a regular appointment. Further, the applicant had applied for appointment in response to the third notification dated 25.6.1998. If she had been appointed regularly, there ^{was} ~~is~~ no need to apply in response to the notification and she should have challenged that notification. But she did not do so and filed this O.A. // Considering the above views, we are of the view that the applicant has not made out a case for the relief prayed for in the O.A. Even to the last notification, there were only two candidates from ST category. But the respondents in order to fulfill their obligation to appoint enough number of ST candidates, have ^{it} taken proper approval from the competent authority for making selection among the available two ST candidates. In view of what is stated above, we find no merit in this O.A. Hence the O.A. is dismissed.

6. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
9.8.00


(R. RANGARAJAN)
Member (A)

Dated: 9th August, 2000.
Dictated in Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD.

COPY TO

1. HDHNT
2. HREN (ADMN.) MEMBER
3. HBSJP (JUDL.) MEMBER
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

~~ISA AND CND COURT~~

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

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 PARAMESHWAR
MEMBER (JUDL.)

DATE OF ORDER 9/8/2000

~~MA/RA/CP.No.~~

IN
OA.No. 1081/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

(Handwritten notes in Hindi and English):
प्लेज करता हूँ कि यह
3rd time (plus)
to be corrected

