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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
HYDERABAD

O.A.NO.1118 OF 1999.

Date of Order: 18-8-1999.

BETWEEN:

G.Kistappa. ....Applicant

A n d

The Superintendent of Post Offices,  
Mahabubnagar Division, Mahabubnagar-509 001. ....Respondents

COUNSEL FOR THE APPLICANT : Mr. N. Ashok Kumar

COUNSEL FOR THE RESPONDENTS : Mr. P. Madhavi Devi

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr. N. Ashok Kumar, learned Counsel for the Applicant and  
Mrs.P.Madhavi Devi, learned Standing Counsel for the Respondents.

No reply has been filed.

*J*

2. The applicant herein was appointed as EDBPM, Wadcherla Branch Office, account with Kodangal Sub Office on provisional basis, vide Proceedings No.B2-348, dated 1-2-1996, (Annexure. A- III, page.7 to the OA ).

3. A notification bearing No.B2/BPM/348/Wadcharla/99, dated 6-7-1999, ( Annexure. A-VI, page.11 to the OA), was issued to fill up the said post on regular basis.

4. Being aggrieved, the applicant has filed this OA to quash the notification bearing No.B2/BPM/348/Wadicharla/99, dated 6-7-1999, issued by the respondents and direct the respondents to follow the guidelines issued in Letter No.43-4/77-P EN, dated 23-2-1979 to the extent it affects the applicant as it contemplates the inclusion of discharged Extra Departmental Agents in the waiting list as illegal, arbitrary and against the Principles of Natural Justice, and for a consequential direction to absorb him in the said post.

5. The applicant contends that he was appointed after calling for applications way back in the year 1996. Hence, it should be treated as a regular appointment. If that is so, he should have protested against the Order dated 1-2-1996, when <sup>it</sup> ~~he~~ stated it <sup>was</sup> ~~is~~ provisional. He did not do so. He meekly accepted the appointment. Hence, at this juncture protesting against the issue of the notification as he is a provisional candidate way back in the year 1996, is not warranted.

6. The applicant was appointed on provisional basis. Hence, the department is at liberty to fill up the post regularly. Hence, they issued the notification dated 6-7-1999 for filling up that post by a reserved SC Community candidate. If no SC candidate is available by a ST candidate and as a third preference to OBC.

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7. Hence, we see no reason for setting aside the notification dated 6-7-1999, as the applicant does not belong to SC Community. However, he can now apply and take his chance if no SC/ST candidates are available in response to the notification dated 6-7-1999, and he being an OBC stands as a third preference.

8. The applicant had joined the Service and had put in more than three years of service as provisional EDBPM. Hence, he comes under the purview of the DG P & T Letter No.43-4/77-PEN, dated 23-2-1979. Hence, his name should be entered in the thrown out ED Agent's list and his case for regular appointment should be considered in accordance with the Law.

9. It is stated that the applicant has not applied for the same in view of the Interim Order to the effect that no regular appointment should be made till that date. The applicant, if so advised, may submit his application also within four days from the date of receipt of a copy of this Order and if the application received as directed above, the same should also be considered along with others.

10. The OA is disposed of as above. No costs.

  
 ( B.S.JAI PARAMESHWAR )  
 MEMBER ( JUDL. )  
 18/8/99

  
 ( R.RANGARAJAN )  
 MEMBER ( ADMN. )

DATED: this the 18<sup>th</sup> day of August, 1999  
 Dictated in the Open Court

DSR.

18/8/99

COPY TO:-

1<sup>ST</sup> AND II<sup>nd</sup> COURT

1. H.D.H.N.J
2. H.R.R.N.M (A)
3. H.B.S.J.P.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 PARAMESHWAR  
MEMBER ( JUDL )

\*\*\*\*

ORDER DATE: 18/8/99

MA/RA/EP.NO  
IN  
01.NO.1118/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

6 copys

