

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1155/99.

DT. Of Decision : 06-09-99.

P.Parthasarathy

.. Applicant.

Vs

1. The Chief Postmaster General,
AP Circle, Hyderabad.
2. The Postmaster General,
Kurnool Region, Kurnool.
3. The Director of Postal Services,
Kurnool Region, Kurnool.
4. The Superintendent of RMS,
T.P.Division, Tirupathi.
5. The Head Record Officer,
RMS, T.P.Division,
Tirupathi.



.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

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

CORAM:-

THE HON'BLE SHRI JUSTICE D.H.NASIR : VICE CHAIRMAN

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

ORDER

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

Heard: Mr.S.Ramakrishna Rao, learned counsel for the applicant and
Mr.M.C.Jacob, learned counsel for the respondents.

2. The applicant in this OA was appointed as EDMM by the order dated 16-03-99 (Annexure-II) in "TP" Division, Tirupathi. Subsequently the impugned order No.SF-III EDMM 99 Dated 28-07-99 (Annexure-I) was issued by R-3 terminating the services of the applicant on the ground that "the SRM, TP Division is not the appointing authority for the EDMM cadre the SRM has selected the candidates for EDMM

and that too without following the prescribed procedure while making the recruitment to the cadre of EDMM which has vitiated the entire recruitment process." Hence that impugned show cause notice was given for terminating the services of the applicant.

3. This OA is filed to set aside the impugned show cause notice dated 28-07-93 of R-3 and for a consequential direction to the respondents to continue the applicant to work as EDMM, HRO TP Division, Tirupathi.

4. The applicant has been selected and appointed by an appointing authority. In view of the Ambujakshi's case in O.A.57-91 of the Full Bench of this Tribunal even the appointing authority cannot interfere with the selection of ED Staff once the selection procedure is over. Higher authority higher than the appointing authority has no powers to interfere with the selection of ED Staff. If any of the candidates who applied in response to the notification for posting as ED staff is aggrieved by the selection ^{the} ~~the~~ course left to ^{him} ~~them~~ ^{is} ~~is~~ to approach this Tribunal for necessary relief.

5. In this OA R-3 who is higher than the appointing authority has issued the show cause notice for termination of the appointment of the applicant which is irregular in view of the Full Bench judgement referred to above. Hence the show cause notice has to be set aside. Accordingly it is set aside. However, the aggrieved party if any, can approach this Tribunal if appointment is not in order.

6. The OA is ordered accordingly at the admission stage itself. No costs.

केस संख्या	CASE NUMBER	OA-1155/99
निर्णय का तारीख	Date of Judgement	6/9/99
प्रति तय्यार किया गया दिन	Copy Made Ready on	17/9/99
अनुभाग अधिकारी (न्यायिक) उप रजिस्ट्रार (न्यायिक) Section Officer (J)/Dy. Registrar (J)		

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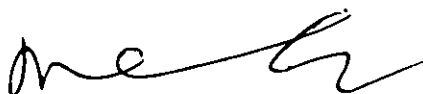
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(R. RANGARAJAN)
MEMBER (ADMN.)



(D. H. NASIR)
VICE CHAIRMAN

Dated : The 06th September, 1999.
(Dictated in the Open Court)

SPR



IST AND II ND COURT

COPY TO :-

1. HDND
2. HRRN 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. B. JAI PARAMESWAR:
MEMBER (JUDL)

* * *

DATE OF ORDER: 6/9/99

MA/RA/CP NO.

IN

OA. No. 1155/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

OA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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