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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

No.O.A.1207 of 1999

Date of Order : 11.4.2000

BETWEEN :

B.VENKATAIAH

... Applicant

AND

1. Director General (Posts),  
Ministry of Communications,  
Govt. of India,  
Dak Sadan,  
New Delhi.
2. Chief Postmaster General,  
A.P.Circle,  
Hyderabad.
3. Superintendent of Post Offices,  
Nandyal Division, Nandyal.
4. Gaddam Raju,  
EDBPM,  
Govindapalli,  
a/w Nandyal,  
Kurnool District.

... Respondents

Counsel for applicant : Mr.S.Ramakrishna Rao.

Counsel for respondents: Mr.M.C.Jacob.

CORAM :

1. The Hon'ble Mr.R.Rangarajan, Member (A).
2. The Hon'ble Mr.B.S.Jai Parameshwar, Member (J).

ORDER

R.Rangarajan, Member (A)

Heard Mr.S.Ramakrishna Rao for the applicant and Mr.M.C. Jacob for the respondents. Notice served on respondent-4 by the applicant.

2. The applicant in this O.A. submits that he is an Ex-Army man and discharged from Army service. He was appointed as

E.D.B.P.M. Govindapalli Post Office on provisional basis w.e.f.

16.5.1996 as the regular incumbent was put off duty due to a disciplinary case pending against him. That disciplinary case against the regular incumbent was finalised and the regular incumbent was terminated from service. Hence, a notification dated 20.4.1999 was issued for filling up the post on a regular basis. The applicant also applied for the post but he has also filed this O.A. to set aside the notification dated 20.4.1999 and for a consequential direction to the respondents to regularise his service. He has also prayed for a direction to modify the instructions of D.G. contained in the letter dated 18.5.1979 to the extent that those who completed 3 years of service are to be regularised in the post in which they are working without disturbing them.

3. Before filing of this O.A. on 16.8.1999, respondent-3 has been appointed as regular E.D.B.P.M. of that Post Office. Even though an interim order of status quo was issued in this O.A., the applicant could not be posted and a regular appointee had taken over charge.

4. The respondents in the reply admitted the facts of this case as mentioned above. But they submit that the case of the applicant was considered and he was asked to express willingness to work as E.D.B.P.M. or any other ED Agent anywhere in the Division in the next available ED vacancy. The applicant in his letter dated 11.8.1999, intimated the respondent-authorities that his willingness would be submitted on a later date. In the meantime, he has filed this O.A.

5. From the above submission of the respondents, it is clear that the respondents treated the applicant as an ED Agent though the respondents submit he has not completed 3 years of service on the date of issue of the notification dated 20.4.1999, he has been terminated as ED Agent taking the last date probably from passing of the interim order dated 20.8.1999. Hence, the respondents cannot now escape from the responsibility of appointing

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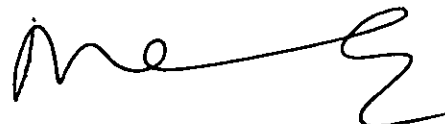
the applicant as regular ED staff at a Post Office preferably nearest to the Post Office from where his service was terminated. It may be possible that a post <sup>is</sup> ~~was~~ not available for posting the applicant in the nearest Post Office, where he was working as a provisional candidate.

6. Hence the following direction is given -

Respondent-3 is directed to appoint the applicant as a regular EDBPM in a Post Office which is near to the Govindapalli Post Office within a period of six months from the date of receipt of a copy of this order. If he cannot be accommodated as above, then for that period, respondent-3 is directed to appoint him in any of the Post Offices forthwith, but his name should be registered for transferring him back as E.D.B.P.M. in a Post Office which is near to the Govindapalli Post Office in due course.

7. With the above direction, the application is disposed of. No order is made as to costs.

  
(B.S. Jai Parameshwar)  
Member (J)  
11.4.00

  
(R. Rangarajan)  
Member (A)

Dated 11th April, 2000  
Dictated in Open Court



r.s.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD

1ST AND 11ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

A

COPY TO:

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

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

11/4/00

MA/RA/CP.NO.

IN

DA.NO.

1207/99

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

केंद्रिय प्रशासनिक अपीलारण  
CENTRAL ADMINISTRATIVE Tribunal  
हैदराबाद बेंच  
HYDERABAD BENCH

27 APR 2000

उक्त विभाग/आपल सेल में