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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

O.A.No.229 of 1999.

DATE OF ORDER: 24-12-1999.

Between:

G.Venkanna.

.....Applicant

a n d

1. The Superintendent of Post Offices,
Hanamkonda Division, Hanamkonda,
Warangal District.
2. The Post Master General, Hyderabad
Region, Hyderabad.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Venkateswara Rao

COUNSEL FOR THE RESPONDENTS:: Ms.Shyama

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

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

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.K.Venkateswara Rao, learned Counsel for the
Applicant and none for the Respondents.

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2. The post of EDBPM, Pidicilla Branch Office a/w Mogulapalli SO in Hanamkonda Division had fallen vacant due to the death of the regular incumbent on 10-3-1998. The son of the deceased viz., Sri D. Markandeya was appointed against that post on provisional basis with effect from 25-3-1998. The Respondent No.1 has also obtained the synopsis along with the connected documents from the son of the deceased EDBPM for compassionate appointment and forwarded the same to the office of the PMG, Hyderabad Region i.e., Respondent No.2 on 24-6-1998.

3. When the matter stood thus, the PMG, Hyderabad Region hereafter called R-2, vide letter dated August, 1998, issued instructions not to keep the posts vacant and not to allow provisional appointments for indefinite period even though their requests for compassionate appointments are pending and to proceed with the regular selection process and in case the request for compassionate appointment is considered by the Circle Selection Committee, the wards of the EDAs can be appointed in the next available vacancies in a suitable post. Hence, an open notification was issued by the Respondent No.1 on 15-10-1998, fixing the last date for receipt of applications as 16-11-1998. In response to the notification, the applicant applied for the same. But in the meantime, the case of the son of the deceased employee viz., Sri D. Markandeya was considered for compassionate ground appointment and had been approved by the Circle Selection Committee and hence his provisional appointment in that Post Office was regularised. The notification dated 15-10-1998 was also cancelled in view of the regular appointment of the compassionate ground appointee by notification dated 28-1-1999, (Annexure A-I, page 6-A to the OA).

4. This OA is filed to set aside the Memorandum No.B3/Pedicilla, dated 28-1-1999 issued by the Respondent No.1, and for a consequential direction to select the meritorious candidate as EDBPM of that Post Office on the basis of the notification dated 15-10-1998.

5. The instructions of the P.M.G. issued in August, 1998 is flagrant violation of their own rules, vide D.G's letter No.14-25/91-ED & Trg., dated 5-8-1993, wherein it was clearly spelt out that "before filling up the posts on regular basis, it must be ensured that no claim for compassionate appointment is pending or is anticipated".

6. In the present case the provisional appointee of the deceased employee viz., Sri D. Markandeya had applied for compassionate ground appointment and that ^{was} is pending before PMG. Hence, issue of the letter by PMG in August, 1998 to fill up the post regularly without waiting for the decision in regard to the compassionate ground appointment of Sri D. Markandeya is unwarranted and against the rules. Hence, issue of the open notification dated 15-10-1998 itself is irregular.

7. Hence, that notification has to be set aside. If that is set aside, then there is no further adjudication necessary in this OA. Even though the respondents in their reply affidavit submit that the applicant himself did not

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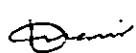
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qualify even though he applied for the same, need not be considered at this juncture.

8. In view of the above, the OA is dismissed. No costs.



(R.RANGARAJAN)
MEMBER(ADMN.)



(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 24th day of December, 1999

Dictated in the Open Court

DSN

