

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.243/99

DATE OF ORDER : 13.10.1999

Between :-

Munjeti Lakshmi Mani

...Applicant

And

1. The Sr.Superintendent of Post Offices, Srikakulam.
2. Sub Divisional Inspector Post Offices, Rajam, Srikakulam District.
3. The Superintendent of Post Offices, Parvathipuram Division, Vizianagaram District-531 501.
4. The Post Master General, Abids, Hyd-1.
5. A.Venkata Rao

...Respondents

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Counsel for the Applicant : Shri A.Rama Rao

Counsel for the Respondents : Ms.Shyama, Addl.CGSC for RR 1 to 4.
Shri Shiva for R-5

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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)).

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

Heard Sri A.Rama Rao, counsel for the applicant, Ms. Shyama, learned standing counsel for the official Respondents and Sri Shiva, counsel for Respondent No.5.

2. In order to fill up the post of EDBPM Goluguvalasa Village Branch Office a notification dated 7.10.1997 (Annexure-II page-6 to the OA) was issued. That post was reserved for SC community candidate. It is stated in the reply that the said notification could not be finalized as there ^{was} only one SC candidate responded to that notification. Hence a second notification dated 11.9.1998 (Annexure-III page-8 to the OA) was issued. That notification was also earmarked for SC category and last date for receipt of applications was fixed as 12-10-1998. There was a complaint from the surpanch and others from that village that sufficient publicity was not given to that notification. Hence by issue of corrigendum dated 14.10.1998 (Annexure-IV page-10 to the OA) last date for receipt of the applications was extended upto 2.11.1998. In response to the second notification six applications were received but only one SC candidate submitted the required certificates/documents as called for in the notification. Hence the 3rd notification dated 16.12.1998 (Annexure-V page-11 to the OA) was issued fixing the last date for receipt of applications as 15.9.99 once again reserving the vacancy to SC community.

3. The applicant was working as provisional EDBPM of that post office with effect from 1-7-1997 and she claims that she has been appointed regularly in that post.

4. In view of the above, this OA is filed for declaring the action of the respondents issuing subsequent notifications dated 11-9-1998, 14-10-1998 and 16-12-1998 for the appointment of EDBPM of Goluguvalasa as illegal, arbitrary, unjustified unsustainable and unconstitutional and consequently ^{to} direct the

respondents to issue appointment orders basing on the selection and verification conducted dated 25-3-1998 in pursuance to the notification dated 7-10-1997 issued by the 1st Respondent with all consequential benefits.


5. As stated earlier the first notification could not be finalized due to lack of sufficient number of SC candidates. The second notification dated 11.9.1998 also could not be finalized as there was only one SC candidate responded to that notification. The corrigendum dated 14.10.1998 cannot be treated as notification as it was only to the extent of extending the last date for receipt of application forms. As the second notification dated 11.9.1998 could not be finalized as ^{the} only one SC candidate responded to that notification, the third notification dated 16.12.1998 was issued which is yet to be finalized. An interim order in this OA was given in 18.2.1999 directing the Respondents not to dis-lodge the applicant from her posting and no final decision should be made in response to the third notification. From the above analysis, it is evident that the cancellation of notification dated 11-9-1998 and the corrigendum dated 14-10-1998 is in order. The third notification, which is still to be finalized, is in order but that notification could not be finalized due to the interim order given in this OA.

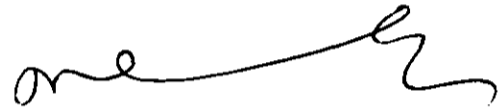
6. The applicant was appointed on provisional basis on 1.7.1997. She has not completed 3 years of service as provisional ED. Hence she has no right even to seek to keep ^{her} ~~him~~ in the thrown out ED list as per the DGs letter issued in the year 19⁷⁹~~97~~. The applicant was asked to submit her certificates when she responded to the first notification but that will not give ^{her} ~~him~~ any right to state that she was regularly selected. The very fact that the first notification was cancelled, the applicant has no right to post ^{her} ~~him~~ as a regular candidate. No where it is stated that an order regularizing the services of the applicant ^{was issued.} In view of that she has to take a chance along with other candidates, whenever notification for regularly filling up the post is issued. As stated earlier ^{we} ~~an~~ notifications dated 7-10-97 and 11-

9-1998 could not be finalized as there ^{were} ~~are~~ no sufficient candidates from SC community. Hence the Respondents are perfectly right in issuing the notification dated 16.12.1998. If sufficient number of applications from SC candidates in response to the notification dated 16.12.1998 are received, then the respondents are directed to finalize the selection as expeditiously as possible.

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

Both the MAs are dismissed as the OA is dismissed.


(B.S. JAI PARAVIESHWAR)
Member (J)
13.10.


(R. RANGARAJAN)
Member (A)

Dated: 13th October, 1999.
Dictated in Open Court.

Handwritten note:
13/10/99

Avl/