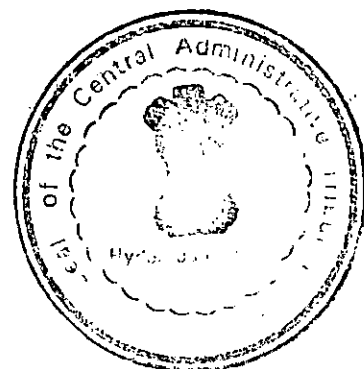


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.349/99

DATE OF ORDER : 4-1-2000



Between :-

(KUM) C.Indiramma

...Applicant

And

1. Union of India rep. by
The Chief Postmaster General,
A.P.Circle, Hyderabad-1.
2. The Postmaster General,
Hyderabad Region, Hyderabad-1
3. The Superintendent of Post Offices,
Wanaparthi Division, Wanaparthi-509 103,
A.P.

...Respondents

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Counsel for the Applicant : Shri Y.Appala Raju

Counsel for the Respondents : Shri V.Rajeshwara Rao, Addl.CGSC

-- -- --

CORAM:

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

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

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

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.... 2.

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

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Heard Sri Y.Appala Raju, learned counsel for the applicant and Sri V.Rajeshwar Rao, learned Standing Counsel for the Respondents.

2. The applicant in this O.A. was appointed as a provisional EDBPM in the Ghattunellikudur village, Telkapalli Manadal-509385, Mahabubnagar Dist. A.P. with effect from 22-7-1994. A notification bearing No.B2/PF/BPM/Ghattu Nellikudur BO dated 30.9.1994 (Annexure-II page-13 to the OA) for filling up the said post regularly without reserving the post was issued. In accordance with that notification, the applicant was selected and she assumed charge as regular ED of that post Office with effect from 18.12.1998. However, that selection was challenged in OA 452/97 by one Mr.C.Divakar Reddy which was disposed of on 4.9.1998. In that O.A., the applicant herein was Respondent No.4. That O.A. was disposed of as follows :-

10. Considering the above, we feel that the appointment of respondent No.4 regularly as EDBPM of that post Office is irregular. Hence we set aside the regular appointment of Respondent No.4 as EDBPM of Gattu Nellikudur BO. However the post of EDBPM is an important post which has interface with public. Hence it should not be kept vacant. Hence Respondent No.4 should be allowed to continue on provisional basis till the selection is finalised by the Respondents. The Respondents are directed to consider all the applications received in response to the open notification issued by the respondents and select the most meritorious candidate as per rules.

Accordingly the applicant was treated as a provisional ED of that post till a regular candidate is posted on the

basis of a fresh notification to be issued for filling up that post regularly. A regular candidate on the basis of the fresh notification was finalised and the applicant was replaced by a regular candidate with effect from 16.12.1998. Thus the applicant had put in provisional service from 22.7.1994 to 16.12.1998 i.e. more than 3 years.

3. The applicant requested for considering her case for regular absorption as an ED employee as she had put in more than 3 years of service from 22.7.1994 to 16.12.1998, relying on the DGP&T Letter dated 18.5.1979, but that request was rejected by the impugned order No.B2/BPM/G.Nellikuduru/TKPally dated 11.1.1999 (Annexure-I page-12 to the OA) on the ground as provisionally that her services/ from 30.12.1996 i.e. the date on which she was ^{earlier} regularly appointed till 16.12.1998 on which date she was replaced by a regular candidate cannot be treated for purpose of counting 3 years of service.

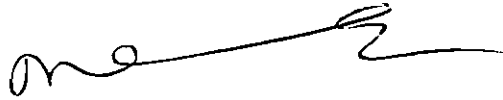
4. This O.A. is filed to set aside the impugned order No. B2/BPM/G.Nellikudur/TKPally dated 11.1.1999 (Annexure-I page-12 to the OA) and for a consequential direction to the Respondents 1 to 3 to include the name of the applicant in the waiting list of EDAs discharged from the service and make efforts to give alternate employment as an ED Agent as per D.G's orders.


5. The learned counsel for the Respondents submits that the applicant's services from 30.12.1996 to 16.12.1998 cannot be treated as provisional as she has been continued only on the basis of the direction given in the OA 452/97. Further, he

added that the regular appointment of the applicant by order dated 30.12.1996 has been set aside by this Tribunal and hence that makes her ineligible ^{for counting the period} till she was replaced ^{for purpose of} for counting 3 years service to consider her as a thrown out EDA in terms of DGs letter dated 18.5.1979. The extracted portion of the judgement in OA 452/97 clearly states that even though her regular appointment with effect from 30.12.1996 has been set aside, it gives her opportunity to continue in that post till a regular EDBPM is posted in that Post Office as a provisional candidate. If the judgement does not indicate the nature of her appointment as EDBPM from 30.12.1996, then it can be stated that the period from 30.12.1996 till 16.12.1998 is not a provisional appointment. But it has been clearly stated in the judgement that the said period is to be treated as provisional service. Hence the respondents cannot ^{state} ~~said~~ that the period from 30.12.1996 to 16.12.1998 cannot be taken note of as provisional service to count the three years for considering the applicant as thrown out EDA and to provide her alternate appointment in accordance with the DGs letter.


6. In view of what is stated above, the services of the applicant from 22.7.1994 to 16.12.1998 should be treated as provisional services and on that basis she should be considered for alternate appointment treating her as thrown out ED Agent in terms of DGs orders as and when her turn comes.

7. The Original Application is ordered accordingly. No order as to costs.


(R. RANGARAJAN)
Member (A)


(D.H. NASIR)
Vice-Chairman

Dated: 4th January, 2000.
Dictated in Open Court.


6-1-2000.

avl/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

A
1-2-2000

COPY TO:

1. HDND
2. HRRM M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

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 PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 4/1/2000

MA/RA/CP.NO.

IN

DA. NO. 349/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

~~ORDER/REJECTED~~

~~NO ORDER AS TO COSTS~~

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

11 JAN 2000

हैदराबाद न्यायपीठ
HYDERABAD BENCH