

Order

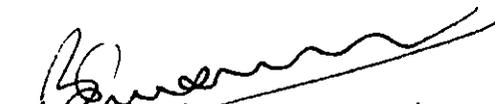
Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(J)

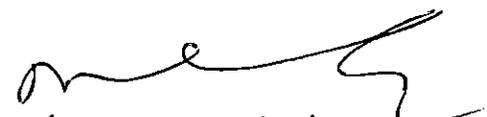
Heard Mr. A. Sudharshan Reddy, learned counsel for the applicaant and Ms. Shyama, learned counsel for the respondents.

1. The applicant has been working as EDBPM, Kunaram Branch office, with effect from 8-5-95. The applicant was appointed on provisional basis on account of disciplinary proceedings pending against the regular incumbent. Earlier the respondents had issued notification No.B2/Kunaram/98 dated 25-11-98. That notification was issued by the respondent authorities even before the regular channel of appeal by the incumbent of the post had not been exhausted. Hence, in OA.1719/98 decided 4-1-99 the said notification dated 25-11-98 was set aside. Thereafter the respondents have issued impugned notification dated 17-2-1999.
2. The applicant has filed this OA challenging the notification dated 17-2-99 vide No.B2/Kunaram/98-99 and for a consequential direction to the respondent authority to regularise the services of the applicant as ED BPM, Kunaram, Kalura Srirampur Mandal, Karimnagar District.
3. By the time the respondent No.2 issued the impugned notification dated 17-2-1999 the applicant had completed three years of service as provisional candidate of that Branch office. The respondent authorities before issuing the impugned notification should have considered the case of the applicant for regularisation in accordance with the instructions issued by the DG PNT letter dated 18-5-1979. Even before consider^{ing} the case of the applicant for regularisation and before ascertaining whether any of the thrown out

ED Agents senior to the applicant was available in the Division they have issued the impugned notification. Hence, we feel that the impugned notification dated 17-2-99 cannot be finalised before considering the case of the applicant for regular ~~absorption~~ ^{by} provided the applicant belongs to the same community ~~for~~ which post has to be filled and there are no thrown out ED agents above him in the list. If the applicant fulfils the above conditions and only if he is found unsuitable then the notification dated 17-2-99 should be finalised.

4. With ^{the} above direction the OA is disposed of. No costs.


 (B.S. Jai Parameshwar)
 Member (Judl.)
 9.3.00


 (R. Rangarajan)
 Member (Admn.)

Dated. 9th March, 2000
Dictated in Open Court

Dr
 13/3/00

sk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

- 1. HOH NJ
- 2. HERN (ADMN) MEMBER.
- 3. HBSJP. M. (JUDL)
- 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 9/3/2000

MA/RA/CF. NO
IN

D.A. NO. 357/99

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज / DESPATCH

21 MAR 2000

हैदराबाद ब्याचपीठ
HYDERABAD BENCH