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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A.No.413 of 1999.

DATE OF ORDER: 5-1-2000.

Between:

D.Laxman.

.....Applicant

a n d

1. The Sub-Divisional Inspector (Posts),  
Adilabad Postal Division, Adilabad.
2. The Superintendent of Post Offices,  
Adilabad Postal Division, Adilabad.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr. S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narsimha Sharma

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.S.Ramakrishna Rao, learned Counsel  
for the Applicant and Mr.B.Narsimha Sharma, learned  
Standing Counsel for the Respondents.

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2. The applicant herein is working as a provisional EDDA in CCI Post Office, Adilabad from 7-9-1994 onwards. A notification bearing Memo.No.PF/EDDA/CCI/99, dated 2-2-1999, (Annexure.A-I, page.6 to the OA) was issued for filling up that post regularly.

3. This OA is filed challenging the notification dated 2-2-1999 and for a consequential direction to the respondents to regularise his (applicant) services who had put in more than 4½ years of service in the post of EDDA, CCI Post Office, Adilabad with all consequential benefits.

4. In terms of D.G.P & T Letter No.43-4/77-Pen, dated 18-5-1979, a provisional ED Staff who had put in more than three years of provisional service should be kept in the thrown out ED Agents list for consideration for future vacancies in the ED cadre. The respondents submit that, that rule will be followed in this case. But the learned Counsel for the Applicant submits that it is for no purpose as he had already put in more than three years of service. By keeping him in thrown out ED Agents list he has to wait some more time and it may be possible that in case he could not get the appointment on the basis of the entry of his name in the thrown out ED Agents list within one year, he will loose his right from being considered and posted in the ED post. Hence, he requests that in the present post, which is vacant, he should be regularised as he is working there as EDDA for more than three years.

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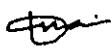
5. We see substance in the submission of the learned Counsel for the Applicant. The applicant had put in more than three years service as provisional EDDA. Hence, it cannot be said that keeping him in the waiting list of thrown out ED Agents and appointing him as ED Staff at a later date is ~~not~~ warranted. <sup>Hence</sup> ~~But~~ the case of the applicant should first be considered provided, - he fulfills the conditions as laid down in the notification dated 2-2-1999 and that notification is not reserved for any community or in case he has to be considered in the reservation quota then he should belong to that community for which the reservation is kept. ~~No doubt the applicant need not be appointed straightaway.~~ If there are seniors in the waiting list of thrown out ED Agents, <sup>then</sup> the applicant's name has to be kept in the waiting list of thrown out ED Agents. It is to be emphasised that the applicant can ~~not~~ be posted if he is considered for posting him as only ~~ED Staff~~ if he fulfills the conditions laid down for the post of EDDA.

6. In view of the above, the notification dated 2-2-1999 is hereby set aside. The case of the applicant should first be considered for posting him as EDDA if the said notification is for a OC candidate as the applicant submits that he belongs to OC Community and he fulfills the conditions required for the post of EDDA. If he cannot be accommodated due to his ineligibility for other reasons, then only a fresh notification should be issued for filling up that post regularly.

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7. The OA is ordered accordingly. No costs.

  
(R.RANGARAJAN)  
MEMBER (ADMN.)

  
(D.H.NASIR)  
VICE CHAIRMAN

DATED: this the 5th day of January, 2000

Dictated in the Open Court

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DSN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

A  
12/2000.

COPY TO:

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

TYPED BY  
COMPIRED 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. S.S.JAI PARAMESWAR  
MEMBER (JUDL.)

\* \* \*

DATE OF ORDER: 5/1/2000

MA/R/CP.NO.

IN

OA. NO. 413/99

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 अधिकार  
Central Administrative Tribunal  
प्रेषण / DESPATCH

21 JAN 2000

हैदराबाद आयर्सीए  
HYDERABAD BENCH