

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 42/99

Date of Order : 22.3.99

BETWEEN :

B.Penchalaiah

.. Applicant.

AND

1. Union of India, rep. by  
Chief Postmaster General,  
A.P.Circle, Dak Sadan,  
Abids, Hyderabad.
2. The Post Master General,  
A.P.Southern Region,  
Kurnool.
3. The Supdt. of Post Offices,  
Cuddapah Division, Cuddapah.
4. The Sub Divisional Inspector (Postal),  
Cuddapah South Sub Division.

5. P.Obula Subbanna.

.. Respondents.

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Counsel for the Applicant

.. Mr. Krishna Devan

Counsel for the Respondents

.. Mr. B.N.Sharma

for R-1 to 4

.. Mr. Shiva

for R-5

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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X As per Hon'ble Shri R. Rangarajan, Member (Admn.) X

Mr. Krishna Devan, learned counsel for the applicant

Mr. B. N. Sharma, learned standing counsel for Respondents 1 to 4

and Mr. Shiva, learned counsel for R-5.

2. The applicant who is the brother of the deceased  
<sup>wife</sup> employee Sri Penchalaiah appointed on provisional basis.  
The provisional appointment was made on 30.7.98 by memo  
No. PF/EDDA/Peddapalli, dated 30.7.98 (A-7). It is stated  
that the wife of the deceased requested for compassionate  
ground appointment and <sup>that earlier</sup> she has requested compassionate ground  
appointment to the applicant herein who is her <sup>near</sup> blood relation  
i.e. the brother of the deceased. It is further stated that  
<sup>tw</sup> the request of the compassionate ground appointment has been  
rejected once by letter No. B2/CDP(S), dated 30.10.98 by R-4.  
Against that order she has applied for compassionate ground  
appointment to the Circle Selection Committee by her repre-  
sentation dated 30.11.98 addressed to R-1. That representation  
is still pending. In the meantime R-5 has been posted  
regularly as EDDA of that post office.

3. This OA is filed to quash the impugned order No.  
PF/EDDA/Peddapalle dated 4.1.99 and also 30.11.98 <sup>by</sup> which R-5  
was posted as EDDA of that post office terminating the  
services of the applicant and for a consequential direction  
to the respondents to continue the applicant as such till the  
appeal is disposed of by R-1.

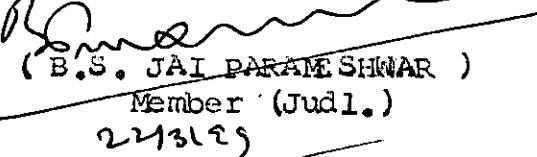
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4. The applicant has no right to demand the posting as EDDA of that post office unless his case for compassionate ground appointment has been accepted. Any regular candidate posted has to be taken on duty terminating the services of the provisional appointee. The department has correctly adhered to the principle and terminated the services of the applicant. Hence we do not see any irregularity in the impugned orders. R-5 should be posted as EDDA of that post office and should be allowed to take over the post when he approaches the authorities concerned.

5. The case of the applicant for compassionate ground appointment is pending with R-1 as the representation of the wife of the deceased dated 30.11.98 is <sup>also</sup> still pending. R-1 should dispose of her representation in accordance with the law within a period of 2 months from the date of receipt of a copy of this order. In case it is decided ~~to~~ to appoint the applicant against compassionate ground appointment his name should be registered in the appropriate register and he should be appointed against the compassionate ground quota in his turn.

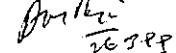
6. With the above direction the OA is disposed of at the admission stage itself. No costs.

  
( B.S. JAI PARAMESHWAR )  
Member (Judl.)  
22/3/99

  
( R. RANGARAJAN )  
Member (Admn.)

Dated : 22nd March, 1999  
(Dictated in Open Court)

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