

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.432/99

Date of Order:10.8.99

BETWEEN :

K.Srinivas

.. Applicant.

AND

1. The Sub-Divisional Inspector(Postal),
Guntur South Sub-Division,
Guntur.

2. K.Suresh

..Respondents.

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Counsel for the Applicant .. Mr.K.SudhakaraReddy

Counsel for the Respondents .. Mr.M.C.Jacob

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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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O R D E R

)(As per Hon'ble Shri B.S.Jai Parameshwar,Member(Judl)

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Mr.K.Sudhakara Reddy, learned counsel for the
applicant and Mr.M.C.Jacob, learned standing counsel
for the respondent. Mr.T.R.Prabhakar Rao,

S.D.I.,Guntur is present with records, ~~2~~ Notice on 10/8/99
served, called absent.

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2. The applicant was working as EDDA-I in the Industrial Estate Sub Post Office at Guntur w.e.f. 1988 and was continued in service with breaks w.e.f. 1.12.97 to 14.11.98 By Annexure-1 dated 26.2.99 the respondents authorities admitted to ^{have} posted the R-2 as a substitute vice the applicant.

3. The applicant being aggrieved by the action of the respondents in posting the R-2 as substitute by the department filed this OA to declare the action of the respondents in relieving the applicant from the post of substitute EDDA-I by appointing ^{another} ~~any~~ substitute is illegal arbitrary and for a consequential direction to direct the respondents to continue the applicant herein as substitute EDDA-I to the said post office.

4. In the first instance the respondents filed a reply stating that the applicant is not posted to the Guntur Bazar Post Office. However, the name of the ^{Estate sub-} post office was corrected as Industrial ^{Post} Office. It is an admitted fact by the respondents that the applicant worked as a substitute in the Industrial Estate Sub Office vice the regular incumbent who was appointed as Postman against a leave vacancy. The posting of the applicant by the regular incumbent is in order as per the ED service rules. No substitute can be posted vice a regular appointee. However the respondents posted the R-2 as substitute by the order

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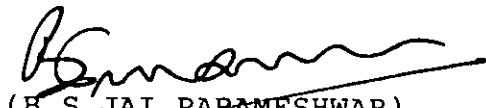
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at Annexure-1. When we questioned the learned counsel for the respondents in regard to the substitute posted by the department, the learned counsel for the respondents submitted that it should be read as a provisional appointment and not a substitute. It is not possible to read the document in the fashion the respondents want us to read. Hence the posting of R-2 as substitute by the respondents was irregular. Hence the posting of R-2 is irregular and has to be set aside.

5. The learned counsel for the respondents submits that in response to the notification dated 27.2.99, 54 applications have already been received and the selection of regular candidate will be completed in another 15 days time. Nothing serious will be happened if an EDDA post is kept vacant till a regular candidate is posted.

6. In view of the above the posting of R-2 as substitute EDDA is set aside. The post should be kept vacant till a regular EDDA is posted.

7. The OA is disposed of. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated : 10th August, 1999
(Dictated in Open Court)

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