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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.435 OF 1999.

DATE OF ORDER:30-3-1999.

BETWEEN :

P.Raghu.

....Applicant

a n d

1. Sub-Divisional Inspector (Postal),
Jammikunta (Peddapalli Divn.)-505 122.

2. Superintendent of Post Offices,
Peddapalli Division,
Peddapalli-505 172.

.....Respondents

COUNSEL FOR THE APPLICANT : Mr.N.Veera Bhadraiah

COUNSEL FOR THE RESPONDENTS: Mr.V.Rajeshwara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.N.Veera Bhadraiah, learned Counsel
for the Applicant and Mr.V.Rajeshwara Rao, learned
Standing Counsel for the Respondents.

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2. The applicant was provisionally appointed as EDDA/Packer in Kadimabadi Sub Office under Peddapalli Division. He was replaced by a candidate by name D.Anjaneyulu, who was posted on transfer on regular basis. The said D.Anjaneyulu was working as EDDA, Mahadevpur, and he was posted in place of the applicant. Hence, the services of the applicant was terminated.

3. The applicant has filed this OA for a declaration that the action of the Respondent No.1 in terminating his provisional appointment by posting another candidate on transfer from Mahadevpur is illegal and violation of the instructions of the Director General, vide Lr. No.43-4/77/Pen, dated:18-5-1979 and No.41-286/87 PB.II, dated:14-12-1997, and for a consequential direction for his immediate reinstatement.

4. It is an admitted fact that the applicant was working as EDDA/Packer on provisional basis for four months. The person who was replaced was transferred from Mahadevpur and he was posted on regular basis. It is stated that the said D.Anjaneyulu was a regular EDDA staff and was posted to Kadimabadi Sub Office on transfer.

5. The applicant being a provisional candidate has to give way for the person appointed on regular basis. However, if he had put in not less than three years of service, his name may be entered in the

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waiting list for regular appointment. The applicant cannot make any grievance against the posting of D. Anjaneyulu on transfer from Mahadevpur.

6. The learned Counsel for the Applicant submits that there are instructions from the D.G. Postal Services that a provisional candidate's ~~notification~~ has to be issued and on that basis ^{only} a provisional candidate has to be posted.

By issuing a notification

7. The object of appointing a provisional candidate is to meet the exigencies of service which arise under extra-ordinary circumstances. If the Postal Department has to issue a notification and then appoint a provisional candidate then the public utility services will come to stand still. Hence, we do not think such a direction would have been given by the Director General of Postal Services. In view of the above, the above contention is rejected.

8. Hence, we find no merits in this OA, and hence it is dismissed at the admission stage itself. No order as to costs.

[Signature]
(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)
30.3.99

[Signature]
(R. RANGARAJAN)
MEMBER (ADMN)

DATED: this the 30th day of March, 1999

Dictated to steno in the Open Court

[Signature]
S. H. P.

DSN