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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.447/99

dated : 5 July 2000

Between

V. Veerayya

: Applicant

And

1. The Supdt. of Post Offices
Rajahmundry Divn., Rajahmundry 533101

2. Postmaster General
Visakhapatnam Region,
Visakhapatnam

3. Director General
Dept. of Posts, Dak Bhavan
New Delhi 110001

4. Union of India, rep. by
Its Secretary
Dept. of Personnel & Training
Min. of Home Affairs
New Delhi 110001

: Respondents

Counsel for the applicant

: S. Ramakrishna rao
Advocate

Counsel for the respondents

: Miss. Shyama, CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl)





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Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn))

Heard Mr. S. Ramakrishna Rao for the applicant and Ms. Shyama for the respondents. Mr. R.K. Ashalu, Superintendent of Post Offices, Rajahmundry, Respondent No.1 is present.

2. The main contention of the applicant in this OA is that even earlier to the issue of notification dated 26.2.99, a notification was issued for appointment of the applicant on the regular basis. Hence, issue of the notification dated 26.2.99 is unwarranted.

3. The applicant has filed this OA to treat the appointment of the applicant as regular candidate and cancel the notification dated 26.2.1999.

4. The above point was considered from the records produced before us. No doubt the said post of EDBPM was initially advertised to the Employment Exchange for sponsoring candidates. It is stated that 20 candidates were sponsored. But none of them was eligible. In the meanwhile the regular incumbent retired. Hence, a tom-tom was made for calling for applications for provisional appointment of EDBPM post and one of them was appointed as provisional EDBPM. The applicant was accordingly appointed but no office order has been issued in this connection. It is stated that there were complaints against the applicant and hence no office order ^{was} issued even on provisional basis.

5. The learned counsel for the applicant submits that deductions have been made from his pay which are applicable only to a regular candidate. That submission in our opinion ^{is not} ~~cannot be~~ acceptable to consider the applicant as a regular candidate unless ^a regular notification is issued and a candidate selected on the basis of regular notification. Tom-tom notice issued cannot be treated as regular notification. If extra recovery is made while he was working as Provisional candidate he is at liberty to ask for refund ^{of} the same.

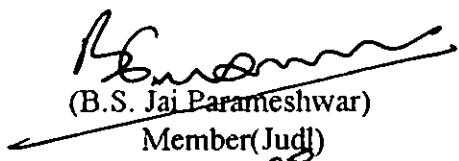
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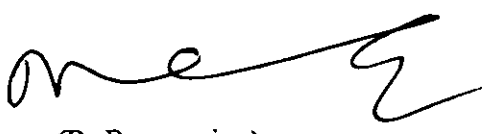
6. In our opinion the first regular notification issued is 26.2.99 (Annex.A.1).

If the applicant is so advised he may also respond to that notification in accordance with rules and await his chance.

7. In view of what is stated above, we find no merit in the OA. Hence, the OA is dismissed. No costs.


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

5.6.2000


(R. Rangarajan)
Member(Admn)

Dated : 5 June, 2000
Dictated in Open Court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

COPY TO

1. HDHND

2. HARN (ADMN.) MEMBER

3. HBSJP (JUDL.) MEMBER

4. D.R. (ADMN.)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY
COMPARED 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. B.S. JAI PARAMESHWAR
MEMBER (JUDL.)

DATE OF ORDER 5/7/2000

MA/RA/CP. NO.

IN
CA. NO. 447/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALL OVED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS
ISSUED

DISMISSED AS WITHDRAWN

ORDER REJECTED

NO ORDER AS TO COSTS

