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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.466/99.

Dt.of Decision : 03-06-99.

V.Narasimhulu

..Applicant.

Vs

1. The Superintendent of Post Offices, Sangareddy Division.
2. The Chief Postmaster General, A.P.Circle, Hyderabad.

..Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.P.Phalguna Rao, Addl.CGSC

CORAM:-

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

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

ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.P.Phalguna Rao, learned counsel for the respondents.

2. The applicant in this OA was appointed as a provisional EDBPM, Kagazimaddur on 4-3-96. A notification No.B3/Kagazimaddur dated 13-12-96 (Annexure-2) was issued for regular posting of EDBPM of that post office. But that notification

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was not taken to the logic conclusion. Subsequently another notification dated 17-3-97 (Annexure-3) was issued for filling up the same post on regular basis and a third notification was issued on 18-6-97 (Annexure-4) and 4th notification was issued on 10-2-97 (Annexure-5) and the latest notification was issued on 16-2-99 (Annexure-6). The applicant submits that he applied for all these notifications even though he is aggrieved by the series of notifications when a provisional candidate is available for posting in that post office. As a regular EBBPM he should have been selected in pursuance of the first notification dated 13-12-96.

3. In the mean time the CPMG office had issued letter No. ST/ED/Hyd.City.Dn/95 dated 9-12-98 for regularisation of long pending provisional ED appointments in Sec'bad Division. The applicant submits that when a policy decision has been taken it is applicable to all divisions and it is not ~~only~~ applicable Sec'bad Division. When such a concession was given for Sec'bad division the same should be extended to other divisions also. He further adds that the said letter of CPMG dated 9-12-98 addressed to Sec'bad Division is in continuation of the DG P&T Letter No. 43-4/77-Pen dated 18th May, 1979. In that letter it has been clearly stated that efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three

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years of service. As the applicant herein had put in more than 3 years of service by the time the last notification dated 16-2-99 was issued the ~~mp~~ question of going for appointment from open market does not arise and he should have been appointed as a regular candidate ~~officer~~ .

4. In view of the above submissions this OA is filed for setting aside the notification dated 16-2-99 issued by R1 calling for applications to fill up the post of EDBPM, Kagazimaddur on regular basis, when the applicant is eligible to be considered for regularisation as per the DG Posts instructions No. 43-4/77-Pen. dated 23-2-79 and for a consequential direction to R-1 to regularise the services of the applicant as EDBPM, Kagazimaddur.

5. From the averments made in the OA which is not denied by the respondents that the applicant was appointed as a provisional candidate on 4-3-96. His continuance as provisional candidate appears to be only an administrative reasons. The repeated notifications issued for filling up of that post are superseded subsequently due to some reason or other and the last one which is yet to be disposed of is dated 16-2-99.

6. In view of the continuance of the applicant for three years it has to be held that the DG P&T letter dated 18-5-79 is very relevant to be followed. The case of the applicant should be considered for alternative appointment as ED Agent if he cannot be accommodated in the same post office where he is working now against the vacancy.

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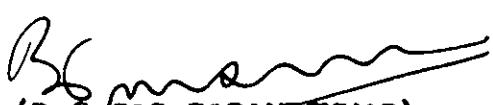
..4/-

7. In view of what is stated above the following directions are given:-

1) The case of the applicant should be considered in accordance with the instructions of the DG P&T Letter dated 18-5-79. His case should be considered for alternative ED Agent appointment either by posting him in the post in which he is working or any other post office keeping his name in the list.

2) The applicant if so advised, may submit a detailed representation for considering his case also in accordance with the CPMG's letter dated 9-12-98 to Sec'bad Division and if such a representation is received within a period of fortnight i.e., on or before 18-06-99 the same should be disposed of in accordance with the rules. Till such time the representation is disposed of the last notification dated 16-2-99 should not be processed further.

8. With the above direction the OA is disposed of.
No costs.


(B.S.JAI PARAMESHWAR)

MEMBER(JUDL.)

3.5.99


(R. RANGARAJAN)

MEMBER(ADMN.)

Dated : The 3rd May, 1999.
(Dictated In the Open Court)

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Copy to:

1. HON. J.
2. HHAP M(A)
3. HOSJR M(J)
4. D.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD:
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (J)

DATED: 3-6-99

ORDER/ JUDGEMENT

MR. / RA. / CP. NO.

IN

O.A. NO. 466199

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS

SRR

(6 copies)

