

**CENTRAL ADMINISTRATIVE TRIBUNAL****BANGALORE BENCH : BANGALORE****ORIGINAL APPLICATION No. 170/00011/2018**

TODAY, THIS THE 26<sup>TH</sup> DAY OF NOVEMBER, 2018

**HON'BLE DR. K.B. SURESH ... MEMBER (J)**

**HON'BLE SHRI DINESH SHARMA... MEMBER (A)**

Giri Rao,  
Aged 42 years,  
S/o Kopresh Rao,  
GDS BPM/MD, Ramdurga BO – 584 113  
A/w Gabbur SO, under Raichur HO,  
Residing at No. 2/73, Ramdurga Village,  
Devdurga Taluk Raichur District

...Applicant

(By Advocate Shri B. Venkateshan)

Vs.

1. The Union of India & Others  
Represented by the Secretary,  
Department of Posts,  
Dak Bhavan,  
New Delhi – 110 001

2. The Postmaster General,  
North Karnataka Region,  
Dharwad – 580 001

3. The Superintendent of Post Office,  
Raichur Division, Raichur – 584 101

4. The Asst Superintendent of Post Offices,  
Raichur Sub Division, Raichur – 584 101

...Respondents.

(By Shri S. Sugumaran, Counsel for the Respondents)

**ORDER (ORAL)****DR. K.B. SURESH, MEMBER (J):**

Heard. This matter is covered by several of our orders which had been to the Hon'ble High Court and even to the Hon'ble Apex Court also and having attained finality there is nothing more to be said in the matter. The applicant was regularly appointed in a regular post even though on a stop gap arrangement. In 2014, there was a one month gap and till February, 2018, when we had granted an interim order, he had continuously more than 3 years service so he became eligible for the proviso under the rule for either to be kept in service and continued or to be kept in a waiting list and accommodated against the next arising vacancy. This right of the applicant is declared. Apparently it appears that for the new selection also online applications were called for and no other applicant had come. Therefore either the department will continue the applicant there or put him in a waiting list and accommodate him in the next arising vacancy.

2. The OA is allowed as above. No order as to costs.

**(DINESH SHARMA)  
MEMBER (A)**

/ksk/

**(DR. K.B. SURESH)  
MEMBER (J)**

**Annexures referred to by the applicant in OA No. 170/00011/2018**

**Annexure A1:** Copy of the Memo dated 12.03.2014

**Annexure A2:** Copy of the Memo dated 01.06.2015

**Annexure A3:** Copy of the Memo dated 28.03.2015

**Annexure A4:** Copy of the Memo dated 23.10.2015

**Annexure A5:** Copy of the Memo dated 12.02.2016

**Annexure A6:** Copy of the ASPO Inspection Report dated 10.09.2014

**Annexure A7:** Copy of the ASPO Inspection Report dated 03.08.2017

**Annexure A8:** Copy of the DG P&T OM dated 18.05.1979

**Annexure A9:** Copy of the Central Administrative Tribunal, Bangalore Bench order dated 09.10.2017 in O.A. No. 884/2016

**Annexure A10:** Copy of the judgment of Hon'ble Apex Court in Civil Appeal No. 833/1986 dated 03.09.1992

**Annexures with Reply Statement**

**Annexure R1:** Copy of the letter dated 22.02.2018

**Annexure R2:** Copy of the order of Central Administrative Tribunal, Bangalore Bench in O.A. No. 761/2015 dated 08.02.2018

**Annexures with Reply Statement**

**Annexure R1:** Copy of the letter dated 22.02.2018

**Annexure R2:** Copy of the periods of engagement of the applicant

**Annexure R3:** Copy of the Notification dated 02.05.2012

**Annexure R4:** Copy of the employment exchange request letter dated 02.05.2012

**Annexure R5:** Copy of the list of considered candidates

**Annexure R6:** Copy of the list of candidates not considered

**Annexure R7:** Copy of the waiting list candidates

**Annexure R8:** Copy of the selection letter dated 26.12.2012

**Annexure R9:** Copy of the Delhi Board SSLC Marks card

**Annexure R10:** Copy of the direction from Respondent No. 2

**Annexure R11:** Copy of the letter from Counsel Board, New Delhi

**Annexure R12:** Copy of the letter of selection dated 17.09.2014

**Annexure R13:** Copy of the letter of selection dated 27.01.2015

**Annexure R14:** Copy of the final notice dated 09.03.2015

**Annexure R15:** Copy of the order dated 18.11.2013 in Writ Petition No. 24557/2013 (S-CAT)

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