
(1999) 12 AP CK 0106

In the Andhra Pradesh High Court

Case No : Writ Petition No. 13494 of 1999

Reddi Nageswara Rao

APPELLANT

Vs

Chief Post Master General and Others

RESPONDENT

Date of Decision : 15-12-1999

Acts Referred:

Citation : (2000) 1 ALT 60

Hon'ble Judges : Ramesh Madhav Bapat, J; Elipe Dharma Rao, J

Bench : Division Bench

Advocate : Kurti Bhaskara Rao, for the Appellant; Ravi Kumar, Addl. S.C. for Respondent Nos. 1, 2, 3 and 6 and K. Suryanarayana, for the Respondent

Judgement

Ramesh Madhav Bapat, J.—This writ petition is filed to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 as illegal and quash the orders of the Central Administrative Tribunal, Hyderabad, in O.A. No. 1465/98, dated 26-03-1999 and consequently direct the 3rd respondent to announce the results with regard to the appointment of Branch Post Master of Gutchmi village in Seethanagaram Mandal pursuant to the latest 2nd notification dated 12-10-1998.

2. Heard learned Counsel for the petitioner. Respondents though served are absent. No representation on their behalf.

3. The writ affidavit filed in support of the writ petition shows that the petitioner herein has passed 10th Class with I Division and got enrolled himself with the District Employment Exchange. It is further stated that on account of one Mr. S.S. Rao Patnaik's retirement from service in the year 1998, on attaining the age of superannuation, who worked as Branch Post Master of Gutchimi village of Seethanagaram Mandal, the 3rd respondent issued a notification dated 08-05-1998 calling for applications on permanent recruitment basis from local candidates to the post of Branch Post Master which is under the control of the 3rd respondent. It is further the case of the petitioner that in pursuance of the

said notification the 4th, 5th respondents and the petitioner applied to the said post and appeared for the interview. It is further stated that the 3rd respondent instead of announcing the results of the interview, appointed the 4th respondent on temporary basis. Therefore, the petitioner stated that the action of the 3rd respondent in temporarily appointing the 4th respondent without announcing the result of the interview conducted in pursuance of the notification dated 08-05-1998 is illegal. It is further stated by the petitioner that the 3rd respondent has issued another notification dated 12-10-1998 without cancelling the earlier notification and this act is also arbitrary. The 4th respondent herein continued to be in the temporary vacancy as Branch Post Master.

4. It is stated by the petitioner that the 4th respondent approached the Central Administrative Tribunal by filing O.A. No. 1465/1998 and obtained stay order of selection in pursuance of the 2nd notification, in which O.A. the petitioner herein was not a party. The Tribunal finally disposed of the O.A. on 26-03-1999. Against the said orders the present writ petition has been filed.

5. It appears from record that the Tribunal has considered the rival contentions of both the parties and held that "Without cancelling the impugned notification, therefore, the respondents are directed to give opportunity to the applicant (4th respondent herein) who is already working on provisional basis along with other candidates who have applied in response to the second notification and to decide as to who is eligible and suitable for appointment for the post in question. Due weightage shall be given to the present applicant (4th respondent herein) by virtue of the fact that he had been occupying the post for the last more than six months."

6. Learned Counsel for the petitioner argued that the Tribunal was not justified in directing the respondents to give due weightage to the 4th respondent on the ground that he has worked as Branch Post Master for a period of six months. Learned Counsel further submits that when once the first notification is not cancelled issuance of second notification by the 3rd respondent itself is without jurisdiction.

7. According to the petitioner he is more suitable and his case also be considered by the 3rd respondent along with the 4th and 5th respondents by removing the rider given by the Tribunal of giving more weightage. We are in agreement with the submission made by learned Counsel for the petitioner. Therefore, we direct the 3rd respondent to consider the case of the petitioner and also other candidates purely on merits without giving any weightage to 4th respondent herein and make appropriate appointment and finalize the list on the basis of second notification.

8. With these directions the writ petition is disposed of. No order as to costs.