

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXXXXX~~

93 of 1992.

DATE OF DECISION 07-08-1992

Molly Issac

Applicant (s)

Mr.O.V.Radhakrishnan through
proxy counsel Mr.Nagaresh Advocate for the Applicant (s)

Versus

Supdt. of Post Offices, Respondent (s)
Changanacherry and others

Mr.P.Sankarankutty Nair, ACGSC
for R.1&2. Advocate for the Respondent (s)

CORAM : Mr.P.S.Biju, for R.3.

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

and

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? N
3. Whether their Lordships wish to see the fair copy of the Judgement? N
4. To be circulated to all Benches of the Tribunal? N

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 12.1.1992 under Section 19 of the Administrative Tribunals Act the applicant has challenged the selection of respondent No.3 on the ground that he does not satisfy income qualification for the post of EDBPM, Nariyanani P.O.

2. The admitted facts are that both the applicant as well as Respondent No.3 along with other candidates sponsored by the Employment Exchange were considered for the aforesaid post and Respondent No.3 on the basis of his educational qualifications and other counts was selected for the post. In his application form Respondent No.3 had indicated a personal independent annual income of from land and property.
Rs.6,600/- The application was dated 24.1.1991. He was

called upon by the respondents vide Exbt.A-2 to produce the documents for the landed property. Thereafter Respondent No.3 produced a Gift Deed dated 14-5-91 executed by his father in his favour giving 20 cents of land. The applicant's contention is that as on the date of application, the applicant was not having ^{any} annual income of Rs.6,600/- because the Gift Deed was subsequent to the date of his application. It is, however, admitted that along with the application form, ^{the third respondent} No.3 had produced a certificate of the Tahsildar concerned in support of his income qualification. The main thrust in the arguments of the learned counsel for the applicant is that the Gift Deed having been executed subsequent to the date of Respondent No.3's application, on the date of application, the respondent No.3 cannot be said to have an income of Rs.6600/- annually. This argument though superficially acceptable will not stand a closer scrutiny inasmuch as personal income can be derived even ^{without} through any ownership of the land especially when the land belongs to the father of the respondent No.3.

3. It has been stated by respondents 1&2 in the counter affidavit that the respondent No.3 being in possession of the land would be deriving necessary income even though he may not be in exclusive ownership of the land. In any case since ^{like} the applicant himself ^{as well as} Respondent No.3 had produced only certificate of income which was later supported by Respondent No.3 by the Gift Deed, it cannot be said that Respondent No.3 indulged in any conspiracy and produced a fraudulent certificate of the Tahsildar. He has not impleaded the Tahsildar concerned also as one of the

necessary parties for relying upon such an allegation. It has also been brought to our notice that still another un-successful candidate for the same post had challenged the selection of Respondent No.3 in O.A.724/91 which was disposed of by this Tribunal by the judgment dated 18.12.91 at Annexure-R.2 with the finding that the selection of Respondent No.3 before us who was also Respondent No.3 in that case, had been done properly.

4. In the above circumstances we do not see much force in the application and dismiss the same without any order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


7.8.92
(S.P. MUKERJI)
VICE CHAIRMAN

7.8.92

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