

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 24TH NOVEMBER 1986

PRESENT: HON'BLE SHRI CH. RAMAKRISHNA RAO, MEMBER(J)
HON'BLE SHRI P. SRINIVASAN, MEMBER(A)
APPLICATION NO. 1085/86(T)

D. Keshavaiah,
S/o D. Sanjeeva Reddy,
major,
Branch Post Master,
Dammatahuri B.O.,
Pavagada Taluk,
Tumkur District.

Applicant

(Shri M. Raghavendra Achar, Advocate)

1. The Superintendent of
Post Offices,
Tumkur District,
TUMKUR.
2. The Sub-Divisional,
Inspector of Post Offices
Madhugiri, Sub-Division,
Tumkur District.
3. Sri B.R. Venkata Laxmamma,
major,
Dammatahuri village,
Pavagada Taluk,
Tumkur District.

Respondents

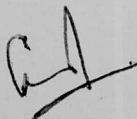
(Shri N. Basavaraj, Advocate)

The application has come up for hearing before
this Tribunal to-day, Member (J) made the following:-

O R D E R

This is a transferred application received from
the High Court of Karnataka.

The applicant was provisionally appointed as
Extra Departmental Post Master Dammatahuri Branch
Post, Tumkur District, on 1.6.1982 in place of one
Shri D. Shamanna who had proceeded on promotion to
another post. For making regular appointment to



...2/-

the vacancy, the first respondent, the Superintendent of Post Offices, Tumkur, issued a notification dated 10.3.1983 calling for applications. The applicant as well as a few others applied for the post and eventually Respondent No.3 was selected. By a letter dated 6.8.1983 the applicant was requested to hand over charge to Respondent No.3. It was at this stage that the applicant filed this application as a writ petition before the High Court of Karnataka. The High Court stayed the operation of the said letter for about three weeks but subsequently when the respondents produced orders terminating the services of the applicant and appointing Respondent 3 as Extra Departmental Post Master in his place, the stay was vacated by the Court. Thereafter the writ petition was transferred to this Tribunal.

Shri M. Raghavendra Achar, learned counsel for the applicant, contends that there was no justification for in not selecting the applicant to the post of Extra Departmental Post Master at Dommatamari on a regular basis and for appointing respondent 3 in his place. The applicant had actually worked as Extra Departmental Post Master from 1.6.82 and had all the requisite qualifications for holding the post on regular basis. The appointing authority should give reasons why the applicant was not selected and in the absence of such reasons, the action appointing respondent 3 would amount to an arbitrary action.

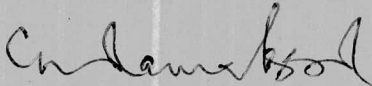
Shri N. Basavaraj, learned counsel for the respondents 1 and 2, refutes the contention of Shri Achar. According to him, respondents had the right to choose the best




candidate in their opinion for the post . Unless a specific allegation of malafide is made out, this Tribunal should not interfere in the matter of appointment of respondent 3 by respondent 1. He produced the relevant records in which the appointment of respondent 3 was processed.

We have heard counsel for both the sides and have perused the files of respondents 1 and 2 by which respondent 3 was appointed as regular Extra Departmental Post Master in preference to the applicant and several others. We find that the matter was considered in depth and the qualifications of all the candidates were taken into account^{and} only thereafter was the final decision taken to appoint respondent 3. When making a selection from a number of applicants, there is no obligation on the part of the appointing authority to explain to each candidate who has not been selected why he was not selected. Therefore unless a person who is not selected makes a specific allegation that the appointing authority was motivated by animus towards him, we cannot interfere with the jurisdiction of the respondents in the matter. Since there has been no such allegation of mala fide, this application has no merit and has to fail.

In the result, the application is dismissed and the parties will bear their own costs.


(CH. RAMAKRISHNA RAO)
MEMBER (J)
24.11.1986


(P. SRINIVASAN)
MEMBER (A)
24.11.1986