

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE THIRTEENTH DAY OF OCTOBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)

Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NO. 782/86

M.N. Basavaraju,
R/o Mosale,
Tal & District Hassan

... Applicant

(Shri S.K. Kulkarni ... Advocate)

Vs.

1. The Superintendent of
Post Offices,
Hassan.

2. The Inspector of Post Offices,
Hassan North,
Sub Division Hassan.

3. Shri M.N. Jagannath,
R/o Mosale,
Taluka & Distt. Hassan.

... Respondents

(Shri M. Vasudeva Rao ... Advocate for R-1 & 2)

(Shri S.V. Shama Rao ... Advocate for R-3)

This application came up for hearing before Court today,
Hon'ble Member (A) makes the following:

O R D E R

This application was fixed for hearing today. Neither the applicant nor his learned counsel is present though service of notice has been effected. We have, therefore, proceeded to hear the matter in the absence of the applicant. We have perused the records and heard Shri M. Vasudeva Rao, learned counsel for respondents 1 and 2 and Shri S.V. Shama Rao, learned counsel for respondent 3.

P. Srinivasan

2. The applicant's grievance is that though he was appointed as a temporary ad hoc extra Departmental Branch Post Master in a vacancy caused by the resignation of the earlier incumbent on 21.1.1981 he was not appointed to that post when regular selection was made. Instead, respondent 3 has been selected for the appointment. The applicant alleges that all applications received in response to the advertisement for the post except his, were defective, but yet respondent 1, the appointing authority, directed respondent 2 to collect further information from the other applicants which was not justified. He has also alleged that respondent 1 was interested in respondent 3 who was eventually appointed. Though his application had been recommended by respondent 2, respondent 1, the appointing authority, did not appoint him.

3. Shri Vasudeva Rao, for respondents 1 and 2, points out that the appointment of the applicant made in January 1981 was purely temporary and ad hoc subject to regular appointment being made. Therefore, the applicant did not acquire any right to continue in that post. As regards the recommendation of the respondent 2, Shri Vasudeva Rao points out that the appointing authority, respondent 1 was not bound by the recommendation of respondent 2. Finally Shri Vasudeva Rao denies that respondent 1 was interested in respondent 3 and therefore appointed him. The allegation in the application is vague and no evidence whatsoever has been furnished to make it even a prima facie case.

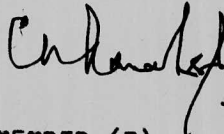
4. Supporting Shri Vasudeva Rao, Shri Shama Rao, learned counsel for respondent 3 points out that the application of respondent 3 was not defective. The letter calling for additional information from other applicants appearing at Annexure C to the application does not refer to respondent 3 at all. Therefore, there is nothing to show that the application of respondent 3 was defective. He also reiterates

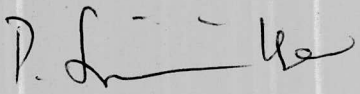
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what Shri Vasudeva Rao said that the allegation that respondent 1 was interested in respondent 3 is not supported by any evidence and is a vague allegation which should be ignored. Moreover, the applicant did not suggest that respondent 3 did not possess the requisite qualification for appointment.

5. We have considered the matter carefully. As pointed out by counsel for the respondents, the applicant has not even made out a prima facie case that respondent 3 was selected in preference to him because respondent 1 was interested in the latter. A mere vague allegation cannot be acted upon. When the applicant was initially appointed he was told that his appointment was purely temporary and ad hoc, subject to regular appointment. Proper procedure was adopted thereafter calling for applications, considering them and making selection of the most suitable candidate. We, therefore, see no substance in the application and we are not prepared to interfere with the process of selection in the absence of any prima facie case of malice or prejudice being made out.

01 6. In the result the application is dismissed. There will be no orders ^{as} to costs.


MEMBER (J)


MEMBER (A)

bsv