

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 14 JUN 1988

APPLICATION NO. 1073 to 1077 / 87(F)

W.P. NO. _____ /

Applicant(s)

Shri Suresh Shamarao Mujumdar & 4 Ors v/s The Secy, P & T Dept. New Delhi & another
To

| | |
|---|---|
| 1. Shri Suresh Shamarao Mujumdar Pattankudi Chikodi Taluk Belgaum District | 6. Shri G. Balakrishna Shastry Advocate No. 10/1, Kumarakrupa Road High Grounds Bangalore - 560 001 |
| 2. Shri Mallappa Shidagirappa Pujari Aratal Athani Taluk Belgaum District | 7. The Secretary Post & Telegraph Department New Delhi - 110 001 |
| 3. Shri S.A. Nandeshwar Branch Post Master Chikodi Belgaum District | 8. The Superintendent of Post Offices Chikodi Division Chikodi - 591201 Belgaum District |
| 4. Shri S.R. Patil Pattankudi Chikodi Taluk Belgaum District | 9. Shri M.S. Padmarajaiah Central Govt. Stng Counsel High Court Building Bangalore - 560 001 |
| 5. Shri T.R. Patil r/o Athani Athani Taluk Belgaum District | |

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/REPLY/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 9-6-88.

*YB/BS
K.N.V.J
14.6.88*

Encl : As above

D.C. Deo, in charge
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 9TH DAY OF JUNE, 1988

Present Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NOS. 1073 TO 1077/87

1. Shri Suresh Shamrao Mujumdar, major, residing at Pattankudi, Taluk : Chikodi, Dist:Belgaum.
2. Shri Mallappa Shidagirappa Pujari, major, residing at Aratal, Taluk : Athani, Dist : Belgaum.
3. Shri S.A. Nandeshwar, major, BPM Post Master, Chikodi, Belgaum.
4. Shri S.R. Patil, major, residing at Pattankudi, Chikodi, Dist : Belgaum.
5. Shri T.R. Patil, major, residing at Athani Taluk : Athani, Dist : Belgaum. ... Applicants in A.Nos.1073 to 1077/1987.

(Shri G. Balakrishna Shastry, Advocate)

v.

1. Union of India by the Secretary, Post and Telegraph Department, New Delhi.
2. The Superintendent of Post Offices, Chikodi Division, Chikodi, Belyaum. ... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

These applications having come up for hearing to-day, Vice-Chairman made the following:

ORDER

In these applications made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act'), the applicants have challenged order No. BA-2/10/17/86-87 dated 29.7.1987 (Annexure-A1) of the Superintendent of Post Office, Chikodi Division, Chikodi (Superintendent).

2. The impugned order cancelling the earlier select list prepared on 17.11.1982 (Annexure-A6) has been made by the Superintendent as a sequel to the order made by this Tribunal in Application Nos. 1095, 1096 and 1100 to 1104 of 1986 decided on 27.11.1986 (Annexure-A8).

In those cases, this Tribunal has set out the facts in detail. In the impugned order, the Superintendent had set out all the subsequent events thereafter and therefore it is unnecessary to set out the facts of these cases in detail.

3. In justification of the impugned order, the respondents have filed their reply and have produced their records.

4. Sri G. Balakrishna Shastry, learned counsel for the applicants, contends that the cancellation of the previous select list validly prepared by the then Superintendent was illegal, improper and unjust.

5. Sri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents sought to support the impugned order.

6. In his order, the Superintendent has pointed out that the number of vacancies which existed for which selections had to be made were only 6 distributed as 5 and one for open competition for scheduled castes and the then Superintendent had selected as many as 12 persons or as if there were 12 vacancies. In the course of his order, he has also alluded to various other illegalities and improprieties which have been highlighted in the reply and a report of the vigilance officer.

7. We are of the view that the very first circumstance, stated in the order justified the cancellation of the earlier select list. We are also of the view that all other circumstances highlighted in the reply and the report of the Vigilance Officer who had made an indepth study justified the cancellation of the earlier select list. We see no illegality or impropriety in the order made by the Superintendent.

8. We are also informed by Shri Padmarajaiah that all the applicants are being continued as extra departmental agents. We are of the view that this circumstance also justifies us to decline to interfere with the impugned order which is also legal and just.

9. In the light of our above discussion, we hold that these applications are liable to be dismissed. We, therefore, dismiss these applications. But, in the circumstances of the case, we direct the parties to bear their own costs.



np/Mrv.

sdl-

VICE-CHAIRMAN

9/6/82

TRUE COPY

sdl-

MEMBER (A) 7.6.82

R. A. Venkatesh Rao
RAO (JUN) 16/6
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE