

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 5 MAY 1994

APPLICATION NUMBER: 870 of 1993.

APPLICANTS:

RESPONDENTS:

Sri.Srinivas
To.

v/s.

The Post Master General, Bangalore and
other.

1. Sri.R.A.Shiruguppi,
Advocate, No.105-B,
First Floor, 46th Cross,
Near Mosque, Fourth Block,
Rajajinagar, Bangalore-10.
2. The Post Master General (Staff),
Karnataka Region, Bangalore-1.
3. Sri.G.Shanthappa, Addl.CGSC,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 22-04-1994.

Issued on
6/5/94
Rm.

of

[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.870/1993

FRIDAY THIS THE TWENTY SECOND DAY OF APRIL, 1994

MR. JUSTICE P.K. SHYAMSUNDAR

VICE CHAIRMAN

MR. V. RAMAKRISHNAN

MEMBER (A)

Srinivas,
S/o Ramayya
R/o Baddepalli,
Madhwar,
Distt. Gulbarga

Applicant

(By Advocate Shri R.A. Shiraguppi)

v.

1. The Post Master General,
Karnataka,
Bangalore
2. The Senior Superintendent of
Post Offices,
Gulbarga Division,
Gulbarga

Respondents

(By learned Standing Counsel)
Shri G. Shanthappa

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Heard.

2. Admit.

3. This application is by a candidate who was actually selected once before but, provisionally for the post of Branch Post Master, Baddepalli, B.D. Madhwar by order dated 20.7.92. That order clearly stated that the applicant Shri Srinivas, s/o Ramayya, has been provisionally selected for appointment subject to fulfilment of other



formalities and transferring charge etc. While he was hopefully expecting to be inducted formally in that office as a BPM, he received another communication dated 7.1.93 as per Annexure A-2 stating that his selection as BPM has been cancelled because of information made available indicating that he had been involved in a police case registered at Saidapur Police Station. His selection was, therefore, cancelled. Probably against cancellation of his selection he made a representation and got issued a legal notice as per Annexure A-4. Nothing happened but it does transpire that the criminal case registered against him at Saidapur Police Station referred to in the cancellation order at Ann-A-2 the police had later filed a 'B' report stating that the complaint was a mistake. Copy of the 'B' report is furnished as at Annexure A-3.

4. If the case had stood at the above juncture in that the man had been cleared by the police, it would have been just and proper to revoke the cancellation order and thereafter for appropriate steps being taken to induct applicant into office but that is not what transpired after the police gave him a clean chit as above but what really transpired was the Department invited fresh applications and the applicant also applied for fresh selection thereafter amongst others he was actually considered for selection. But this time, appointment went to one Laxman who had secured higher marks than the applicant. We now find from the records that the applicant has passed only the 9th standard and had furnished the marksheet of

9th standard whereas the new appointee had already passed the 10th standard with a first class. Now naturally with the competition between the 9th standard and 10th standard with first class, the Department opted for the latter and appointed Laxman as Branch Post Master.

5. The applicant now wants that the non-gratifying certificate given by the Department at Annexure A-2 dated 7.1.93 stating that his antecedents were such that it did not permit his selection as a government servant be quashed on the basis of the B1 report filed by the police. But in the light of the subsequent developments starting from the subsequent recruitment programme initiated by the government in which the applicant willingly participated, the applicant has been knocked out on merits and not due to bad antecedents. Apparently someone who had higher merit in the matter of educational qualification has been selected and appointed. Therefore, the striking down the applicant's selection earlier may be on grounds now not strictly tenable will not assist the applicant in securing the job itself because it has gone to someone else who had a higher educational qualification. On this ground the application fails and is dismissed with no order as to costs.

6. Shri Shiraguppi wants us to add that the applicant may be considered for appointment for any future appointment in the Postal Department. We whole heartedly recommend the candidature of the applicant if opportunity arises and when there

is an opening for appointment but we are not quite sure whether he has the necessary qualifications. As of now it transpires that the minimum qualification required is SSLC. Annexure A-2 dated 7.1.93 which tends to stigmatise the applicant stands quashed but that is all we do herein.

Sd-
(V. RAMAKRISHNAN)
MEMBER (A)

Sd-
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

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