

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: 8 MAR 1995

APPLICATION NO: 1851 of 1994.

APPLICANTS:- C.Vijayalakshmi,

V/S.

RESPONDENTS:- The Superintendent of Post Office,  
Bellary Division, and another.

To

1. Sri.M.Raghavendra Achar, Advocate, No.1074 and 1075,  
Second Main, Fourth Cross, Srinivasanagar, Bangalore-50.
2. Sri.M.Vasudeva Rao, Additional Central Government  
Standing Counsel, High Court Building, Bangalore-1.

*Forward Copy to Registrar  
(for Applicant Advocate)*

Subject:- Forwarding of copies of the Order passed by the  
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 22-02-1995.

*Issued on*

*8/3/95*

*R*

*%*

*for* DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

O.A. No.1851/94

WEDNESDAY THIS THE TWENTY SECOND DAY OF FEBRUARY 1995

Shri V. Ramakrishnan ... Member [A]

Shri A.N. Vujjanaradhya ... Member [J]

C. Vijayalakshmi,  
W/o Sri H.K. Ramachandrarao,  
Aged about 43 years,  
Working as B.P.M.,  
At & PO Hulkere, Kudligi Tq.  
Bellary District.

... Applicant

[By Advocate Shri M.R. Achar]

v.

1. The Superintendent of  
Post Office,  
Bellary Division,  
Bellary.
2. Sri T.G. Thippeswamy,  
S/o Sri T. Siddappa,  
Major, At & PO Hulkere,  
Kudligi Taluk,  
Bellary District.

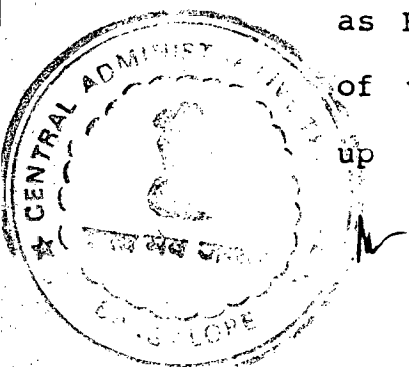
... Respondents

[By Advocate Shri M. Vasudeva Rao ...  
Addl. Standing Counsel for Central Govt.]

O R D E R

Shri A.N. Vujjanaradhya, Member [J]:

1. The applicant is aggrieved by her non-selection to the post of Extra Departmental Branch Post Master ['EDBPM' for short], Hulkere.
2. On the retirement of her mother who was working as EDBPM, Hulkere, the applicant was given the charge of the said post as a stopgap arrangement. To fill up the said vacancy, Employment Exchange ['EE' for



short] was requested to sponsor suitable candidates. On its failure, a local notification was issued on 17.11.1993 calling for application fixing the last date as 16.12.1993. Therein it was also directed that the necessary documents should also be enclosed. In pursuance of the same, the applicant, 2nd respondent ['R' for short] among others had applied. Thereafter R-2 was duly selected and appointed as EDBPM. Applicant has made this application challenging the said selection and is continuing in office in pursuance of interim order.

3. We have heard Shri M.R. Achar, for the applicant and Shri M. Vasudeva Rao, for R-1 and perused the records made available by the department.

4. Shri Achar contended thus: R-2 did not apply before the cut off date and had not produced all the required documents and as such his application ought not to have been entertained. Because EE was not approached first to sponsor candidate, the selection is irregular. Because of the ad hoc service of the applicant, she is entitled to be preferred and the difference in marks obtained by the applicant and R-2 is marginal. Shri Rao has demonstrated that the selection is proper.

5. A perusal of the records would indicate that R-2 had applied for the post on 14.12.1993 ie., before the cutoff date with all the documents and not on 18.1.1994 as is tried to be made out by the learned

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counsel for the applicant. Because R-2 had not furnished income certificate from Revenue authorities, a letter dated 10.1.1994 was addressed to him by SPO Bellary. By his reply dated 15.1.94, R-2 had furnished the income certificate issued by Tahsildar, Kudlagi, which is dated 15.1.1993. Because the application form did not specifically mention that income certificate is required to be enclosed, perhaps, R-2 had forgotten to enclose the same which was available with him. Under the circumstances we do not think that R-2 had not made proper application and that it was improperly entertained. He had made proper application before the cutoff date.

6. The next contention of Shri Achar that the selection is irregular inasmuch as EE was not approached first is also not tenable because the records would disclose that SPO, Bellary, had approached EE, Bellary by notification dated 25.8.1993. As EE, Bellary, did not respond, SPO, Bellary, had issued local notification dated 17.11.1993 fixing the last date as 16.12.1993.

7. Shri Achar next contended that the applicant had gained experience and knowledge because of her ad hoc appointment as EDBPM and, therefore, she ought to have been preferred in view of the decision of Post Master General. The decision referred to by the learned counsel is in respect of regular appointments and it is not applicable to ED appointments

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and, therefore, the same is not relevant. Thus there is no question of giving priority to the applicant in view of her stop gap appointment.

8. The difference in marks obtained by the applicant as well as R-2 is marginal and on that ground R-2 was not entitled to be preferred is the next contention. This is not the only reason, but it is one of the reasons which had prompted the selection of R-2. R-2 T.G. Tippeswamy had scored 46% whereas the applicant Smt. C. Vijayalakshmi had scored 45.06%. R-2 is of ST category, whereas applicant is of OC. There was short fall in the representation of ST category in Bellary Distt. and, therefore, R-2 was preferred. Besides he has satisfied the other requirements as per local notification. It is pertinent to mention at this juncture that one B.S. Nirmala who has scored 51.17% was not considered because her application was received only after the last date.

9. In the conspectus and circumstances discussed above, we find that selection of R-2 as EDBPM is proper and, therefore, we dismiss the application. The interim order is also hereby vacated. No costs.



TRUE COPY

Section Officer

Central Administrative Tribunal  
Bangalore Bench bsv  
Bangalore

Sd/-

10/2/21/17

MEMBER [J]

Sd/-

10/2/21/17

MEMBER [A]