

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: **17 MAR 1995**

APPLICATION NO. 1250 of 1994.

APPLICANTS: Sri.S.Anjanappa,
V/S.

RESPONDENTS: The Spdt.of Post Offices,Tumkur and
another.

To

1. Sri.S.K.Mohiyuddin, Advocate, No.11,
Jeevan Buildings, Kumarapark East,
Bangalore-560 001.
2. Sri.M.Vasudeva Rao, Addl. Central
Govt. Stng. Counsel, High Court Bldg,
Bangalore-560 001.


Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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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 08-03-1995.

Issued on
17/03/95

9/c


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO.1250/1994

WEDNESDAY, THE EIGHTH DAY OF MARCH, 1995

SHRI V.RAMAKRISHNAN, MEMBER (A)
SHRI A.N.VUJJANARADHYA, MEMBER (J)

Between

S.Anjanappa,
S/o Sanjeevappa,
aged about 30 years,
residing at Balasamudra,
Vallur Post Office,
Pavagada Taluk,
Tumkur District.

...Applicant

By Advocate Shri S.K.Mohiyuddin.

Versus

1. The Supreintendent of Post Office,
Tumkur Division, Tumkur.

2. Shri Bhadrinath, Major,
S/o Shri Subbarao, B.P.M.,
Vallur Post Office,
Pavagada Taluk,
Tumkur District.

...Respondents

By A.C.G.S.C. Shri M.V.Rao for R1.

O R D E R

Shri V.Ramakrishnan, Member (A)

We have heard Shri S.K.Mohiyuddin for the applicant and Shri M.V.Rao for the respondent and perused the records produced by the respondent. The applicant herein who belongs to SC community and is also physically handicapped ^{is aggrieved} and ~~vacancy~~ is by the action of the department in not selecting him to the post of E.D.Branch Postmaster, Vallur Post Office, Tumkur District. The main ground urged in support of the applicant is that there is back a log for appointment of SC candidate in the division. The



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department while conceding that there is such a backlog state that the applicant was not selected for the reason that he was not meeting one of the basic requirement, as laid down in the rules as he had not indicated his willingness to provide rent free accommodation to the post office. In the application, against the relevant column (which enquires as to whether the applicant is willing to provide rent free accommodation to the post office) he has stated 'ON RENT'. Shri S.K.Mohiyuddin for the applicant now states that what the applicant meant was that he wanted to take rented accommodation and provide the same for the post office free of rent. While that might have been the intention of the applicant, the fact is that what he had mentioned in the relevant column, led to the reasonable belief that he is not prepared to provide rent free accommodation to the department and the department had concluded on the basis of the application that he had not fulfilled one of the basic requirements as laid down in the rule, ^{of} they had proceeded to select a general candidate (R2) Shri Badrinath, who had secured higher marks of 252/600 in S.S.L.C. than the applicant.

12/ 2. In the facts and circumstances of the case, we

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see nothing wrong in the action of the department as their understanding that the applicant was not willing to provide rent free accommodation, was reasonable in the context of the relevant entry in the application. We therefore see no reason to set aside the selection of the 2nd respondent.

3. As it is however conceded that there is a back log in respect of reserved posts for SC, the department while filling up further vacancies in the division, should take effective steps to fill up the back log. If the applicant were to apply for any such vacancy and subject to his being eligible, his case should be considered along with other SC candidates keeping in view the fact besides belonging to SC, he is also a physically handicapped person.

4. With the above observation, this application is finally disposed of. No cost.

Sd/-

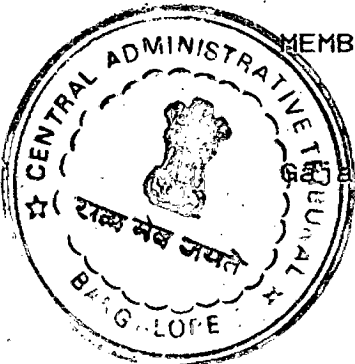
"8/5/95"
(A.N.VUJJANARADHYA)

MEMBER (J)

Sd/-

27/5/95
(V.RAMAKRISHNAN)

MEMBER (A)



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore