

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 19 OCT 1994

APPLICATION NO: 1206/94.

APPLICANTS:- Sri. G.K. Siddana Gowda,
v/s.

RESPONDENTS:- Senior Suptt of Post Offices, Shimoga Division
and two others.

To

① Sri. Vinod Prasad
Advocate No. 12,
Ganesh Mahal,
1815 cross,
Sampige Road,
Malleshwaram,
BANGALORE-560003.

③ Sri. Basavaraj M. Mekki,
Advocate No. 804,
61st Cross, VII Block,
Rajajinagar,
BANGALORE-560010.

Received copy to
ct no. 3.

Sreedhara Chari
19/10/94

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 06.10.94

Issued on 19/10/94
Ganu

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.1206/94

THURSDAY THIS THE SIXTH DAY OF OCTOBER 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri-T.V.Ramanan ... Member [A]

G.K. Siddana Gowda,
Working as Branch Post Master,
Govinkovi,
Honnali Taluk,
Shimoga Distt.

... Applicant

[By Advocate Shri Vinod Prasad]

v.

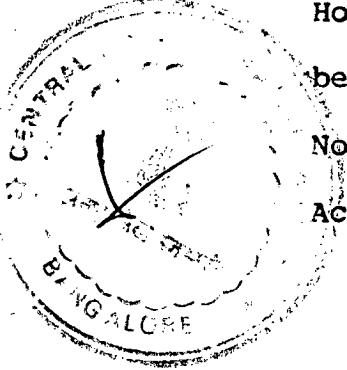
1. Senior Superintendent of Post Offices, Shimoga Division, Shimoga.
2. Sub-Divisional Inspector [Postal], Shimoga East Postal Sub-Division, Shimoga.
3. B. Shridharachari, S/o Bhaskarachari, aged about 27 years, R/o Govinakovi, Honnali Taluk, Shimova Distt. ... respondents

[By Advocate Shri G. Shanthappa, Standing Counsel for R-1 and 2 and Shri Basavaraj Mekki for R-3]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. We have heard Shri Vinod Prasad on this application which is really in vain. The applicant who is right now a person holding the post of Branch Post Master ['BPM' for short] of Govinakovi Post office, Honnali Taluk, on provisional basis. He appears to be hurt by the selection of Respondent ['R' for short] No.3 also on provisional basis in the very post office. According to Shri Vinod Prasad such an order could



not have been made as no two persons can be appointed provisionally for the same job. We agree. But the distinction we notice here is that the impugned order of appointment although stated to be provisional it had been made after screening and considering the cases of both the applicant and R-3 for final selection. Apparently, R-3 having secured more marks ^{at} in the prescribed examination he got the nod. But ^{Pras. 20} before making a pucca order the department appears to have thought it fit to make a provisional order in favour of R-3 before finalising the antecedent requirements enjoined under the rules. The requirements being details of income, ability to provide accommodation for the purpose of housing the post office etc. Now they apparently have made such an enquiry and have filed a report before us which shows that R-3 is otherwise also eligible for the post being the recipient of income of Rs.8,000 odd and he lives in a house alongwith other members of the family where he is able to provide one room for housing the post office. These are the essential requirements which conferred R-3 for the appointment as BPM. The case of the applicant is that a provisional appointee is now sought to be regularly appointed. But the serious argument of Shri Vinod Prasad is that all the enquiry should have been made prior to making an appointment and enquiry made ex post facto is of no avail. There may be some force in this argument but we do not see how the provisional order made in favourof R-3 can

possibly be assailed. Now that the requirements enjoining the appointment of BPM are admittedly satisfied and R-3 who has a bonus point in favour having secured higher marks than the applicant, we do not see any reason how the appointment of R-3 can be challenged. In this view of the matter, this application fails and the same is dismissed. No costs.

Sdt

MEMBER (A)

Sdt

VICE-CHAIRMAN

TRUE COPY

19/10/94

Section V (i) (a)

Central Administrative Tribunal
Bangalore Bench
Bangalore

