

as EDDA on 3-2-1994. In any case, the appointing authority is R2 viz., the Sub-Divisional Inspector of Post Offices. So long as the selections are made on a rational basis with due justification ~~where~~ in such selection process there were other participants or not may not be vital. It is only the ultimate satisfaction of the appointing authority which results in issuing of the appointment orders that is relevant. In the instant case, both the applicant and R3 being S.S.L.C. passed, R3 having secured more marks than the applicant i.e., 231 marks as against 211 of the applicant and having a better hand writing, he was recommended and later selected and appointed. We do not find anything amiss in the procedure followed or in the selection made. The question of giving weightage to the experience gained by the applicant during the period he worked as EDDA on a provisional basis would have arisen had he and R3 were at par in all respects which is not the case here.

5. In view of the foregoing, we find no substance in this application which is hereby dismissed. No order as to costs.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN.



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

ment filed on behalf of R1 and R2, duly verified by an Assistant Post Master General, states on this issue as follows:-

"Procedure or ratification by the divisional heads selections made by the Inspectors and Assistant Superintendents has been prescribed to ensure that selections are made in accordance with the rules. This cannot be called as an interference."

(Para 11)

and again -

"As already stated, second respondent had only approved the selection of R3. Such a procedure is only to ensure that rules are properly followed by the Sub-appointing authorities. In fact, R1 also indicated that R3 was the eligible person for the post."

(Para 15)

These statements have not been denied by the learned counsel for the applicant by any counter statement. We, therefore, accept the statements reproduced supra as correct.

4. A perusal of the letter dated 30-6-1992 referred to supra from R2 to R1 makes the position very clear that of the six applicants in the field for the post two were not qualified because they were under aged, one was found to be already working in the Forest Department and the original documents were not made available for verification and so he was eliminated and the application of one was found incomplete as he did not turn up for verification of documents although called. Thus, only the applicant and R3 were left in the field. R2 made available to R1 the names of both the applicant and R3 suggesting that either the applicant or R3 may be considered for approval for regular appointment. He, however, indicated his preference for R3, the latter having secured more marks in the S.S.L.C. examination and ~~that~~ very good hand writing to his credit. The selection process for making appointment to the post took quite some time and it was only in the month of December, 1993 that selection of R3 was approved by R1. R3 was positioned

4

Exchange did not make available the names within the time limit prescribed in the requisition made by the department, in accordance with the Rules, the authority concerned issued a local notification. This was responded to by 6 persons including the applicant and respondent-3. The last date fixed for receipt of applications was 28-6-1992 and the applications received as on that date were got verified on 30-6-1992 itself, the date on which the order appointing the applicant provisionally was issued. A perusal of letter No.PP/EDDA/Bukkasagara/BO/92 dated 30-6-1992 from R2 to R1 shows that, the process of selection was not complete as on 30-6-1992. In fact, in order to ensure that the work did not suffer on account of retirement of the incumbent of the post on that day, the appointing authority (R2) had issued the order (Annexure-A1) provisionally appointing the applicant, the son of the incumbent EDDA who had retired that day. The selection itself was made finally after about one year and eight months and R3 was selected for appointment.

3. Aggrieved with his non-selection to the post referred to supra, the applicant has come up with this application. Shri M.Raghavendrachar, learned counsel for the applicant raised an objection that the Sub-Divisional Inspector of Post Offices (R2) being the appointing authority for the post in question, he issued the order appointing R3 much later at the instance of R2 who was his superior in the departmental hierarchy, so much so the appointing authority was influenced by a higher authority who was not competent to make the selection. Learned Senior Central Government Standing Counsel appearing for R1 and R2 counters this argument and contends that there are instructions existing in this regard, but he was not in a position to produce the same to-day. Be that as it may, the reply state-

CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH, BANGALORE.

ORIGINAL APPLICATION NUMBER 168 OF 1994

THURSDAY, THIS THE 17TH DAY OF NOVEMBER, 1994

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

Member(A)

Y. Thippaiah Shetty,
S/o Seenappa Shetty,
Major, EDDA, Bokkasagara Branch,
Kampli Taluk,
Bellary District.

.. Applicant.

(By Advocate Shri M.R. Achar)
v.

1. The Superintendent of Post Office,
Bellary Division, Bellary.

2. The Sub-Divisional Inspector of Post
Offices, Sirguppa Sub-Division,
Bellary District.

3. K. Guru Basavaraj,
Merchant, Bokkasagara Post Office,
Kampli Taluk, Bellary Dist.

.. Respondents.

(By Standing Counsel Shri M.S. Padmarajaiah)

ORDER

Mr. T.V. Ramanan, Member(A):-

Admit. We have heard the learned counsel for the applicant and the learned Senior Central Government Standing Counsel for R1 and R2.

2. In this case, the applicant was provisionally appointed as an Extra-Departmental Delivery Agent ('EDDA') at Bukkasagara by order dated 30-6-1992 (Annexure-A1). It seems the post of EDDA had fallen vacant upon the retirement of the incumbent of the post on 30-6-1992. Earlier in April, 1992 itself, the department had initiated action to obtain a panel of names from the Employment Exchange concerned. But, since the Employment



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 24 NOV 1994

APPLICATION NO: 168 of 1994

APPLICANTS:- Y. Thippaiah Shetty,
V/S.

RESPONDENTS:- Suptd of Post Office, Bellary & 2 ms.

T.

1. Sri M. R. Achar
Advocate,
No. 1074 & 75,
4th Main, 2nd Cross,
Srinivasa Nagar, II nd Phase.
Bangalore - 560050.
2. Sr. M. S. Padmarajiah
Sr. C.G. S.C.
High Court Bldg,
Bangalore - 1.

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

--XX--

Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above
mentioned application(s) on 17th November 1994

Issued on

25/11/94

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.