

(30)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A.NO. 512 of 1987

Date of Order: 16-10-1989

B.Nirmala Devi

.. Applicant

and

Superintendent of Post Offices,  
Respondents and others

.. Respondents

For Applicant: Mr.Sudhakar Reddy for Mr.N.Parameswara Reddy.

For Respondents: Mr.Ashok Kumar, SC for Postal

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI D.SURYA RAO: MEMBER(JUDICIAL)

.....

(Judgment of the bench delivered by Shri D.Surya Rao,  
Member(Judl.)

\*\*\*

1. The applicant herein seeks to question the order dated 29-7-1986 issued by the 1st respondent appointing the 2nd respondent as Extra Departmental Branch Post Master of Gurajala branch, Cuddapah District. She also seeks to question the order dated 14-7-1987 passed by the 4th respondent rejecting her appeal against the order of the 1st respondent dated 29-7-1986.

2. The applicant states that she was originally appointed on 4-5-1985 as Extra Departmental Post Master, Gurajala branch office. On 19-2-1986, the 1st respondent issued notice calling applications from the eligible candidates for the post of EDBPM Gurajala. The applicant and the 2nd respondent were among those who applied for the said post. While the applicant was on leave, the 3rd respondent directed

contd...2

..2..

the acting incharge of the Post Office~~x~~, to hand-over the charge of the material to the 2nd respondent. The applicant thereupon made a representation before the 4th respondent. The 4th respondent in his letter dated 14-7-1987 informed<sup>her</sup> that the selection was thoroughly reviewed by the 1st respondent and there was nothing contends that her initial appointment on 4-6-1985 was a regular appointment, that the action of the 1st and 3rd respondents in appointing the 2nd respondent as Extra Departmental Post Master, Gurjala branch office, is arbitrary and contrary to law and that she is fully ~~wa~~ qualified to hold the said post and should have been given the appointment. One of the reasons given is previously her father also worked as Branch Post Master and that he was asked to resign and assured that another member of his family would be given the appointment in view of his having resigned.

3. On behalf of the respondents 1,3 and 4, a counter has been filed denying that any promise was held out to her father that the applicant would be appointed in his place if he resign. It is stated that no such promise was held as the post of EDPM is not hereditary. So far as 2nd respondent<sup>appointment-</sup> is concerned, it is stated the applicant and others had applied and that the 2nd respondent who fulfilled all the essential conditions was selected as the Branch Postmaster. It is stated that the applicant was not selected since she had no adequate means of livelihood which is one of the essential conditions for employment. After selection of the 2nd respondent, 3rd respondent was directed to effect transfer of charge

218/84

To:

1. The Superintendent of post offices, Proddatur Division, Proddatur, Cuddapah Dist.
2. B. Venkatrami Reddy (EDBPM), Gurajala, Simhadripuram Mandalam, Cuddapah Dist.
3. Inspector of post offices, Pulivendla Sub Division Pulivendla, Cuddapah Dist.
4. The Director of Postal services, A.P. Southern Region, Kurnool-5.
5. One copy to Mr. N. Parameswara Reddy, Advocate, 51, Mehdiapatnam, Hyderabad-500 028.
6. One copy to Mr. N. R. Devaraj, SC for Railways, CAT, Hyderabad.
7. One spare copy.

...

kj.

27/10/61  
Advocate

Amel  
19/10/61

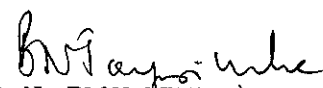
..3..

to the 2nd respondent since the applicant was on leave and her brother was working as substitute. Failing to do so, the 3rd respondent appointed arranged for transfer of articles. It is stated that initial appointment of the applicant was provisional and that she was replaced by the 2nd respondent after regular selection. It is, therefore, contended that there are no merits in this application.

4. We have heard Shri Sudhakar Reddy on behalf of N.Parameswara Reddy, learned counsel for the applicant and Shri Ashok Kumar, Standing counsel for Postal, who has placed before the relevant records.

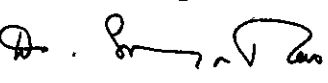
5. We find from the records that against the name of the applicant, it is mentioned that she has interest in the joint family and 1/5th share of ~~the~~ income comes to about Rs.900/- per annum. It is also stated that she is a lady candidate to be married and therefore she is not considered suitable in the counter. It is mentioned that she has no means of livelihood, which is not supported by the records. She could not have been eliminated on the ground that she is a lady candidate. In these circumstances, the appointment of the 2nd respondent is set aside and the respondents (appointing authority) is directed to reconsider the case on merits from among the same candidates who had applied in response to the notification dated 19-2-1986 to fill up the post of Extra Departmental Branch Postmaster, Gurajala branch office, in accordance with the rules. This shall be done within a period of two months from the date of receipt of this notice. With these directions, the application is allowed. No costs.

(Dictated in open court)

  
(B.N.JAYASIMHA)  
Vice Chairman

SQH\*

Dt.16/10/1989

  
(D.SURYA RAO)  
Member (J)  
Deputy Registrar (A)

.....