

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

friday DAY THE Twenty-fourth DAY OF June
ONE THOUSAND NINE HUNDRED AND EIGHTY EIGHT

;PRESENT;

THE HON'BLE MR. B.N.JAYA SINHA: VICE-CHAIRMAN

AND

THE HON'BLE MR.D.SURYA RAO: MEMBER.(Jndl)

ORIGINAL APPLICATION NO. 246 of 1987

BETWEEN:-

Alavalapati Vijayabheskar Reddy

....Applicant

AND

- 1) Superintendent of Post offices, Proddatur Division, Proddatur, Cuddapah DIST.
- 2) S. Sreenivasula Reddy, S/o Obul Reddy, Karnapatay, Palli, Lingala mandalam, cuddapah (dist)
- 3) Director General of Posts, Telegraphs, New Delhi

....Respondents

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Application under Section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to

reinstate the applicant as EDBPM of Karanapalaya Patti, Branch Office, Lingala Sub office, Proddatur Division, Cuddapah district in the place of Sri S. Sreenivasa Reddy by holding over the action of the 1st respondent in handing temporarily in the place of the applicant as illegal and void.

hearing,

This Application coming on for orders upon perusing the application and upon hearing the arguments of Mr. B. D. Maheshwara Reddy Advocate for the Applicant and of Mr. G. Parameswaran for Mr. K. Jagannathan behalf of the Respondents, ~~183~~ and the respondent no. 2 not appeared in person or by his advocate.

The Tribunal made the following Order:-

(Separate Sheet attached).

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ORDER OF THE TRIBUNAL

The applicant herein is questioning the order
dated 20-2-1987 issued by the First respondent, the
applicant handed over ~~the~~ charge of Extra Departmental
Branch Post Master of Karnapapayapalli Branch Office,
Lingala Sub Office, Cuddapah District to the second
respondent. The applicant states that his father was
working as EDBPM in the same Post Office till his
resignation. The applicant was appointed provisionally
to the said post and he was allowed to continue from
1985 to 1987. On 9-7-1985, an advertisement was issued
calling for applications for the said post. The applicant
had applied for the said regular post but he was not
given the appointment order and he was allowed to continue.
Again in 1986 a second notice was issued calling for the
applications. The applicant again submitted his applica-
tion. Even on this occasion no appointment order was
issued to the applicant. When a third notice was issued
in September 1986 and the applicant once again ~~had~~ applied

(u)

for the post, he received no order of regular appointment.

Suddenly on 20-2-1987 the 1st respondent visited his house and in the absence of the applicant handed over the charge and relevant records to the second respondent.

The applicant states that the appointment of the second respondent is highly arbitrary, illegal and contrary to the rules. The applicant claims that he was fully qualified to hold that post and had applied for the same at every attempt when the advertisement was issued. The applicant has also registered his name in the Employment Exchange. Not-with-standing his applications, he was not selected by the respondents. He therefore seeks to set-aside the order of appointment of the second respondent.

2. On behalf of the respondents a counter has been filed stating that the vacancy was notified on three occasions viz., 9-7-1985, 19-2-1986 and 23-9-1986. In regard to the notification dated 9-7-1985, it is stated that since the applicant was only the ^(u) _{who} candidate applied for the post, the vacancy had been notified once again. When the vacancy was again notified on 19-2-1986, the second respondent was selected but the Director of Postal

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Services had directed that the selection needs review.

Hence the notice of vacancy was once again notified on 23-9-1986. At this occasion also the 2nd respondent was selected out of three candidates as the applicant and one of the other candidates did not own either an independent property or means of livelihood whereas the second respondent fulfilled all the requirements.

Accordingly the selection of the 2nd respondent was intimated by the 1st respondent to the Sub Divisional Inspector, Pulivendala by a letter dated 12-2-1987.

The Sub Divisional Inspector had visited Karnapapayapalli and handed over the charge of Branch Post Master, Karnapapayapalli to the 2nd respondent.

3. We have heard the learned Counsel for the applicant Shri B.D.Maheswara Reddy and the learned Standing Counsel for the Department Shri Parameswara Rao representing Shri K.Jagannadha Rao. The facts as indicated above show that the applicant had been appointed provisionally as Extra Departmental Branch Post Master and had been discharging the function since then. He had applied on all the three occasions when the post ~~on regular basis~~ was advertised. The records

friday file on regular basis

produced by the learned Standing Counsel for the Department discloses that on the first occasion when the applicant had applied for the post, the selection was not made as he was ~~only~~ the ^{only} ~~candidate~~ and no one else ~~had~~ applied. Simultaneously at that time he has been asked to produce a certificate from the Mandal Office in proof of his property and means of livelihood. He did so and produced the certificate from the Mandal Revenue Officer indicating that he owns 2.19 acres of land with an annual income of Rs. 19,000/- Despite that, he was not selected on the ground that he was ~~only~~ the ^{only} ~~candidate~~ applied for the post. The record discloses that when second time the vacancy was notified, in regard to accommodation for the Branch Office, the applicant was shown to ~~have~~ ^{possess} possessed accommodation whereas in the statement made for consideration of the claims of all the applicants in pursuant to the 3rd advertisement, it is stated that ^{thus} no separate room was available. No proper application of mind has been made by the competent authority in making selection and the selection made therefore has to be set-aside. We accordingly set-aside the selection and direct the authorities ^{Competent} to re-consider the matter and

~~to~~ make proper selection in accordance with the rules.

The selection shall be ~~done~~ ^{made} within four weeks from the date of receipt of this order. The application is accordingly allowed. There will be no order as to costs.

B.N.Jayashankar

(B.N. JAYASIMHA)
Vice Chairman

D.Surya Rao

(D.SURYA RAO)
Member (Judl.)

Dated: 24th June, 1988.

b/s
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vsn

S. Jayashankar
Deputy Registrar
(S. J. P.)
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