

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
 AT HYDERABAD

O.A.No.207/89

Date of Order: 15.6.1992

BETWEEN :

T.Krishnudu

.. Applicant.

A N D

The Union of India rep. by :

1. The Secretary to Government,
 Department of Posts, New Delhi.

2. The Director of Postal Services,
 Andhra Pradesh Southern Region,
 Kurnool.

3. The Superintendent of Post Offices,
 Nandyal Division, Nandyal. .. Respondents.

 Counsel for the Applicant .. Mr.K.S.R.Anjaneyulu

Counsel for the Respondents .. Mr.N.Bhaskara Rao

CORAM:

HON'BLE SHRI P.C.JAIN, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

 (Order of the Division Bench delivered by
 Hon'ble Shri P.C.Jain, Member (Admn.)).

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The applicant was appointed as Extra Departmental Delivery Agent in Chinnakambalur in Nandyal Postal Division in February, 1980. He continued in the said post some time up to 1985 when the post was abolished. Under these circumstances his name was placed on waiting list comprising of thrown-out employees persuant to abolition of the post. However, it is the case of the applicant that his name was removed from the aforesaid waiting list, and further that even though he was willing for the post, in persuance of a selection that was held his case was not considered for appointment to that post. It is in this background that the applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 with the prayer for a direction to the respondents to appoint him to the post of EDBPM Chinnakambalur and to quash the order dated 7-7-1988 by which he was informed that he could not be selected for the above post.

2. After hearing the learned counsel for both the parties and perusing the material on record, we do not find much dispute about the real facts, in as much as the applicant's initial appointment in 1980, termination of his services in 1985 persuant to the abolition of the post along with 53 others, ^{Seeking} ~~having~~ his willingness for one of the 17 posts in the Department, and ^{having} ~~having~~ given his willingness for one of them, abolition of the waiting list after a period of two and a half years as against the normal period of one year laid down under the Government instructions, and non-consideration of the applicant for appointment to the post of EDBPM, Chinnakambalur for which he had given his willingness, are not in dispute. However, the respondents' case is that as the minimum of 3 applications had not been received for the aforesaid post, the post had to be advertised ^{once}.

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atleast 3 times. The applicant ~~gave~~ his application only on the first time. Apart from this, the case of the respondents is that he did not furnish proof of his residence as required under the rules and that in the particulars furnished by him, the applicant did not produce proof in support of his residence and he was only a holder of joint ~~and~~ ~~the~~ grounds that the respondents have ~~stated~~ that the applicant's candidature for the aforesaid post was not considered.

3. Learned counsel for the applicant submitted before us that neither the applicant was informed about the removal of his name from the waiting list nor he was given an opportunity to show that he was fully eligible for consideration for the post in accordance with the rules. He stated that the applicant was resident of Chinnakambalur. However, no material has been placed before us in support of this contention. We are unable to agree with the learned counsel for the applicant's contention that there is a legal presumption that a person is the resident of the place where the property owned by him is located, for the simple reason that we have not been shown any such provision of law or any rule in support of such a contention. Then the learned counsel for the applicant urged that the respondents be directed to give an opportunity to the applicant to show his eligibility and suitability for a suitable alternative post which may be available and for appointment to which the applicant is considered eligible under the relevant rules.

4. In the light of the foregiving discussion, the OA is disposed of in terms of the following directions:-

(i). The applicant shall make a representation to Respondent No.3, Superintendent of Post Office, Nandyal Division, Nandyal, for being offered a suitable alternative post. Such a representation

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shall be made within 2 months from today, and shall indicate the post for which he would like to be considered and furnish the relevant material showing his eligibility and suitability for such a post.

(ii). The representation so made shall be duly considered by the respondents and a decision taken within 2 months from the date of the receipt of the representation. The respondents shall pass a speaking order, and a copy of the same shall also be sent to the applicant.

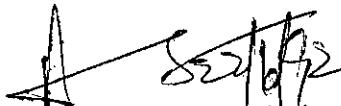
(iii). The period from the date the services of the applicant had been dispensed with in 1985 till the representation is decided shall be excluded for computing the age of the applicant for purpose of age requirements as per the rules, for the aforesaid alternative post.

5. No costs.

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

C.J.
(P.C.JAIN)
Member (Admn.)

Dated: 15th June, 1992

(Dictated in the Open Court)  By. Registrar (J)

To

1. The Secretary to Govt. Union of India,
Dept. of Posts, New Delhi.
2. The Director of Postal Services, A.P. Southern Region, Kurnool.
3. The Superintendent of Post Offices, Nandyal Division, Nandyal.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr.N.Bhaskar Rao, Addl. CGSC. CAT.Hyd.
6. One copy to Hon'ble Mr.P.C.Jain, Member(A)CAT.Hyd.
7. One copy to Hon'ble Mr.T.Chandrasekhar Reddy, Member(J)CAT.Hyd.
8. One spare copy.

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

THE HON'BLE MR. ~~R. DALASUBRAMANIAN~~ : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY : MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 15 - 6 - 1992

ORDER / JUDGMENT

P.A./C.A./M.A. No.

in
O.A. No. 207/89

T.A. No. (W.P. No.)

Admitted and interim directions
issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

