

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 302 of 1989

DATE OF JUDGMENT: 10 JUNE 1992.

BETWEEN:

Mr. D.V.Ramana Murthy

..

Applicant

AND

1. Department of Posts,
New Delhi.

2. The Senior Superintendent of
Post Offices,
Amalapuram.

..

Respondents

COUNSEL FOR THE APPLICANT: Mr. KSR Anjaneyulu

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Addl. CGSC

CORAM:

Hon'ble Shri A.B.Gorthi, Administrative Member

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judicial)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI A.B.GORTHI, ADMINISTRATIVE MEMBER

Aggrieved by the Respondents' decision not to select him for the post of Extra Departmental Branch Post Master (EDBPM) and to terminate his provisional appointment as EDBPM with effect from 4.4.1989, the applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985. His prayer is that the order terminating his appointment be quashed and that he be declared as selected for appointment as EDBPM of Nadavapalli, A/W Katrenikona.

2. The applicant was initially appointed as EDBPM of Nadavapalli with effect from 29.3.1988. Although the said appointment was provisional, he continued to work in the said post satisfactorily. The respondents decided to make regular appointment to the said post and accordingly called for applications. The applicant's name was sponsored by the Employment Exchange. He, along with two other candidates were considered for appointment. The applicant although fully eligible for being selected, was however not selected. Another candidate, Shri D.Satya Brahmananda Murthy, who was not even a Matriculate, was selected. The respondents then served the applicant with a show cause notice intimating him that his services would be terminated because of the impending regular selection. Although the applicant in his reply to the show cause notice pleaded for continuance in his post, his plea was rejected.

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3. The respondents have stated, in that the initial appointment of the applicant was purely provisional in nature, as the regular incumbent was put off duty. The appointment letter clearly stated that the applicant's appointment was liable to be terminated either on the reinduction of the regular incumbent or on fresh selection for regular employment. Although the applicant was found to be eligible for appointment as EDBPM during the selection process, it was decided to select Mr. D. Satya Brahmananda Murthy who too was eligible in all respects for the said post. ~~Although~~ The said Mr. Satya Brahmananda Murthy, who failed in Matriculation, was at the relevant time ^{studying} ~~studied~~ for B.A. Part-I. Moreover, the respondents have found the working of the applicant as unsatisfactory. In a visit report (V.R), short comings were ^{noted and} made ^{known} to him.

4. The learned counsel for the applicant vehemently contended that the applicant was improperly rejected although he had higher qualifications and previous experience. As regards working of the applicant, the learned counsel for the applicant has contended that the respondents did not at any stage warn the applicant that his services could be terminated on account of his ^{un-}satisfactory service. The learned counsel for the respondents has mainly stressed the point that the selection was done fairly and objectively and that there was no violation of any statutory provisions in the

contd....

To

1. The Secretary to Government,
Department of Posts, New Delhi.
2. The Senior Superintendent of Post Offices,
Amalapuram.
3. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Addl. CGSC. CAT.Hyd.
5. One spare copy.

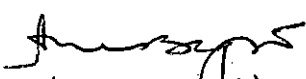
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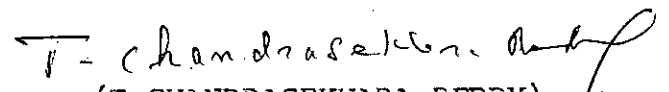
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matter of selection. As regards termination of the provisional appointment of the applicant, it had to be done because of the regular selection that was being made.

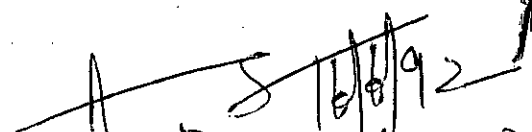
5. The short question that is left for our determination is whether the selection made by the respondents is legally valid or not. We are not convinced that there has been any ulterior motive or malafides on the part of the respondents, in rejecting the candidature of the applicant. There has not been any violation of any statutory rule either. In such circumstances, it will not be proper for us to undertake a critical examination of the decision of the selecting authority or to scrutinise the relative merits of the candidates. Whether a candidate is fit for being selected or not has to be decided by the competent executive authority in accordance with the extant rules and instructions. The decision of such an authority cannot be interfered with unless it is suffered from any illegality or patent material irregularity.

6. Keeping in view the facts and circumstances of the case, we are not convinced that this is a fit case for our interference. The application is, therefore, dismissed. No order as to costs.


(A.B. GORTHI)
MEMBER (ADMN.)


(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)

DATED: 16 June, 1992.


Deputy Registrar (C)

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TYPED BY

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COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

A. B. Gorthi

THE HON'BLE MR. R. BALASUBRAMANIAN; M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY;
MEMBER (JUDL)

AND

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

Dated: 10 - 6 - 1992.

~~ORDER~~ / JUDGMENT

R.A./C.A./M.A. No.

in

O.A. No. 302/89

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

