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Book ID **WFO007**

Between:

Vs.

Sri T.Jayant, learned counsel for the Applicant.

Sri Parameswara Rao, Counsel for R-3.

Hon'ble Sri B.N.Jayasimha, Vice-Chairman.

Judgment of the Bench delivered by
Hon'ble Sri B.N.Jayasimha,
Vice-Chairman.

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The applicant states that his father had served

as ED Branch Post Master Nazdik Singaram B.O. on regular basis for a period of 17 years and tendered resignation

for the post as he was appointed as Village Assistant.

The applicant was appointed as ED BPM in his father's place on provisional basis with effect from 1--11--1987.

The Senior Superintendent of Post Offices, Hyderabad

South East Division, the 2nd respondent, by his

Memo dated 26--4--1988 notified the vacancy of Nazdik

Singaram B.O., inviting applications from the eligible

candidates for selection to the said post. The

applicant applied for the post and several others

also applied for the said post. Thereafter the

Assistant Superintendent of Post Offices visited

the village and verified the original certificates of

all the candidates. The applicant says that

according to his knowledge, the Assistant Super-

intendent of Post Offices recommended the case of

the applicant on the basis of the certificates.

However, the 2nd respondent did not pass any

selection orders in the matter for a long time.

The applicant came to know that the abovementioned

notification was cancelled as it was issued even

before accepting the resignation of the previous

Branch Post Master and that Respondent No.2 decided

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to issue another notification in supersession of the said Notification. The 2nd respondent issued the second notification on 19--1--1989 inviting applications from eligible candidates for selection to the said post of ED BPM Nazdik Singaram B.O., The applicant submitted his application in response to the said Notification. He came to know that only one more candidate viz., Sri D.Narasimha the Sarpanch of the village applied for the post and that Sri M.Anjaiah, the 3rd respondent who herein/was one of the candidates applied for earlier notification dated 26--4--1988 did not submit his application for the 2nd notification. However, the 2nd respondent selected the 3rd respondent by the impugned order dated 13--4--1989 on the basis of the application submitted in response to the notification dated ~~12-1-1988~~ 26--4--1988 which has been superseded by the notification dated 19--1--1989. The applicant contends, that it is not open to the respondents to selection on the basis of the earlier notification since it was cancelled and a fresh notification was issued.

The respondents 1 and 2 filed their counter.
Respondent No.3 also filed his counter.

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We have heard Sri T. Jayant, learned counsel for the applicant and Sri Bhaskara Rao for Respondents ~~xxx~~ 1 and 2 and Sri Parameswara Rao for Respondent No.3.

The main contention raised by Sri T. Jayant is that after having issued a fresh notification, the selection should be confined ~~to persons who had applied~~ in response to the fresh notification issued on 19-1-1989

Sri Parameswara Rao, learned ~~xxx~~ counsel for R-3 states that the 2nd notification was issued without giving any wide publicity and also that there was a collusion between the applicant and the Assistant Superintendent of Post Offices. He also states that Respondent No.3 has averred to this fact in the counter filed by him.

Sri Ashok Kumar for the Department states that in response to the first notification dated 26--4--1988 11 applications were received, ~~No reasons are~~

~~forthcoming~~ ^{the} for cancellation of the first notification. No reason has also been given as to why

after issuing the 2nd notification, the Department

~~had chosen~~ ^{considered} the applications received in response to

the notification dated 26--4--1988 and ~~proceeded~~ to make the selection.

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The allegation made by respondent No.3 that there was collusion between the Assistant Superintendent of Post Offices and the applicant has also not been rebutted. It would thus be seen that the entire procedure adopted by the Department is arbitrary and illegal.

In the circumstances, we direct that a fresh notification should be issued calling for fresh applications and selection be made afresh after considering all the persons who apply in response to this fresh notification.

With these directions, the application is disposed of.

There will be no order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman
30-10-1989.

MS
(J. NARASIMHAMURTY)
Member (Judicial)
30-10-1989.

Depy. Secy. (J.)

SSS.

To:

1. The Secretary, (Union of India) Ministry of Communications, New Delhi-1.
2. The Senior Superintendent of post offices, Hyderabad south East Division, Hyderabad-500 027.
3. M. Anjaiah S/o Sri Alwalu aged 25 years (one of the applicants to the post of BPM Nazdik singaram B.O. to the 1st notification) at Nazdik singaram B.O. Yacharam S.O. Rangareddy Dist.
4. One copy to Mr. T. Jayant, Advocate, 17-358, Srinagar Colony, Gaddiannaram, P & T Colony P.O., Hyderabad-500 660.
5. One copy to Mr. J. Ashok Kumar, SC for postal Department, for RR 1 and 2.
6. One copy to Kum. N. Shakti, Advocate, 1-1-745, Gandhinagar, Hyderabad-500 380.
7. One spare copy.

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