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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.599/89

Date of Order: 16.6.1992

BETWEEN:

S.C.Nagaraju

.. Applicant.

A N D

1. The Director of Postal
Services, Southern Region,
KURNOOL - 518 005.

2. A.V.Seshagiri Rao,
B.P.M., Tiptur, (P.O.)
Kurnool Dist.

.. Respondents.

Counsel for the Applicant

.. Mr.K.Sudhakar Reddy

Counsel for the Respondents

.. Mr.N.Bhaskara Rao, ^{All}
Case

CORAM:

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

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

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(Order of the Division Bench delivered by

Hon'ble Shri P.C.Jain, Member (Admn.)).

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This is an application filed under Section 19 of the Administrative Tribunals Act praying for a direction to the First respondent to appoint the applicant as B.P.M. Turtur in the place of Second Respondent.

2. Respondent No.1 viz., Director of Postal Service, Kurnool Division, Kurnool has contested the OA by filing a reply. We have perused the material on record and also heard the learned counsel for both the parties.

3. As a background fact, it may be stated that one Sri S.P.Balaraju was holding the post of B.P.M. Turtur and when he went on leave from 3.9.1987 to 31.1.1988, the applicant was appointed as his substitute on the responsibility of regular Branch Post Master. It is the case of the respondents that the applicant was not appointed provisionally by any competent authority. Sri S.P.Balaraju submitted his resignation from the post on 4.5.1988 as he was appointed as Village Assistant at Kosigi; the Employment Exchange was addressed on 13.1.1988 and thrown out EDAs were addressed on 24.6.1988. As there was no response from either of the aforesaid sources, open notification was issued on 14.7.1988 fixing 12.8.1988 as last date for receipt of applications. Wide publicity for the vacancy is said to have been arranged on 20.7.1988. In all six applications were received for the post and one Sri A.V.Seshagiri Rao was selected and appointed. He has been made Respondent No.2 in this OA. He has not filed any reply inspite of service of notice on him.

4. The first contention of the learned counsel for the applicant urged before us is that the applicant was fully qualified in terms of the relevant rules for being appointed to the post in as much as he owned property and
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also had experience, while Respondent No.2 who was selected neither had experience nor he had any property in his name. We are unable to uphold this contention. The counter affidavit filed by the department shows that the Respondent No.2 who was selected as B.P.M. had in his name 2.32 cts land. Learned counsel for the applicant challenged at the bar the accuracy of the above statement. The learned counsel for the department then showed us the relevant extract issued by the Revenue Authority from a perusal of which it is seen that the land in the name of Respondent No.2 was in survey No. 19 A in Village Porumanchala, Athmakur Taluk of Kurnool Division. In view of this it is not possible for us to hold that Respondent No.2 did not have any independent source of income as is required under the rules. Despite his contention the applicant has not placed any material before us to substantiate his claim that he had a house. The verification carried out by the department in respect of the applications shows that the house claimed by the applicant was stated to be in the name of his father. Thus, it cannot be held that the applicant was fully qualified for selection and appointment to the post of B.P.M. It is clear from the above discussion that the candidate selected and appointed had an independent source of income from the land in his name while the applicant had no immovable property in his name.

5. Another contention of the learned counsel for the applicant is that while the applicant had experience of this post, Respondent No.2 had no such experience. He, therefore, tried to make out that the applicant deserved a preferential treatment in the matter of selection. The respondent No.1 in his reply has stated that there is no provision in ^{the} rules for giving any weightage for experience,

and further that the applicant did not have that much experience of the post as he has claimed. The length of the experience would not be relevant if the experience is not a decisive or a preferential factor in the matter of selection. We have not been shown any provision for any weightage for experience in the rules/instructions.

6. Another contention urged before us by the learned counsel for the applicant is that the department did not carry out any selection ~~as such~~ as no interviews were held. When we enquired about the position of rules on this point, the learned counsel for the applicant rightly and fairly submitted that no provision for holding interviews exists.

7. The applicant in his OA has also sought to make a grievance of his being forced to hand over charge of the post to the selected and appointed candidate. Respondent No. 2, ^(in continuation) This has not been pressed before us. In any case, when the process of regular appointment is complete, a person working on the post in a stop gap arrangement has to make way for the regularly selected candidate.

8. In the light of the foregoing discussion, we have no hesitation in holding that though both the applicant and respondent No. 2 were on par in the matter of educational qualifications, the factor which proved decisive with the department was that while the applicant had ^{no} immovable property in his name, the selected candidate had such property in his name. Respondent No. 2 had 2.32 cts. land. This being an important criteria, the selection of respondent No. 2 for appointment to the ^{Class.}

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post of B.P.M. Turtur cannot be found fault with. The OA is accordingly dismissed leaving the parties to bear ~~with~~ their own costs.

T. C. J. Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

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

Dated : 16th June, 1992
(Dictated in the Open Court)

8/2/92
Dy. Registrar (J)

To

1. The Director of Postal Services,
Southern Region, Kurnool - 518 005.
2. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
3. One copy to Mr.N.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
4. One copy to Hon'ble Mr.P.C.Jain, Member(A) CAT.Hyd.
5. One copy to Hon'ble Mr.T.Chandrasekhar Reddy, Member(J)CAT.Hyd.
6. One spare copy.

pvm.

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*psflm/psflm
19/6/92*

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.
THE HON'BLE MR.

AND P. C. Jain.

THE HON'BLE MR. ~~K. B. SUBRAMANIAN~~ : M(A)

AND

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

AND

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

Dated: 16 - 6 - 1992

ORDER / JUDGMENT

O.A. / C.A. / M.A. No.

in

O.A. No. 599/89

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.

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