

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.49/89.

Dt. of Order: 3-4-92

Mohd.Hussain

....Applicant

Vs.

Union of India represented by :

1. The Secretary to Government,
Department of Posts, New Delhi.
2. The Director of Postal Services,
Andhra Pradesh Northern Region,
Hyderabad.
3. The Superintendent of Post Offices,
Medak.
4. The Sub-Divisional Inspector (Postal),
Narayankhed, Medak District.
5. Shri Menappa, EDMC, Masanapalli,
Medak District.

....Respondents

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Counsel for the Applicant : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri Naram Bhaskar Rao,
CGSC

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CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

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

(Order of the Division Bench delivered by Hon'ble
Sri R.Balasubramanian, Member (A)).

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This application is filed by Sri Mohd.Hussain, under
section 19 of the A.T.Act, 1985, against the Secretary to
Government, Department of Posts, New Delhi, and 4 others.

Respondent No.5 is ~~private~~ Respondent and selected as
E.D.M.C. & Masenapally, Medak District, who has also been
served with notice. The prayer in this application is
for a direction to set aside the selection and appoint-

ment of the 5th Respondent to the post of E.D.M.C. Masanapalli and direct the respondents to appoint the applicant on the basis of merit by declaring the letter No.8III/ED/Genl dt.26-12-8 of the Superintendent of Post Offices, Sangareddy Division, as illegal.

2. The applicant applied for the post of E.D.M.C. Masanapally, and according to him he posses all the requisite qualifications; still he was not selected and Respondent No.5 was selected though he is ~~as~~ (a) better qualified educationally than the 5th Respondent (b) respondent No.5, ^{was allegedly} ~~allegedly~~ related to the then EDBPM of Masanapally.

3. The respondents have filed a counter affidavit and opposed the application. It is their case that on a complaint of the applicant that the 5th Respondent is related to the Post Master of Masanapally an enquiry was conducted and in the enquiry it was found that the ~~allegations~~ were ~~baseless~~ baseless. It is also their case that the selected candidate has the required minimum qualification. Hence they have justified the ~~selection~~ of the 5th Respondent.

4. We have examined the case and heard Sri K.S.R.Anjaneyulu, learned counsel for the applicant and Sri Naram Bhaskar Rao, learned counsel for the Respondents. Though notice was served on 5th Respondent there was no representation by the 5th Respondent. As regards the relationship of the 5th Respondent with the Branch Post Master of the Masanapally the Respondents have denied ^{this allegation.} ~~that there is any relationship~~

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As regards the educational qualifications the recruitment rule clearly states that 6th standard is the minimum qualification while 8th standard is preferable. In the case before us the 5th respondent has got only 7th standard whereas the applicant is having the educational qualification higher than even 8th standard, which is to be preferred according to the rules. In view of this position and in the absence of any other justification on the part of the Respondents for selecting the 5th respondent, we hold that the selection they had made cannot be sustained. We, therefore, direct the Respondents to effect a fresh selection from among the applicants who had ^{already} responded to the notification, in accordance with statutory rules. With the above directions we dispose-of this application with no order as to costs.

R. Balasubramanian

(R. BALASUBRAMANIAN) —————
MEMBER (A)

C.J. Roy
(C.J. ROY)
MEMBER (J)

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Dated 3rd April, 1992.

823/4/92
Dy. Registrar (Judl.)

Copy to:-

avl/grh.

1. The Secretary to Government, Department of Posts, New Delhi.
2. The Director of Postal Services, A.P. Northern Region, Hyderabad.
3. The Superintendent of Post Offices, Medak.
4. The Sub-Divisional Inspector (Postal), Narayankhed, Medak Dist.
5. Sri. Manappa, EDMC, Masanapalli, Medak District.
6. One copy to Sri. K.S.R. Anjaneyulu, advocate, CAT, Hyd.
7. One copy to Sri. N. Bhaskara Rao, Addl. CGSC, CAT, Hyd-bad.
8. One spare copy.

Rsm/-

Subh

(3) 0-9-49/89
TYPED BY

~~RVS~~ COMPARED BY

CHECKED BY ~~RVS~~ 23/2

APPROVED BY

THE HON'BLE MR.

V.C.

AND

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: 3/4/1992.

ORDER / JUDGMENT

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

O.A. No.

in
49/89

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

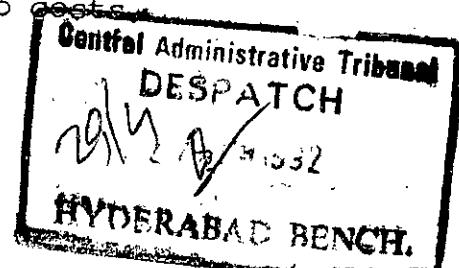
Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.



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