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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

OA.No.820/89

Date of order:24th June, 1992

BETWEEN

Sri S.K. Jainulla

.. Applicant

AND

1. The Superintendent of
Post Offices,
Tirupati

2. Sri J.Sankaraiah
Watchman
Superintendent of Post Offices
Tirupati

.. Respondents

Counsel for the Applicant : Mr. B.Lingaiah Choudary, ^{Not present}

Counsel for the respondents: Mr N.R.Devraj, Addl. CGSC

CORAM:

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

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

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

By this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant who was working as a contingent driver in the office of the Superintendent of Postoffices, Tirupati, has assailed the selection and appointment of respondent no.2 on regular basis as a Driver. He has prayed for a direction for absorbing him against the vacancy notified under Endorsement dated 21.2.89 issued by the office of the Superintendent of Post Offices, ~~Tirum~~ Tirupati.

2. The official respondent has contested this OA by filing a reply. Respondent 2 has not filed any reply.

Clear.

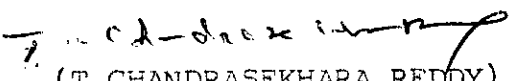
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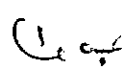
The applicant has also not filed any rejoinder.

3. None is present for the applicant ~~even~~ though the case is listed for dismissal in today's cause list. None had appeared for him even on the preceeding ~~xxx~~ date that is on 17.6.92. As the case is old and pertains to a low paid employee, we consider it appropriate to dispose of the case on merits. We accordingly perused the material on record and also heard the learned counsel for respondent no.1.

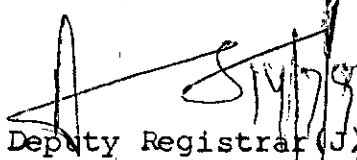
4. Briefly stated, the applicant has been continuously working as Driver in the contingent post since 24.4.86. Two posts of Driver in Motor Mail Service, Tirpathi Unit fell vacant ~~du~~ to the retirement of two drivers w.e.f. 31.7.88. One post ~~xx~~ was reserved for ST Candidate ~~from~~ outside and the other for general category candidate ~~from~~ among Departmental officials. A requisition was sent to the Employment Exchange on 26.12.89. As there was no response, an open notification was also issued on 21.2.89, calling for applications on or before 23.3.89. Meanwhile, the Employment Officer also sent a list of 12 candidates on 1.3.89. In all, 26 applications were there. When those were called for interview, only 13 candidates appeared. 2 of these 13 candidates did not possess driving licence and therefore remaining 11 candidates were tested/interviewed, by a duly constituted Departmental Promotion Committee. The applicant is also one among those 11 candidates tested/interviewed. The DPC selected and recommended one Sri J. Sankaraiah, respondent no.2 herein, who is said to have worked against the post of watchman from 1980 and had also worked as Driver in the Department. Counsel for Respondent No.1, has also placed before us the minutes of the meeting of the DPC relating to the above selection.

5. We find that the selection has been made in accordance with the recruitment rules, by a duly constituted Departmental Promotion Committee, which has recommended the Departmental employee, who was working on an ED post as Chowkidar, who had put in longer service than the applicant and who was also qualified in terms of the recruitment rules. We, therefore, see no grounds for interference in the selection made by the DPC and the appointment made by the Department in pursuance of the selection. The contention of the applicant is that the respondent no.2 who was selected and appointed is not even a driver which is not, in fact, true as per the records placed before us. It is true that he was appointed against the post of chowkidar, but he had also worked as Driver. If the applicant has been considered for selection along with other candidates but not selected, he cannot have legal grievance. In the light of the above discussions, we see no merit in this OA. The OA is accordingly dismissed leaving the parties to bear their own costs.


(T.CHANDRASEKHARA REDDY)
Member(Judl.)


(P.C. JAIN)
Member(Admn)

Dated: The 24th June, 1992


Deputy Registrar(J)

(Dictated in the open court)

To

1. The Superintendent of Post Offices, Tirupathi.

mvl

2. One copy to Mr. B.Lingaiah Choudary, Advocate
16-11-1-5-C, Behind Punjab National Bank, Hyderabad (Malakpet)
3. One copy to Mr.N.R.Devraj, Addl.CGSC.
4. One copy to Hon^{ble} Mr.T.Chandrasekhar Reddy, M(J)CAT.Hyd.
5. One spare copy.

pvm.



14/2/92
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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 24-6 -1992

ORDER / JUDGMENT

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

in

O.A. No. 820/89

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.

