

35

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 70/89.

Date of Decision : 12.2.92

T.A.No.:

Smt. K. Parvathamma

Petitioner.

Shri D. Madava Reddy for Shri K. Ananth Rao

Advocate for the
petitioner (s)

Versus

The Supdt. of Post Offices, Proddatur Division Respondent.
Proddatur, Cuddapah District & 2 others

Shri N. V. Ramana, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R. Balasubramanian : Member (A).

THE HON'BLE MR. C. J. Roy : Member (J).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HRBS
M(A).

H C J R
M(J).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A. No. 70/89.

Date of Judgment 12-2-1992

Smt. K. Parvathamma

.. Applicant

Vs.

1. The Supdt. of Post Offices,
Proddatur Division,
Proddatur,
Cuddapah District.

2. The Asst. Supdt. of Post
Offices, Proddatur,
Cuddapah District.

3. Shri K.V.S. Phani Rao .. Respondents

Counsel for the Applicant : Shri D. Madava Reddy for
Shri K. Ananth Rao

Counsel for the Respondents : Shri N.V. Ramana, Addl. CGSC

CORAM:

Hon'ble Shri R. Balasubramanian : Member(A)

Hon'ble Shri C.J. Roy : Member(J)

Judgment as per Hon'ble Shri R. Balasubramanian, Member(A) }

This application has been filed by Smt. K. Parvathamma under section 19 of the Administrative Tribunals Act, 1985 against the Supdt. of Post Offices, Proddatur Division, Proddatur, Cuddapah District & 2 others, seeking a direction to the respondents to appoint her as the E.D. Branch Postmaster, Upparapalle P.O. a/w Khaderabad.

2. The applicant was appointed as E.D. Branch Postmaster, Upparapalle P.O. a/w Khaderabad on 10.4.86. Later, when the respondents called for applications for filling up the post on regular basis she also applied but instead of selecting her the respondents have selected Shri K.V.S. Phani Rao (R.3). It is her contention that she has all the requisite qualification and that she should have been selected. Aggrieved, she has approached this Tribunal

With this application.

....²

3. The respondents have filed a counter affidavit and oppose the application. They had initially appointed her on a provisional basis on 6.10.87. When applications for filling up the post of regular basis were called for the applicant also applied. On scrutiny of the records they found that Shri K.V.S. Phani Rao (R.3) was better suited for the job and hence he had been appointed.

4. We have examined the case and heard the learned counsels for the rival sides. We find that the initial appointment of the applicant was on a provisional basis and that too on 6.10.87 and not on 10.4.86 ^{as stated by the office}. In the provisional appointment order it has been clearly stated that the appointment would be terminated as soon as a regular appointee joins and that she has no claim to the post. When applications were received for the post to be filled up on regular basis, they considered the claim of the applicant also. The respondent has all the requisite qualifications and they refute the claim of the applicant that she is better qualified. We find that Shri K.V.S. Phani Rao (R.3) also possesses all qualifications. It is the case of the applicant that she ^{has} ~~is~~ a slight limp and that is why the respondents did not select her. On this point, we find that this work involves considerable movement and the limp may act as an impediment. In any case, Shri K.V.S. Phani Rao (R.3) has got all the requisite qualifications and we do not find that the applicant is in any manner better placed than the respondent. Under these circumstances, we do not like interfere in the case and we dismiss the application with no order as to costs.

R. Balasubramanian
(R. Balasubramanian)
Member (A).

for
(C.J. Roy)
Member (J).

Dated 12th February, 1992.

5/3/92
Deputy Registrar (J).

~~percept~~
~~RUS~~
~~ATB/92 (3)~~

TYPED BY ~~8/2~~
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. ~~V.C.~~

V.C.

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

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY :
M(JUDL)

AND

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

DATED: 12-2-1992

ORDER/JUDGMENT:

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

in

O.A.No. 70/89

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.

Central Administrative Tribunal

DATE ATG/92

11/3/92

HYDERABAD 400 001

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A. No. 70/89.

Date of Judgment 12-2-1992

Smt. K. Parvathamma

.. Applicant

Vs.

1. The Supdt. of Post Offices,
Proddatur Division,
Proddatur,
Cuddapah District.

2. The Asst. Supdt. of Post
Offices, Proddatur,
Cuddapah District.

3. Shri K.V.S. Phani Rao .. Respondents

Counsel for the Applicant : Shri D. Madava Reddy for
Shri K. Ananth Rao

Counsel for the Respondents : Shri N.V. Ramana, Addl. CGSC

CORAM:

Hon'ble Shri R. Balasubramanian : Member(A)

Hon'ble Shri C.J. Roy : Member(J)

I Judgment as per Hon'ble Shri R. Balasubramanian, Member(A) I

This application has been filed by Smt. K. Parvathamma under section 19 of the Administrative Tribunals Act, 1985 against the Supdt. of Post Offices, Proddatur Division, Proddatur, Cuddapah District & 2 others, seeking a direction to the respondents to appoint her as the E.D. Branch Postmaster, Upparapalle P.O. a/w Khaderabad.

2. The applicant was appointed as E.D. Branch Postmaster, Upparapalle P.O. a/w Khaderabad on 10.4.86. Later, when the respondents called for applications for filling up the post on regular basis she also applied but instead of selecting her the respondents have selected Shri K.V.S. Phani Rao (R.3). It is her contention that she has all the requisite qualification and that she should have been selected. Aggrieved, she has approached this Tribunal

With this application.

....²

3. The respondents have filed a counter affidavit and oppose the application. They had initially appointed her on a provisional basis on 6.10.87. When applications for filling up the post of regular basis were called for the applicant also applied. On scrutiny of the records they found that Shri K.V.S. Phani Rao (R.3) was better suited for the job and hence he had been appointed.

4. We have examined the case and heard the learned counsels for the rival sides. We find that the initial appointment of the applicant was on a provisional basis and that too on 6.10.87 and not on 10.4.86 ^{as stated by the office}. In the provisional appointment order it has been clearly stated that the appointment would be terminated as soon as a regular appointee joins and that she has no claim to the post. When applications were received for the post to be filled up on regular basis, they considered the claim of the applicant also. The respondent has all the requisite qualifications and they refute the claim of the applicant that she is better qualified. We find that Shri K.V.S. Phani Rao (R.3) also possesses all qualifications. It is the case of the applicant that she ^{has} ~~is~~ a slight limp and that is why the respondents did not select her. On this point, we find that this work involves considerable movement and the limp may act as an impediment. In any case, Shri K.V.S. Phani Rao (R.3) has got all the requisite qualifications and we do not find that the applicant is in any manner better placed than the respondent. Under these circumstances, we do not like interfere in the case and we dismiss the application with no order as to costs.

R. Balasubramanian
(R. Balasubramanian)
Member (A).

C. J. Roy
(C. J. Roy)
Member (J).

Dated 12th February, 1992.

5/3/92
Deputy Registrar (J)