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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.104/90

Date of Order: 30.4.93

BETWEEN:

N.Galayya

.. Applicant.

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1. Superintendent of Post Office,
Nandyal Division, Nandyal,
Kurnool District.

2. Director of Postal Services,
A.P., Southern Range,
Kurnool.

3. B.Ramanayya, son of
B.Rajulayya aged about
25 years, Jammi Dornal,
Prakasam District.

.. Respondents.

Counsel for the Applicant

.. Mr. Mr. K. Ganakirami Reddy

Counsel for the Respondents

.. Mr. N. V. Ramana

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

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

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicant ~~who~~ was appointed as Extra
Departmental Branch Post Master (EDBPM) at Jammidornal
w.e.f. 27.5.1988. He was served with a show cause notice
dated 23.10.1989 asking him to explain why his ~~excess~~ selection
should not be cancelled. He was ~~given~~ a suitable reply
to the show cause notice after which the respondents
passed an order dated 19.1.1990 setting aside the
selection of the applicant. Aggrieved by the same the
applicant approached the Tribunal with this O.A. with
a prayer that the impugned order of the respondents cance-
lling the selection be set aside and that he should be
allowed to continue in his post as EDBPM, Jammidornal.

2. As the post of EDBPM felt vacant, the respon-
dents issued a notification on 17.2.1988 calling for
applications, the last date of receipt of which was
fixed as 17.3.1988. The applicant submitted his
application on 8.3.1988 together with all the requisite
certificates/documents in support of his application.
He along with some other candidates who had similarly
applied were considered for selection and finally he was
appointed as EDBPM w.e.f. 5.7.1988. After the applicant had
worked in the said appointment for more/than one year,
the respondents served upon him a show cause notice
dated 23.10.1989. The main point raised in the show cause
notice was that although at the time of submitting the

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application for the post, the applicant had produced documentary evidence to show that he possessed 1/3 share of Ac. 22.00 worth Rs.44,000/- and one Daba worth about Rs.20,000/- as certified by M.R.O., he subsequently produced another certificate issued by M.R.O. dated 14.4.1988 to the effect that the applicant possessed 8 acres of land in his name and one building in Jammidornal worth Rs.14,000/-. The respondents contention is that this additional document produced by the applicant was improperly considered by the Superintendent of Post Offices who finally selected the applicant for the post. As a complaint was received by one of the candidates namely Sri B.Ramanayya, the applicant was called upon to explain why the selection should not be set aside.

3. From the reply affidavit filed on behalf of the official respondents it is seen that the facts stated by the applicant in the application are not in dispute. The respondents reiterate that as the Superintendent of the Post Offices took into consideration an important document regarding the property held by the applicant and as it was submitted by him well beyond the last date of receipt of application, the selection could not be said to be regularly held.

4. Mr.Krishna Devan, Learned Counsel for the applicant strongly contended that the applicant committed no such irregularity as would require cancellation of selection. As required by the notice issued by the respondents, the applicant submitted his application together with all the required documents. The documents that

he submitted were to the effect that he possessed 1/3 share in 22 acres of dry land and one Daba. After he had submitted the application, the property was divided amongst the family members and his share of the property came to 8 acres of land ^{and} one building at Jammidornal worth Rs.14,000/-. He therefore, considered it proper to bring the same to the notice of the respondents and accordingly he submitted the relevant certificate issued to him by the M.R.O., Jammidornal. The contention of Mr. Krishna Devam is that if such additional document was not to be considered by the Superintendent of Post Offices, he could have as well ignored the same and considered only the material produced by him initially with the application. His further contention is that the applicant passed S.S.C. in second division whereas the complainant B.Ramanaiah secured only 3rd division in S.S.C.

5. Having heard learned counsel for both the parties and having perused the record, we are unable to understand how the respondents could have held the applicant as inferior to the other candidates whose names have been mentioned in the show cause notice dated 23.10.1989. If an additional document produced by the applicant was improperly or erroneously taken into consideration by the Superintendent of Post Offices, the applicant ought not to be penalised for the same, when it is apparent that he is even otherwise fully qualified and eligible for being appointed as EDBPM. We are not

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Copy to:-

1. Superintendent of Post Office, Nandyal Division, Nandyal, Kurnool District.
2. Director of Postal Services, A.P., Southern Range, Kurnool
3. One copy to Sri. K.Jana Kirami Reddy, advocate, 35 MIGH, Vijayanagar, colony, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One spare copy.

Rem/- *one copy to library*

*6th of Jan 14
J.S.*

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✓ satisfied with the stand taken by the Director of Post Offices, that merely because the applicant submitted a second property certificate after the last date for submission of the applications, the selection ~~may not be~~ ^{is} deemed to be vitiated. The second property certificate submitted by the applicant does not in any manner contradict the first certificate furnished by him, it only reflects the situation resulting from the division of the property as explained by the applicant.

6. In view of the afore-stated, we find no justification for the cancellation of the selection of the applicant for the post of EDBPM. The application is therefore allowed and the impugned order of the Director of Postal Services dated 19.1.1990 is hereby set aside.

7. Despite notice there was no representation on behalf of 3rd respondent Sri B.Ramanayya. Interim order passed earlier made absolute.

There shall be no order as to costs.

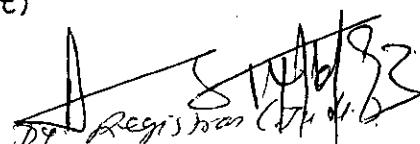

(T.CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B.GORTHI)
Member (Admn.)

Dated: 30th April, 1993

(Dictated in Open Court)

sd


Registration Officer

contd. . . . 6/-

O.A.104/90
In the C.A.T. Hyd.
at Hyd.

Hon. Mr. A.O.B. Coombes, P.M.

Hon. Mr. H.T.C.S.R. J.m.

Judgement dt. 30/4/93 -

Judgement 1 D/o. with the
descriptions.

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3/14/93
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