

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 117/1990

Date of decision: 22-10-1992.

Between

K.Sreenivasa Reddy

.... APPLICANT

A N D

Union of India, rep. by

1. The Secretary to Government,
Deptt. of Posts, New Delhi.
2. The Director of Postal Services,
Andhra Pradesh Southern Region,
Kurnool.
3. Superintendent of post Offices,
Wanaparthy Division, Wanaparthy.

.... RESPONDENTS

Appearance:

For the applicant : Sri K.S.R.Anjaneyulu, Advocate

For the Respondents : Sri N.R.Devaraj, Addl.CGSC

CORAM:

The Hon'ble Sri A.B.Gorthi, Member (Admn.)

The Hon'ble Sri C.J.Roy, Member (Judicial)

J U D G M E N T

(of the Bench delivered by the Hon'ble Sri A.B.Gorthi, Member/A)

The applicant who was appointed as Branch Post Master,
Godal B.O. on 9-5-1989 has challenged the order of the
respondents terminating his services with effect from
8-2-1990.

contd...2.

2. In response to a notification dated 12-9-1988 for filling up the post of Branch Post Master, Godal, the applicant submitted his application together with all the requisite documents. A regular selection followed under which the applicant was found suitable and was given appointment. He took over the charge on 9-5-1989. Thereafter, a complaint was made by someone that the respondents did not follow the correct procedure of selection. The allegation was that as some of the candidates did not furnish all the requisite documents, an additional opportunity was given to them to submit all such documents. This procedure adopted by the Superintendent of Post Offices was found to be irregular by the higher authority who declared the selection as invalid. It was on account of this that the applicant's services were ordered to be terminated. While admitting this application, this Tribunal gave an interim relief staying the operation of the impugned order of termination of service. Consequently, the applicant continues to be in the post of B.P.M. Godal.

3. The respondents in their reply affidavit have, in a way, admitted the averments made in the application. They further stated that in the selection, the applicant was found to be the most suitable candidate. He obtained the highest marks in S.S.C. and that was taken into consideration besides certain other factors in declaring him as the selected candidate. However, one Narayan Reddi made a complaint that certain candidates (not the applicant) were given additional opportunity to submit documents in support of their applications. It seems that the Director of Postal Services took the view that the

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Superintendent of Post Office should have rejected those applications which were not supported by the required documents and should not have given a second opportunity to the candidates to furnish the documents. Taking that view, the Director of Postal Services held the entire selection as irregular and cancelled the same.

4. The facts in this case are not in dispute. The only question to be determined is whether the cancellation of the entire selection process as ordered by the Director of Postal Services is in order. Admittedly, the applicant submitted his application together with all the required documents. We do not see any reason why he should be made to suffer on account of the fact that some candidates did not furnish all the requisite documents or the fact that the Superintendent of Post Offices gave an additional opportunity to such candidates to furnish the said documents. The applicant having been found to be the most suitable candidate, his selection for appointment as Branch Post Master should not have been quashed notwithstanding the irregularity committed by the Superintendent of Post Office. In these circumstances, we find that the application deserves to be allowed. Accordingly we quash the Director of Postal Services proceedings dated 19-1-1990 bearing Memo.No.RDK/EDA/WPT/Godal and the order of the Superintendent of Post Offices, Wanaparthy Divn., dated 8-2-1990 bearing Memo. No.B2/24-7/88. The respondents are hereby directed to treat the applicant

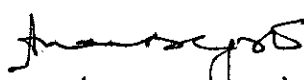
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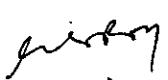
contd...4.

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as validly appointed to the post of Branch Post Master,
Godal of which he took charge on 9-5-1989.

5. The Application is allowed in the above terms
without any order as to costs.


(A.B. Gorthi)
Member (A)


(C.J. Roy)
Member (J)

Dated: The 22nd day of October, 1992.

(Dictated in open court).

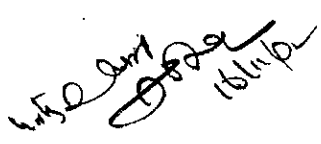

Deputy Registrar (Judl.)

mhb/

Copy to:-

1. The Secretary to Government, Department of Posts, New Delhi.
2. The Director of Postal Services, Andhra Pradesh Southern Region, Kurnool.
3. Superintendent of Post Offices, Wanaparthy Division, Wanaparthy.
4. One copy to Sri. K.S.R. Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One ^{Spml} copy

Rsm/-



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TYPED BY ASR
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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR A.B. Goswami, A.M.

AND

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: 22/10/-1992

ORDER/JUDGMENT:

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

in

O.A.No. 117/90

T.A.No.

(wp.No.)

Admitted and interim directions
issued.

O.A. Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A.Ordered/Rejected

No orders as to Central Administrative Tribunal

DESPATCH

19 NOV 1992

HYDERABAD BENCH:

pvm