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THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 257/90

Date of Judgement: 29.10.93

Between

K.Jagadeswar Reddy

...Applicant

and

1. Assistant Director
Postal Services
Andhra Pradesh (Northern Region)
Hyderabad - 500 001.

2. Sub-Divisional Inspector (POs)
Sirsilla
Karimnagar District
Pincode: 505 301.

3. Superintendent of Post Officer
Karimnagar District -505 001.

4. Kasarapt Anjiah
Son of Elliah, aged about 20
years, Vallampatla Village,
Karimnagar District.

...Respondents

Counsel for the applicant ::: Mr. C. Venkata Krishna

Counsel for the Respondents:: Mr. N.V. Ramana

CORAM:

HON'BLE SHRI A.B.GORTHY, MEMBER (ADMN.)

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

T. Chandra Sekhara Reddy

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Order of the Division Bench delivered by
Hon'ble Shri T. Chandrasekhara Reddy, Member (Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents 1 to 3 to reinstate the petitioner in the post of Extra - Departmental Branch Post Master (EDBPM) from which post he was terminated on 15.2.1989.

2. The facts giving rise to this O.A. in brief are as follows:-

3. The post of Extra Departmental Branch Post Master, Vallampatla account with Kodirpak Sub Post Office in Karimnagar District had fallen vacant w.e.f. 30.1.1988 on resignation of regular BPM. The said post was originally filled up w.e.f. 31.1.1988 on adhoc basis. On 5.1.1988 the vacancy was notified by the Superintendent of Post Offices. In response to the said notification 11 applications were received and the 3rd respondent (Supdt. of Post Offices, Karimnagar) selected the applicant herein. After the applicant was selected, w.e.f. 23.5.1988 F.N. the applicant was kept incharge of the said Branch Post Office pending verification with regard to the means of livelihood of the applicant. The 4th respondent (Anjaiah) herein who was one among the 11 applicants for the said post of EDBPM preferred an appeal against the selection of the applicant herein. The Additional Director of Postal Services of Andhra Pradesh, Northern Region, Hyderabad called for the report of the 3rd respondent with regard to the means of livelihood of the applicant. Such a report was called for by the Additional Director of Postal Services as it was brought to the notice of the Additional Director by the 4th respondent that the applicant did not have adequate means of livelihood. Though by his report dt. 12.10.88

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the 3rd respondent reported that the family of the applicant possessed 13.22 acres of Agricultural land with an annual income of Rs. 25000/- and that the family of the applicant owned a house on the main road for locating the Branch Post Office as per the report dt. 22.11.88 the Supdt. of Post Offices Karimnagar (third respondent) stated that after verification he found that the applicant did not have independent source of income or any immovable property in his name. So, the selection of the applicant was cancelled and again a fresh selection was made among the other candidates that had applied for the said post of BPM of Vallampatla and as the 4th respondent was found suitable he was selected and kept in charge of the said post. So, aggrieved by the actions of the respondents 1 to 3 in selecting fourth respondent of EDEPM, the applicant had filed this application with the prayers as already indicated above.

4. Counter is filed by the respondents opposing this O.A.

5. As per our direction issued earlier the respondents have produced the file relating to this case. The Standing Counsel for the respondents had taken us through the relevant file. In the application that is put in by the applicant for the said post, the applicant has stated that he owns 13.22 acres of land. But during the course of hearing it became clear that the applicant is a member of joint Hindu family. It is not known how many members are there in the family of the applicant and what actually is the share of the applicant in the immovable property of the family. Except of the joint family property, the applicant does not seem to have any other source of income. So, the competent authority after due verification, even though

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applicant was selected, after the selection after coming to the opinion that the applicant did not have adequate means of livelihood had not issued the appointment orders. Mere selection itself does not give a candidate a right to the post unless he satisfies the other requirements. In case of EDBPMs it is very much necessary that the candidate should satisfy the test of means of livelihood. So, with regard to the case on the hand the competent authority was not satisfied about the means of livelihood of the applicant. In the OA also it is not specifically pleaded about the size of the joint family of the applicant and the number of issues to the parents of the applicant, so as to form an opinion with regard to the extent of share in the joint immovable properties of the applicant's family. The applicant has failed to furnish the required particulars either in his application or before the Tribunal. We are not in a position in view of the facts of this case to come to conclusion that the applicant has got adequate means of livelihood. The competent authority after being satisfied that the 4th respondent was better qualified than the applicant as he possessed sufficient means of livelihood seems to have selected the fourth respondent and kept the in charge of the said post. So, in view of the facts and circumstances of the case the action of the respondents in not issuing the appointment orders to the applicant

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though he was selected to the post is valid. So, for the aforesaid reasons the action of the respondents is upheld and the OA is dismissed leaving the parties to bear their own costs.

(T. CHANDRASEKHARA REDDY)
MEMBER (Judl.)

(A.B. GORTHY)
MEMBER (Admn.)

Dated:- 20th October, 1993
(Dictated in Open Court)

sd/sp

Dy. Registrar (Judl.)

Copy to:-

1. Assistant Director, Postal Services, Andhra Pradesh (Northern Region), Hyderabad-001.
2. Sub-Divisional Inspector (Pos), Sirsilla, Karimnagar Dist. - 508301.
3. Superintendent of Post Officer, Karimnagar Dist-001.
4. One copy to Sri. C.Venkata Krishna, advocate, 7-1-571, Subhas road, Secunderabad-003.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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