

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD  
BENCH : AT HYDERABAD

---

O.A.No. 326 of 1990

Dt. of Order: 2.4.1991.

Between:-

B.Nirmala Devi

..

Applicant

and

1. Superintendent of Post Offices,  
Proddatur Division, Cuddapah Dist.

2. B.Venkatrami Reddy (EDBPM),  
Gurajala, Simhadripuram Mandal,  
Cuddapah District.

..

Respondents

Appearance:

For the Applicant : Shri K.Sudhakar Reddy, Advocate

For the Respondent : Shri E.Madan Mohan Rao, Addl.CGSC.  
No.1

For the Respondent No.2: *Not in person being present* *nor he represents by an advocate*

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI J.NARASIMHA MURTHY, MEMBER(J).

---

(ORDER OF THE DIVISION BENCH DELIVERED BY HON'BLE VICE-)  
CHAIRMAN, SHRI B.N.JAYASIMHA.

1. The applicant is a former Extra Departmental Branch Postmaster, Gurajala in Cuddapah District. She has filed this application questioning the Order in Memo No.B3/Gurajala, dated 31-1-1990 issued by the Superintendent of Post Offices, Proddatur Division, Cuddapah District, by which the respondent No.2 has been selected.

2. The applicant says that she was appointed initially on 4-6-1985 as an Extra Departmental Postmaster, Gurajala Branch Office. On 19-2-1986 the respondent issued a

BV

../--

1/10/91

: 2 :

notice calling applications from the eligible candidates for the post of Extra Departmental Branch Postmaster, Gurajala. The applicant and others applied for the said post. While the applicant was on leave, the respondent directed the applicant to handover the charge to Shri B.Venkatrami Reddy, the 2nd respondent. Thereafter the applicant gave a representation to the concerned authorities contending that her initial appointment on 4-6-1985 was a regular appointment, that the action of the respondent in appointing Sri B.Venkatrami Reddy as E.D.B.P.M. is contrary to law. Thereafter she filed O.A.512 of 1987 challenging the appointment of Sri B.Venkatrami Reddy as E.D.B.P.M., Gurajala Branch Office in her place. This Tribunal after a perusal of the records, directed the authorities to reconsider the case of the applicant on merits from among the same candidates, who had applied in response to the notification dated 19-2-1986. The applicant says that consequent to our order, the respondents have once again selected the 2nd respondent herein without considering her claim properly. She therefore challenges the selection of the 2nd respondent stating that it is contrary to the findings given by this Tribunal.

3. The respondent No.1 in his counter states that this Tribunal in its order dated 16-10-1989 set aside the selection as the reason given for not considering her case was that the applicant was a lady candidate and she was not having independent means of livelihood. The order clearly directed the respondent No.1 to reconsider the case on merits out of all the persons, who had submitted their applications in pursuance to the notification

bvr

../..

and  
JH

: 3 :

dated 19.2.1986. The 1st respondent, who is the competent authority, has recorded that the prime condition for eligibility as per notification in question is that the applicant must have sufficient property, income and adequate means of livelihood. The applicant herein produced a property certificate issued by the M.R.O. in the name of her father to the effect that he is having Ac.7.72 guntas of land. The income certificate produced by her also showed the income from lands as Rs.4,500/- and from salary as Rs.16,195/-. This income represents that of her father as she has not produced any certificate to the effect of having independent means of livelihood and property of her own. The selected candidate produced a certificate from M.R.O. to the effect of having 5.45 acres of land which has been verified. In the circumstances, the respondent did not consider her candidature as she did not possess independent means of livelihood and therefore selected the 2nd respondent. For these reasons the 1st respondent contends that the application is devoid of merits and is liable to be dismissed.

4. We have heard Shri K.Sudhakar Reddy, learned Counsel for the applicant, and Shri E.Madan Mohan Rao, learned Standing Counsel for the respondents, who has placed relevant records before us. The records show that respondent No.1, who is the appointing authority, has noted that two of the applicants -- the applicant herein and another applicant, are daughter and son of one

..../..

bmf

bmf

Shri B.Narayana Reddy. Both of them furnished their land property as Ac.7.72 guntas and annual income as Rs.20,695/-. In the certificate from the Mandal Revenue Officer furnished by both of them, it is indicated that the property is in the name of their father, whose annual income from land is Rs.4,500/- and Rs.16,195/- as salary as Teacher. He, therefore, came to the conclusion that both the applicants do not have any independent property or income or means of livelihood. Respondent No.2 has furnished a certificate from the Mandal Revenue Officer showing that he owns land from which he gets an annual income of Rs.4,000/-.

5. In these circumstances, we find no infirmity in the order passed by respondent No.1. The application is accordingly dismissed. No order as to costs.

*B.N. Jayasimha*  
(B.N.JAYASIMHA)  
VICE-CHAIRMAN

*NS*  
(J.NARASIMHA MURTHY)  
MEMBER (JUDICIAL)

Date: 2 April 1991 *[Signature]*  
Deputy Registrar (J) 9/4/91

To

1. nsr  
The Superintendent of Post Offices,  
Proddatur Division, Cuddapah Dist.
2. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
3. One copy to Mr.E.Madanmohan Rao, Addl. CGSC.CAT.Hyd. for R.1
4. One copy to Hon'ble Mr.J.Narasimha Murthy, Member(J)CAT.Hyd
5. One spare copy.

pvm

*[Handwritten signature]*  
9/4/91

ASR

(2)

TYPED BY

COMPALED BY

CHECKED BY

APPROVED BY

*m*  
*9/14/91*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA: V.C.

AND

THE HON'BLE MR. D. SURYA RAO: M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTHY: M(J)

AND

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

DATED: 2<sup>nd</sup> 9-1991.

ORDER / JUDGMENT.

M.A./R.A./G.A. No.

-in-

T.A. No.

W.P. No.

O.A. No.

326/90

Admitted and Interim directions  
issued.

Allowed.

Disposed of with direction.

Dismissed. ✓

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

*[Signature]*  
*9/14/91*

