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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.329/90

Date of Order: 8.6.1993

BETWEEN:

R.Veerabrahmam

.. Applicant.

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1. The Secretary to Government,
Department of Posts, New Delhi.
2. The Director of Postal Services,
Office of Post Master General,
Vijayawada.
3. The Superintendent of Post Offices,
Narasaraopeta.
4. The Sub Divisional Inspector,
(Postal), Chilakaluripet.
5. Sri Kamini Kondala Rao,
Solasa BO, A/W, Edlapadu,
Guntur District.

.. Respondents.

Counsel for the Applicant

.. Mr.K.S.R.Anjaneyulu

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.)

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

The applicant who was informed vide memo dated 9.12.1989 that he was selected for employment as Extra Departmental Delivery Agent (EDDA), Solasa, and who worked as such from 9.12.1989 to 9.2.1990, is aggrieved by the termination of his service w.e.f. 9.2.1990. His prayer in this application is that the impugned order dated 9.2.1990 by which his services were terminated without assigning any reason whatsoever be set aside and that he be reinstated in the said post of EDDA at Solasa, Branch Office.

2. The applicant was initially appointed as EDDA Solasa on a provisional basis w.e.f. 5.7.1989. Thereafter the said vacancy was notified for being filled up by regular selection. The applicant having fulfilled all the conditions, applied for the post. After due selection he was informed vide memo dated 9.2.1990 (Annexure-4 to the application) that he was selected for the post of EDDA, Solasa, BPO and that his selection would be subject to the verification of character etc. The applicant assumed the appointment w.e.f. the said date and performed his duties satisfactorily till the impugned order of termination of his service was issued by the respondents on 9.2.1990.

3. The respondents in their brief counter affidavit have not disputed the essential facts averred in the application. Their contention however is that after

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the applicant had been duly selected, the Superintendent of Post Offices (Respondent No.3) called for the relevant selection file from the Sub Divisional Inspector (Respondent No.4) who conducted and finalised the selection for the post of EDDA, Solasa, BPO. After going through the selection file, respondent No.3 felt that Mr.Kamineni KondalaRao (Respondent No.5) was ~~is~~ improperly ignored by the 4th respondent in the conduct of the selection. Hence the selection of the applicant was cancelled by the 3rd respondent and a direction was given to the 4th respondent to discharge the applicant and to appoint someone else provisionally. That is how the applicant's services were terminated w.e.f. 9.2.1990. Mr.N.V.Kamana, for the respondents states that after the services of the applicant were discharged the 5th respondent Mr.K.Kondala Rao was appointed provisionally.

4. We have heard learned counsel for ^{both} the parties. Although notice of the application was served on respondent No.5 neither he is present nor is represented by a counsel.

5. It is apparent from the reply affidavit that the selection of the applicant was cancelled for no other reason than that the candidature of respondent No.5 was ignored by the competent selecting authority, i.e. the Sub Divisional Inspector. We have therefore called for the record and perused the same. The record indicated very clearly that the competent authority, namely the Sub Divisional Inspector, having considered the merits of all the 13 candidates who had applied for the post selected the applicant. The reasons stated by the competent authority

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are that the applicant fulfilled all the conditions required. that he was working in the said post on provisional basis w.e.f. 12.8.1989 and that his work and conduct was satisfactory. From the proceedings of the selection we find that the respondent No.5 Sri K.Kondala Rao passed 9th class where as the applicant's educational qualification was shown as SSC passed and Intermediate failed. The name of respondent No.5 is shown at serial No.1 in the tabulated statment. It os therefore difficult to appreciate how ~~xx~~ the respondents could ~~satte~~ in their reply affidavit that the competent authority ignored the candidature of Sri K.Kondala Rao (Respondent No.5). The case of respondent No.5 was apparently considered and rejected on merits. Mr.N.V.kamana has further stated before us that the selection procedure is vitiated because another candidature, whose name figured at serial No.4 of the tabulated statment was an Inter passed candidate and that he should have therefore been selected, in preference to the applicant who failed in his Intermediate examination. A careful perusal of the tabulated statment would indicate that the particulars of the income ~~x~~ furnished by the said individual pertained to the income of his father and not to that of the individual himself. It is perhaps for this reason that he was not selected for the post of EDDA.

6. Having heard the learned counsel for both the parties, we find that the selection conducted by the Sub.Divisional Inspector suffered from no such irregularities as would warrant our interference. In fact we are of the opinion that the Superintendent of Post Offices was not correct in finding fault with the Sub-Divisional Inspector. The reasons given by the Superintendent of Post Offices are misleading and seem to have been motivated by the

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fact that some oral complaints were received against the appointment of the applicant. In view of what is stated above, we find no justification for the respondents to cancel the appointment of the applicant, more so when the applicant was duly selected after a regular selection and was appointed to the post of EDDA, Solasa, BPO. The application is therefore allowed. The respondents are hereby directed to reinstate the applicant in the post of EDDA, Solasa, BPO within 30 days from the date of communication of the order. We make it clear that the applicant will not be entitled to claim pay and allowances for the period from 9.2.1990 till this date. There shall be no order as to costs.

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

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

Dated: 8th June, 1993

Dy. Registrar

(Dictated in Open Court)

Copy to:-

1. The Secretary to Government, Department of Posts, New-Delhi.
2. The Director of Postal Services, O/O Post Master General, Vijayawada.
3. The Superintendent of Post Offices, Narasaraopeta.
4. The Sub Divisional Inspector, (Postal), Chilakaluripet.
5. One copy to Sri. K.S.R. Anjaneyulu, advocate, CAT, Hyd.
6. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
7. One spare copy.
8. ~~Copy to Reporters as per standard list of CAT, Hyd.~~

Rsm/-

O.A. 329

TYPED BY *[Signature]* (5) COMPARED BY
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY APPROVED BY
HYDERABAD BENCH
HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR. V.C.
AND
THE HON'BLE MR. *A.B. Cosh* R. BALASUBRAMANIAN: M(A)
AND
THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)
AND
THE HON'BLE MR. C.J. ROY : MEMBER (JUDL)

Dated: *27/6* 1992

ORDER/JUDGMENT: *[Signature]*

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

O.A.No.

T.A.No.

in

329/90

(W.P.No.)

Admitted and Interim Directions issued

[Signature] Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

[Signature] No order as to costs.

pvm.

