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: IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :

HYDERABAD BENCH : AT HYDERABAD

OA No.420/90.

Dt. of Order:27-10-93.

Sk.Mastan Vali

....Applicant

Vs.

1. The Sr.Superintendent of Post Offices, Ongole,Prakasam District.
2. S.Sakyanarayana Rao, Near Mangamuru Post Office, Ongole-II, Prakasam District.

....Respondents

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Counsel for the Applicant : Shri Lingaiah Chowdary.B.

Counsel for the Respondents : Shri N.R.Devaraj,Sr.CGSC

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CORAM:

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

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Divn. Bench passed by Hon'ble Shri A.B.Gorthi, Member (A) ).

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The applicant was initially appointed as E.D.Branch Post Master, Kothapet, Ongole, in the month of October, 1988 in a leave vacancy, in which he continued till March, 1989. Thereafter he was again provisionally appointed as E.D.Branch Post Master as the regular incumbent resigned. Since then the applicant continued

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in the post till the Respondent No.1 appointed Respondent No.2 by order dt.3-5-90. Consequent to the said order 2nd respondent took over charge of the post ~~at~~ with effect from 5-5-90. The contention of the applicant is that he is better qualified than the 2nd Respondent and therefore the appointment made by the Respondent No.1 is arbitrary and illegal. The case of the applicant is that he is 23 years old and has gained plenty of experience and the 2nd respondent is <sup>aged</sup> 55 years ~~aged~~ and had no experience at all and studied only VIII class. The applicant is a matriculate.

2. The Respondents in their reply affidavit have admitted the contention of the applicant that he is better qualified and <sup>ed</sup> possess some experience. However it is the case of the <sup>respondents</sup> ~~applicant~~ that the applicant did not <sup>furnish</sup> ~~possess~~ any property and income certificate and <sup>did not</sup> ~~possess~~ own house to run the Branch Post Office and hence the case of the ~~applicant that the~~ 2nd Respondent ~~was~~ who <sup>led</sup> fulfil all the requisite educational and other qualifications for the post of E.D.B.P.M. was considered favourably. They denied that there was any irregularity or illegality in the selection of 2nd Respondent.

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3. From the submissions made by the contésting parties it is <sup>p</sup>aparent that the 2nd Respondent is in no way in-eligible for being selected for the post of E.D.B.P.M., Kothapet. May be, in certain ~~respon~~ respects, applicant is better qualified than respondent No.2. However it is for the official respondents to consider all the merits and de-merits of the candidates who appeared for the selection and selected ~~as~~ a candidate who is considered by them as a best suitable<sup>ed</sup> for the job. As the 2nd respondent is not in-eligible for appointment as E.D.B.P.M. and as the official respondents found him more suitable than the applicant for the said post we are not inclined to inter-fere with the selection of the competent authority. In this context we take support from the judgment of the Supreme Court in Dalpat Abasaheb Solunke etc. etc. Vs. Dr.B.S. Mahajan etc. etc. (AIR 1990 SC 434), wherein it has been held that it is not for the Court or Tribunal to hear appeals over the decisions of Selection Committee and ~~examine the merits of the candidates~~ to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. ~~The Court has no such expertise~~<sup>s</sup>. The decision of the Selection Committe can be interfered with only on limited grounds, such as illegality


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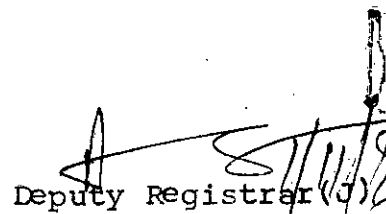
or patent material irregularity in the constitution of the committee or its procedure vitiating the selection, or proved malafides affecting the selection etc.

4. In view of what is stated above we find no ~~fault~~ <sup>irregularity &</sup> ~~irregularity~~ in the selection ~~and~~ of the Respondent No.2 and the application is dismissed. No order as to costs.

  
(T.CHANDRASEKHAR REDDY)  
Member (J)

  
(A.B.GORTHI)  
Member (A)

Dated: 27th October, 1993.  
Dictated in Open Court.

  
Deputy Registrar (J)

avl/

To

1. The Sr.Superintendent of Post Offices, Ongole, Prakasam Dist.
2. One copy to Mr. <sup>B.</sup>Lingaiiah Chowdary, Advocate 16-11-1-5C Malakpet, Hyd.
3. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

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1.11.93

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COMPARED BY

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDGE)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 27-10-1993

~~ORDER~~ JUDGMENT:

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

in

O.A.No. 420/90

T.A.No. (W.P. )

Admitted and Interim directions  
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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