

THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 570/90

Dated of Judgement : 19-10-93.

Between

Ch. Guruswamy

... Applicant

and

Union of India represented by:

1. The Secretary to Government,
Department of Posts, New Delhi.
2. The Director of Postal Services,
Kurnool.
3. The Superintendent of Post Offices,
Nandyal.

... Respondents

Counsel for the applicant

... Mr. K.S.R. Anjanayulu

Counsel for the Respondents

Mr. N. V. Ramaia

Coram:

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

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

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

In response to a notification issued by the Superintendent of Post Offices, Nandyal the applicant submitted his application ~~to~~ ^{for} the post of BPM Ganapavaram. After his selection, he was informed by Superintendent of Post Offices ^{letter} dated 17.2.1988 that he was selected for the post of BPM and he was directed to furnish fresh income certificate and a conduct certificate. The applicant did ^{not} ~~need~~ ^{was} ~~take~~ ^{to} ~~conduct~~ over charge of the office of EDBPM, Ganapavaram on 16.7.1988. He continued to discharge ^{his} ~~duties~~ ^{as EDBPM} till the issuance of the impugned memo dated 9.7.1990 stating that his selection as BPM was set aside by the Director of Postal Services, A.P. Aggrieved by the same he has filed this application praying that the impugned order be set aside and that he be continued in the appointment of BPM Ganapavaram.

2. The respondents in their counter affidavit have stated that the income certificate which the applicant had initially submitted was in the name of his father and hence it was not in order. While reviewing the selection proceedings the DPS (respondent No.2) observed that the Superintendent of Post Offices (respondent No.3) should not have accepted the application of the applicant because of the defect in the income certificate. Respondent No.3 was ~~asked~~ to review the selection but he did not do so. Later when a new incumbent took over charge of Superintendent of Post Offices, he carried out ^{agreed to} the necessary review and ~~decided~~ to set aside the selection

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process as conveyed by the impugned office memo.

3. When this application came up for admission an interim order was passed directing the respondents to continue the applicant in the post of EDBPM until the disposal of the case. As regards the fresh selection process initiated by the respondents a direction was given that no final selection would be made.

4. We have heard learned counsel for both the parties. Mr.K.S.R.Anjaneyulu, learned counsel for the applicant assailed the validity of the impugned office memo on the ground that it was not only unjust and unfair but is violative of principles of natural justice. The applicant was informed in writing that he was duly selected to the post of BPM, Ganapavaram. ~~to He~~ was thereafter allowed to take charge of the post, in which he discharged duties satisfactorily for a period of 2 years ~~when~~ the respondents decided to set aside his selection and thus terminated his appointment. According to the applicant's counsel the respondents should be estopped from stating that the applicant was not regularly appointed in view of the fact that he was informed that he was duly selected and was also given ~~him~~ ^{the} charge of the post and allowed to work therein for a period of 2 years. His further contention is that the manner in which the respondents set aside the selection of the applicant without the ^{giving a} latter an opportunity to explain his position, is violative of principles of natural justice and cannot be upheld.

5. On behalf of the respondents it is contended that while the selection proceedings are being reviewed it was found that the income certificate submitted by the applicant, being in the name of the applicant's father,

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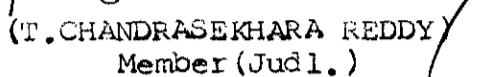
was not in order. The Director Postal Services therefore considered that the selection proceedings should be set aside and fresh selection proceedings should be initiated.

6. We find that the ground on which the DPS came to the conclusion that the selection proceedings in favour of the applicant deserved to be set aside is purely a technical one. In any case as directed by the competent authority, namely the SPO, the applicant submitted another income certificate issued by the appropriate Revenue Officer stating that he had an income of Rs. 3,600/- per annum. As there was nothing further ~~help~~ ^{against} the applicant it is reasonable to ~~assume~~ that amongst the candidates who applied in response to the notification, the applicant was the best qualified candidate. The technical objection found in his respect has been satisfactorily ~~made~~ ^{met} by the applicant who furnished a fresh income certificate before the date specified by the Superintendent of Post Office. In view of this and in view of the fact that the impugned ~~office~~ memo is violative of principles of natural justice, we set aside the same. The respondents ~~shall~~ ^{are} hereby directed to issue regular appointment order to the applicant within a period of one month from the date of the communication of this order. The respondents ~~have~~ ^{are} further directed not to proceed further with the fresh selection consequent to their renotification wherein 10.8.90 was fixed as the last date of receipt of applications.

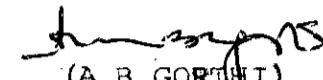
Let me sign

(90)

7. The application is allowed in the above
terms without ~~no~~^{any} order as to costs.


(T. CHANDRASEKHARA REDDY)

Member (Judl.)


(A.B. GORTHI)

Member (Admn.)

Dated: 19th October, 1993

(Dictated in Open Court)


8/10/93

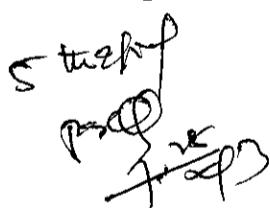
Deputy Registrar (J)

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To

1. The Secretary to Govt. Union of India,
Dept. of Posts, New Delhi.
2. The Director of Postal Services, Kurnool.
3. The Superintendent of Post Offices, Nandyal.
4. One copy to Mr. K. S. R. Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm



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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(JUDL)

AND

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

Dated: 10 - 10 - 1993

~~ORDER~~ JUDGMENT:

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

in

O.A. No.

570 | 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.

pvm

