

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

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O.A.914/90 &

O.A.193/91.

Dt. of Decision : 5.11.93

P. Apparao

Applicant
(in both the OAs)

vs

1. Superintendent of Post Offices,
Parvatipuram,
Vizianagaram district.
2. Inspector Post Offices,
Bobbili,
Vizianagaram district.
3. P. Adinarayana, Son of not known,
Extra departmental Branch Post Master,
Gorle Seetarampuram,
Bobbili Mandal,
Vizianagaram district.
(party respondent in OA 914/90)

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... Respondents
(in both the OAs)

Counsel for the Applicant : Mr. K.V. Subrahmanya Narusu,
in both the cases.

Counsel for the Respondents : Mr. N.V. Ramana, Addl CGSC
in OA 914/90

Counsel for the Respondents in OA 193/91 : Mr. N.R. Deo, Esq., Case.

Counsel for the Respondent No. 3 in
OA 914/90 : Mr. G. Venkateswar Rao,
CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

OA.914/90 &
OA.193/91

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Shri K.V. Subramanya Narasu, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the official respondents and Sri G. Venkateswara Rao, for R-3, in OA.914/90 and Sri K.V. Subramanya Narasu and Sri NAR. Devaraj in OA.193/91, for both the sides.

2. Notification dated 12-4-1990 was issued calling for applications for the post of EDBPM for Gorleseetarampuram village and 16-5-1990 was prescribed as last date for receiving the applications. Para-3(iv) of the said notification stipulated that income and property certificates have to be submitted alongwith the applications. In para 4(iv) it is stated that "all required documents / certificates should be submitted alongwith the application. No documents will be accepted later or in piecemeal. Applications not accompanied with all the necessary certificates or with incomplete information will not be taken into consideration and no further correspondence will be entertained." In pursuance of the said notification, the applicant and R-3 herein and three others submitted their applications. R-3 was selected as EDBPM.

3. This application is filed challenging the appointment of R-3 as EDBPM, Gorleseetarampuram. It was contended inter alia for the applicant that R-3 had not submitted his property and income certificate alongwith the application and hence his case should not have been considered for appointment as EDBPM of this post office. Even in the counter of R-3 it was stated that he obtained the property

and income certificate dated 19-5-1990 for the purpose for which he himself and the applicant were called for interview on 14-7-1990. Thus it is evident even from the counter of R-3 that he had not enclosed the income and property certificate alongwith his application submitted in time, and the said certificate was produced at the time of interview.

4. When it was made clear in para-4 (iv) of the notification dated 12-4-1990 that incomplete application will not be entertained and no document that is filed subsequent to 16-5-1990 will be entertained, it is not open to the concerned authority i.e. Superintendent to entertain the case of any ^{person} when the application of that person is incomplete. As the application of R-3 was incomplete, his case should not have been considered and hence contention for the applicant in regard to the same had to be upheld. Accordingly the appointment of R-3 is liable to be set aside.

5. Pending disposal of OA.914/90, the concerned Director of Post office ~~has~~ set aside the order of appointment of R-3 and issued fresh notification dated 25-1-1991 calling for applications for the post of EDBPM ^{of} this post office. The same is challenged by the applicant in OA.193/91.

6. It is open to the concerned authority to allow the relief claimed in the OA and then such OA will become infructuous. But when there are ^{contending} parties in regard to relief claimed in OA ^{under} filed Section 19 of Administrative Tribunals Act, it is one of subjudice and it is not open to any authority to adjudicate in regard to the same. Hence order of the Director setting aside the appointment of R-3 and issuing fresh notification dated 25-1-1991 have to be held as void. On that ground the OA.193/91 had to be allowed.

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7. It has to be noted that besides R-3 and the applicant three more applied for the post of EDBPM and their applications were not held as incomplete and they were received in time i.e. by 16-4-1990. It is then necessary for the Superintendent of post offices, Parvatipuram, i.e. the competent authority to consider the case of these applicants and till their cases are considered afresh, the question of issue of fresh notification does not arise. As such it is necessary to direct R-1 in OA.914/90-the Superintendent of Post Offices, Parvatipuram, to consider the case of the applicant and the other three applicant, who submitted their applications in pursuance of the notification dated 12-4-90 and pass appropriate orders in accordance with law.

8. OA.914/90 ordered accordingly and OA.193/91 is dismissed.

No costs.

(R. Rangarajan)
Member (Admn)

Neeladri Rao
(V. Neeladri Rao)
Vice-Chairman

Dated : November 5, 1993
Dictated in Open Court

SK/11/93
Dy. Registrar (Judl.)

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Copy to:-

1. Superintendent of Post Offices, Parvatipuram, Vizianagaram District.
2. Inspector Post Offices, Bobbili, Vizianagaram, District.
3. ~~Two~~ copy to Sri. K.V. Subrahmanya Narusu, advocate, 3-4-526/35, Barkatpura, Hyd-27.
4. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.
7. One copy to Mr. V.R. Deo, Esq. C.M., Hyd.
- Rsm/-
8. One copy to Mr. Q. Venkateswara Rao, Advocate, CAT, Hyd.

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O.A.914/904
O.A.193/91

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : 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(J)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 21/11/1993

ORDER/JUDGMENT:

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

O.A. No. 914/904 in 193/91

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.

