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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 990/90

Date of Decision : 13.12.1991

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Mr. V. Narayana

Petitioner.

Mr. C. Pratap Reddy

Advocate for the
petitioner (s)

Versus

The SDI (Postal), Bodhan Sub Division,
Nizamabad District and 2 others

Respondent.

Mr. N. Bhaskar Rao, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

THE HON'BLE MR. T. Chandrasekhar Reddy, Member (Judl.)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)


HRBS
M(A)


HTCR
M(J)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI T.CHANDRASEKHAR REDDY, MEMBER (JUDL.)

The facts giving rise to this application lie within a narrow campus and are briefly stated as follows:-

The applicant herein is native of Salampad village of Bodhan Mandal in Nizamabad District. Purely as a stop gap arrangement, the applicant was appointed on 8/9.9.1986 as Branch Post Master, Salampad Village, Bodhan Mandal, Nizamabad District. As the said appointment was purely a stop gap arrangement, by the orders dated 9.7.1990 of the Senior Superintendent of Post Offices, Nizamabad Division who is the 3rd respondent herein, the ^{services of the} applicant were terminated from the said post of Branch Post Master, Salampad, Bodhan Mandal. So, the applicant has filed the present application for the following reliefs:-

- i) to declare the said impugned order dated 9.7.1990 terminating the services of the applicant as arbitrary and illegal;
- ii) to direct the Sub Divisional Inspector (Postal), Bodhan Sub Division, Nizamabad

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.990 of 1990

DATE OF JUDGMENT: 13th DECEMBER, 1991

BETWEEN:

Mr. V.Narayana

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Applicant

AND

1. The Sub Divisional Inspector (Postal),
Bodhan Sub Division,
Nizamabad District.

2. The Inspector of Post Offices,
Bodhan,
Nizamabad District.

3. The Sr. Superintendent of Post Offices,
Nizamabad Division,
Nizamabad.

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Respondents

COUNSEL FOR THE APPLICANT: Mr. C.Pratap Reddy

COUNSEL FOR THE RESPONDENTS: Mr. N.Bhaskar Rao, Addl. CGSC.

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri T.Chandrasekhar Reddy, Member (Judl.)

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was not appointed as Branch Post Master of Salampad village by the competent authority; and (b) that by the date the order of termination against the applicant was passed that the applicant failed to satisfy the authorities that he had required qualifications to be appointed as EDBPM by passing 8th class examination.

5. We will take up the first contention raised on behalf of the respondents. In para 2 at Page 3 of the Original Application, it is specifically pleaded that the applicant being a qualified and eligible candidate, he was appointed as EDBPM of Salampad village vide proceedings No. CR 10/2829, dated 12.8.1986 of the 3rd respondent. Page 4 of the paper book filed by the applicant shows that the Inspector of Post Offices, Bodhan has provisionally appointed the applicant as Branch Post Master, Salampad Village, Bodhan Mandal. But as could be seen from the service rules for Extra Departmental Staff in Postal Department, the competent authority to appoint the Branch Post Masters is the Senior Superintendent of Post Offices. So, as the appointment of the applicant as Extra Departmental Branch Post Master, Salampad Village is not by the competent authority, we are in agreement with the contention of the learned Additional Standing Counsel for the Respondents that there is ^{no} illegality in terminating the services of

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District, 1st respondent herein; the Inspector of Post Offices, Bodhan, Nizamabad District, 2nd respondent herein and the Senior Superintendent of Post Offices, Nizamabad Division, as already pointed out, the 3rd respondent herein, to reinstate the applicant and to regularise ~~his~~ the services of the applicant with all consequential benefits; or in the alternative to direct the respondents 1 to 3 to consider the application and claim of the applicant in the post of Extra Department^{-al}/Branch Post Master, Salampad and appoint him to the said post in the interest of justice.

2. The respondents have filed counter affidavit opposing the said application.

3. We have heard Mr. C. Pratap Reddy, learned counsel for the applicant and Mr. Naram Bhaskar Rao, learned Additional Standing Counsel for the respondents.

4. The learned counsel for the respondents opposed the application on two grounds viz., (a) that the applicant

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mination by appearing privately in the month of March 1991 but it does not any way improve the position, as the crucial date for possessing the required qualification is the date of appointment of the applicant which as already pointed out is 8/9.9.1986. In view of the fact that the certificate produced by the applicant with regard to 8th class is not accepted by the competent authority as being a genuine one, we specifically asked the learned Advocate for the applicant to tell us in which school the applicant had studied his 7th class and in which year had he passed his 7th class examination which is a common public examination. Except evasive replies, we could not get the required answers from the learned Advocate for the applicant. So, in view of the material before us which the competent authority had not accepted that the applicant had passed the eighth class which is the required minimum educational qualification at the time of appointment as Branch Post Master on provisional basis and and as the counsel for the applicant could not tell us the year of passing the 7th class common/public examination and the school in which the applicant had studied the 7th class, we are in complete agreement with the learned counsel for the respondents that when the applicant had been appointed as stop gap arrangement for the said post of EDBPM, Salampad Village, Nizamabad District, that the applicant that had no required educational qualification. So, from this circumstance

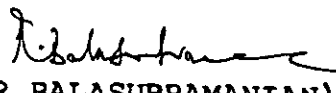
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the applicant as Branch Post Master of Salampad Village. We have gone through the records. A serious doubt seems to have come to light ^{to the competent authorities} about the educational qualification of the applicant when he was appointed. The material produced before us go to show that the applicant had been specifically asked by the 3rd respondent to show that he had passed 8th class, as the minimum required qualification ~~required~~ for appointment as Branch Post Master is pass in 8th class examination. In this connection, the 8th class pass certificate that has been produced by the applicant before the 3rd respondent had also been referred to the District Educational Officer, Nizamabad District. The DEO, Nizamabad had informed vide letter No.7512/A-5/90, dated 14.9.1990 that the Institution viz., Shri Tagore Tutorial College at Bodhan where the applicant ^{is} said to have studied, is not recognised by the Government of Andhra Pradesh under the existing rules and that the certificate that is issued by the said Institution is not a genuine one. So, as the applicant ^{shown} had not the required proof before the competent authority that he had minimum educational qualification as on the date when he was appointed as EDBPM, we do not find any illegality ^{on the part of the third respondent} in terminating the services of the applicant. No doubt, the applicant seems to have passed the SSC exa-

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7. As per the interim orders dated 10.12.1990, this Bench has directed the respondents to go ahead with the process of selection but to stay only the appointment to the post of EDBPM. So, in view of the fact, now we have dismissed this Original Application, we direct the respondents to complete the process of appointment also to the post of EDBPM, Salampad Village, Bodhan Mandal, Nizamabad District, in accordance with law.


(R. BALASUBRAMANIAN)
Member (Admn.)


(T. CHANDRASEKHAR REDDY)
Member (Judl.)

Dated: 13 December, 1991. Dy. Registrar (J)

28/29/

To

1. The Sub-Divisional Inspector (Postal)
Bodhan Sub Division, Nizamabad Dist.
2. The Inspector of Post Offices, Bodhan, Nizamabad Dist.
3. The Sr. Superintendent of Post Offices, Nizamabad Divn, Nizamabad.
4. One copy to Mr. C. Pratap Reddy, Advocate Plot No. 41
Kanthi Sikara Complex, Banjagutta, Hyderabad-482.
5. One copy to Mr. N. Bhaskara Rao, Addl. CGSC. CAT. Hyd.
6. One spare copy.

vsn

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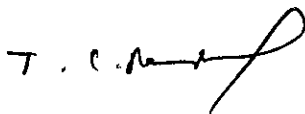
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also there is no scope to find fault with the termination of the services of the applicant as per the orders of the 3rd respondent dated 9.7.1990. Hence, the orders of termination of the services of the applicant dated 9.7.1990 are liable to be confirmed.

6. The learned counsel for the applicant strenuously contended, as the applicant had been in service for about three years, that a direction be given to the respondents to consider the case of the applicant for regular appointment as Extra Departmental Branch Post Master, Salampad Village. But, in view of our findings earlier that the appointment of the applicant as EDBPM as a stop gap arrangement was not made by the competent authority and the said appointment in our opinion is illegal and as the applicant had no required educational qualification at the time of his appointment on provisional basis as EDBPM, we are not prepared to give the said direction.

So, the applicant is not entitled in this case to any of the reliefs as prayed for by him in this application. Hence, we do not have any hesitation to dismiss this application and we accordingly dismiss the same. The parties shall bear their own costs in this application.



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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

:V.C

AND

THE HON'BLE MR.

M(J)

AND

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

AND

THE HON'BLE MR. T. Chandrasekharendra M(J)

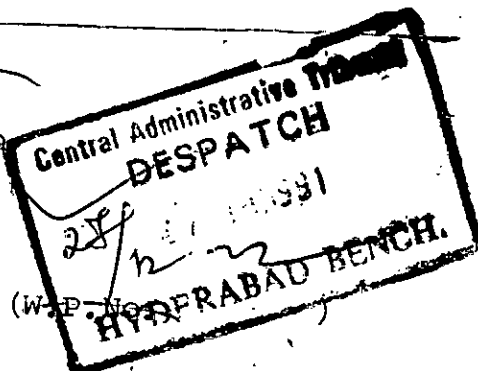
DATED: 13-12-1991

ORDER/ JUDGMENT:

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

O.A.No. 990/90

T.A.No.



Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs.

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