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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.115/91

Date of Order: 14.9.1993

BETWEEN:

K.Sambasiva Rao

.. Applicant.

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The Union of India represented by:

1. The Secretaru to Government,  
Department of Posts, New Delhi.

2. The Postmaster General,  
Hyderabad.

3. The Senior Superintendent of  
Post Offices, Hyderabad City  
Division, Hyderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr.M.S.R.Anjaneyulu

Counsel for the Respondents

.. Mr.N.V.Ramana

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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.).

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The applicant was initially appointed as EDBPM, Moosapet on 1.11.1989. Prior to that date he had worked as a substitute in leave vacancies in that very Branch Office for more than 3 years. The respondents issued a notification on 28.12.1989 calling for applications for filling up the post of B.P.M. The applicant also submitted his application together with all the requisite documents. While the selection process was in progress, he was allowed to continue as the B.P.M. However to his utter surprise he received the impugned memo dated 4.1.1991 to the effect that his selection was cancelled because he was not a resident of Moosapet, Branch Office but was residing at Yousufguda. Aggrieved by the same he ~~is~~ represented to the Senior Superintendent of Post Offices but it was rejected. In this OA his prayer is that the impugned order dated 4.1.1991 be set aside <sup>and</sup> that <sup>L</sup> the respondents be directed to continue the applicant as B.P.M. on a regular basis.

2. The respondents in their counter affidavit have stated that when the selection for regularly filling up the post of BPM, Moosapet was in progress the applicant himself stated that his family was residing at Gayatri Hills, Yousufguda, Hyderabad-45. The Assistant Superintendent of Post Offices therefore observed that it would be against the rules of recruitment under which a candidate for the post of

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EDBPM is required to be a permanent resident of the village where the post office is located. The Senior Superintendent of Post Offices directed the matter to be enquired. Consequently some confidential enquiries were held. It appears that the applicant was also questioned in <sup>this</sup> regard <sup>as</sup> ~~it~~ can be seen from the record shown to us by the learned counsel for the respondents, ~~that~~ Vide memo dated 24.12.1990 the Assistant Supdt. of Post Offices stated that as per the version given by the applicant, he has kept his family in the house bearing No. E 130, Gayatri Hills, Yousufguda, Hyderabad-45. As the respondents found that the applicant was not a permanent resident of Moosapet but was residing at Yousufguda, they have cancelled the selection. The applicant has since handed over the charge of BPM to some other person.

3. Learned counsel for the applicant contended that in support of the fact that the applicant belongs to Moosapet, he furnished a certificate given by no less an authority than the M.R.O. The certificate which is at Annexure A-3 shows that the applicant was a resident of 4-4 Moosapet for the previous 7 years. It may be that the applicant for certain personal reasons kept his family at Yousufguda. the enquiry that was held if the applicant had fully associated he would have had the opportunity to adequately establish the fact that he is a resident of Moosapet only.

4. Having heard the learned counsel for both the parties and having perused the re

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are satisfied that notwithstanding the certificate rendered by the M.R.O., the applicant was staying with his family at Gayatri Hills, Yousufguda. The report submitted by the Assistant Supdt. of Post Offices could not be said to have been made out of malice or on account of malafide. It appears to have been addressed to the higher authorities based on the statement made <sup>by</sup> the applicant himself. The first report of the Assistant Superintendent of Post Offices dated 13.7.1990 was to the effect that the applicant himself stated that he was residing with his family at Gayatri Hills, Yousufguda, Hyderabad. We see no reason why such a statement would have been made <sup>falsely</sup> by a responsible officer, ~~more so~~, when the applicant was allowed to work as a leave substitute for a considerably long period in the said Post Office.

4. In this case, the selection process had not concluded when the applicant's selection was cancelled. It is apparent that his selection was only provisional and he was provisionally continued as EDBPM. It cannot be stated that the <sup>applicant</sup> ~~the~~ acquired any right to continue in that post. He might have <sup>ed</sup> work as a leave substitute or on a provisional basis for a period of more than 3 years but he has to make <sup>him</sup> ~~now~~ to a regularly selected candidate as and when one is made available. In these circumstances we are unable to accept the plea of the applicant that the impugned order terminating his selection should be cancelled or that he should be put back in the post of EDBPM.

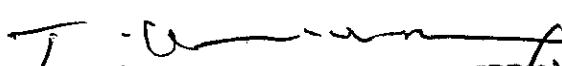
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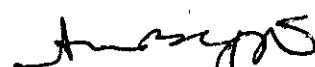
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5. In the result, the application is dismissed without any order as to costs.

  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

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

Dated: 14th September, 1993


(Dictated in Open Court)

  
Deputy Registrar (J)

To sd

1. The Secretary to Govt., Union of India,  
Dept. of Posts, New Delhi.
2. The Postmaster General, Hyderabad.
3. The Senior Superintendent of Post Offices,  
Hyderabad City Division, Hyderabad.
4. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT. Hyd.
5. One copy to Mr. N.v. Ramana, Addl. CGSC.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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