

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
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O.A. 127/91.

Dt. of Decision : 10-8-94.

Syed Afzal Pasha

.. Applicant.

Vs

1. The Union of India,  
Rep. by its Director,  
Post & Telegraph Department,  
Hyderabad.

2. The Superintendent of Post Offices,  
Medak, Medak Dist.

3. Sri M. Ramulu

.. Respondents.

Counsel for the Applicant : Mr. D.P. Kali

Counsel for the Respondents : Mr. N.R. Devany Sd/- CCSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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DA 127/91.

Dt. of Order: 10-8-94.

(ORDER PASSED BY HON'BLE SHRI A.V. HARIDASAN, MEMBER (J) ).

\* \* \*

The applicant <sup>author</sup> ~~was~~ a candidate for selection to the post of Extral Departmental Branch Post Master (EDBPM for short), Shankraj Kondapur Village has in this application filed under section 19 of the Administrative Tribunals Act, 1985, prayed that appropriate order or direction may be issued to the Respondent No.2 to appoint him as EDBPM in accordance with the selection proceedings already finalised.

2. To state the facts in brief, the applicant, pursuant to a notification inviting applications for the post of EDBPM submitted his application within the prescribed time. On 10-7-90 he was interviewed by the competent authority. While he was expecting an order of appointment, he was dis <sup>was</sup> appointed to find that the Respondent No.3 offered <sup>he</sup> the appointment to the ~~post~~ of EDBPM. The applicant <sup>has</sup> alleged that the Respondent No.2 had orally informed that he would be appointed and that at his direction he had submitted the required security for Rs.9,000/- in the form of immovable agricultural landed property. The appointment of the Respondent No.3 according to the applicant is arbitrary and unreasonable yielding to political pressure.

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2. Though the Respondents 1 to 3 were served with notices, the Respondent No.3 remained absent. Respondents 1 and 2 in their reply have denied the allegation that the Respondent No.2 informed the applicant that he would be appointed or that he was asked to submit security of immovable property to the value of Rs.9,000/-. They have contended that <sup>the</sup> applicant did not enclose with his application a copy of his SSC Certificate in proof of age, <sup>and that</sup> ~~that~~ the same was not produced even on 10-7-90, when the SDI verified the documents, that he on 28-8-90 sent a xerox copy of his SSC Certificate without attesting it, that the same could not be accepted as proof, that therefore the applicant's candidature was rejected, that after the selection was completed on 10-9-90 on 24-9-90 a letter was received from the applicant along with his original SSC Certificate stating that the same could not be produced by him earlier, that by that time as the selection considering the eligible candidates who had fulfilled the conditions in the notifications was made, the applicant had no right to be considered and that as the selection and appointment of the third respondent was done strictly in accordance with the rules and instructions, the applicant is not entitled to the relief prayed for.

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3. As directed by us, the learned standing counsel for the Respondents, Shri N.R.Devraj, made available for our perusal the entire file containing the selection proceedings, testimonials submitted by the candidates and applications of the candidates. We have very carefully perused the file, have gone through the pleadings and heard counsel for both parties at considerable length. Sri D.P.Kali, counsel for the applicant argued that the applicant having attached to his application made to the Respondents a copy of his SSC Certificate, the contention taken by the Respondents that he had not produced any record in proof of age along with the application or on the date on which the SDI (P) examined the records and their action in selecting the Respondent No.3, who had not even applied to the post is arbitrary and unreasonable. On the first point we find from the file that the application of the applicant made to the Respondents it has been stated that the SSC certificate was not produced. In the report submitted by the SDI (P), on verification of the documents, it is mentioned that the certificate in regard to the proof of age was not produced. This is disputed on behalf of the applicant, but we find considerable force in the contention of the Respondents because evidently the applicant had sent a xerox copy of the SSC book on 28-8-90 and the original of it on 24-9-90 along with a covering letter. The fact that xerox copy of the SSC book was sent by the applicant on

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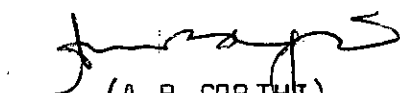
28-8-90 is not disputed. If the certificate in proof of age had been produced along with the application, it would not have been necessary for him to produce a xerox copy thereafter. If he had again sent a xerox copy of the SSC book though he had already produced it along with the application, one would expect him to enclose a covering letter stating that as directed by the authorities, he was doing so. The letter dt. nil of the applicant and received by the Respondents on 24-9-90 is clear and unambiguous, wherein it was mentioned that the SSC certificate was not produced by him along with the application or at the time of verification by the SDI (P) as the same was not available with him. Hence the contention of the respondents 1 and 2 that the candidature of the applicant could not be considered as he did not produce the certificate in proof of his age has to be accepted.


4. Now coming to the next contention of the applicant that the selection of the Respondent No.3, who had not even applied and has been taken up from somewhere yielding to political pressure, we find that this allegation is baseless. There is not even a whisper in the application that the Respondent No.3 had not even applied in pursuant to the notification to the post of EDBPM. The case of the

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applicant that the Respondent No.3 was selected yielding to political pressure, as apart from a bold allegation nothing has been placed on record to substantiate it has only to be rejected. The applicant has not stated in what way the Respondent No.3 is of inferior in merit than him. In this application, the applicant has not sought to challenge the selection of the Respondent No.3. On the other hand the prayer is only for a direction to the Respondents to appoint him as EDBPM in accordance with the selection proceedings. It is evident from the selection proceedings that it was the Respondent No.3 who was selected and not the applicant. In the light of what is stated above, we find no merit in the application and therefore dismiss the same leaving the parties to bear their own costs.

  
(A.B. GORTHY)  
Member (A)

  
(A.V. HARIDASAN)  
Member (J)

Dt. 10th August, 1994.  
Dictated in Open Court.

avl/

  
DEPUTY REGISTRAR(J)

Copy to:

1. The Director, Union of India, Post & Telegraph Department, Hyderabad.
2. The Superintendent of Post Offices, Medak, Medak District.
3. One copy to Mr. D.P. Kali, H. NO. 2-2-1164/15/B, Tilaknagar, Hyd.
4. One copy to Mr. N. D. Desai, SA, CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J)

AND

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

Dated: 10.8.94

ORDER/JUDGMENT.

M.A./R.P./C.P.NO.

in

C.A.NO. 127/91

T.A.NO.

(W.P.NO. )

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with directions.

Dismissed.           

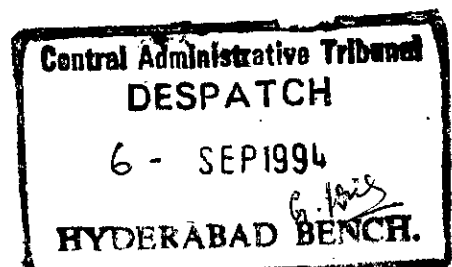
Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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