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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.186/91

Date of Order: 29.3.1994

BETWEEN :

Kum.G.Sarada

.. Applicant.

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1. The Superintendent of
Post Offices,
Parvathipuram Division,
Parvathipuram.

2. Sri Ch.Jayaram,
S/o. Ramakrishna,
Chappa Cutchammapeta,
(Village & Post),
Vizianagaram District.

.. Respondents.

Counsel for the Applicant

.. Mr.Bhaskara Rao for
Mr.Duba Mohan Rao

Counsel for the Respondents NO.1

.. Mr.N.V.Ramana

Counsel for the Respondent NO.2: P.V.S.S.S. Rama Rao

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.).

The applicant who was asked to take over charge as E.D.B.P.M., Ch. Butchammapeta w.e.f. 31.8.90 is aggrieved by the respondents action in issuing second notification calling for applications for filling up the same post. In ^{pursuance of} ~~of~~ the second notification, the first respondent selected the second respondent ~~being and~~ ^{him} regularly appointed as EDBPM Chappa Butchammapeta. Consequently, the applicant's claim herein is for a declaration that the appointment of the second respondent in place of the applicant is illegal, arbitrary and malafide and for a direction to set aside the memo dated 12.2.1991 terminating the services of the applicant as illegal.

2. The first respondent issued a notification dated 24.5.90 calling for applications for selection to the post of EDBPM, Chappa Butchammapeta. The applicant along with others submitted their applications. In the meantime the regular incumbent Sri Peddinti Appalaswamy retired on 31.8.90 and the applicant was asked to take over charge of the said post which she did. On 23.11.90, she was issued a provisional appointment order for the period 1.9.90 to 30.9.91. However on the very next day i.e. on 24.9.90, a second notification was issued calling for applications for filling up the same post of EDBPM Ch. Butchammapet. Left with no other alternative, the applicant also submitted a representation, though in protest. The ~~second~~ respondent seems to have rejected

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her candidature and selected Respondent No.2. Accordingly she was ordered to handover charge to Respondent No.2 vide the impugned order dated 12.2.1991.

3. The respondents in their reply affidavit have stated that in response of the first notification dated 24.5.90, ^{eight} ~~8~~ applications were received. ^{Two} ~~2~~ of them were rejected out right as they were received after the due date. The merits and demerits of all the other six candidates ^{were} ~~was~~ duly considered after due verification by the SDI (P) Salur. Details of the individual ^{qualifications} ~~calculations~~ and their income, property etc. find enumerated in para 5 of the Annexure-IV, which we need not reproduce here. So far as the applicant is concerned, the respondents observed that she scored 60.8% marks in 10th class, she showed her father's income certificate issued by the M.R.O. As regards the property certificate, she merely wrote in Column 10 of the application that "immovable property is of my father". No certificates ^{of} ~~in~~ the M.R.O. ^{were} produced but a letter from the father was enclosed. During the process of selection, the respondents considered that none of the candidates fulfilled all the eligibility conditions. As regards the applicant, it is apparent from the remarks as reflected in para 5 of the counter that she was not found suitable because she did not enclose any property certificate issued by the M.R.O. ^{to} the effect that she had immovable property from where she could operate the Post Office. It was for this reason, the respondents had to issue the second notification. ^{but} ~~Once again~~ The applications received in response to the second notification were ~~of~~ duly considered. During the selection it was found that Sri Ch. Jayaram who secured 64.2% ^{marks} in S.S.C. was found to be

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better qualified than the applicant. The applicant this time had produced the property certificate issued in her own name by the M.R.O, but she could not be selected because the other candidate Sri Ch.Jayaram, who was similarly situated as the applicant in regard to other aspects, secured higher percentage of marks ^{all} _{in S.S.C} than the applicant _{in S.S.C}.

4. Heard learned counsel for both the parties.

Mr.Bhaskara Rao, learned counsel for the applicant firstly contended that the applicant stood selected in pursuance of the first notification and it was only as a result thereof she was asked to take over the charge of ^{the} post of EDBPM, Ch. Butchammapeta. This aspect of the matter is refuted by the ^{learned} Standing Counsel for the respondents who, ^{is} in support of his contention, ^{has} shown us the charge report which indicates that the taking over of the post of EDBPM by the applicant w.e.f. 31.8.90 was only provisional. This finds further support from the fact that the formal ^{order} _{fact} issued on 23.5.90 also is to the effect that the appointment of the applicant was provisional and for a period of 3 months only from 1.9.90 to 30.11.90. This period was subsequently extended _{from 1.12.90 to} 28.2.91.

5. Learned counsel for the applicant stated that the applicant being an unmarried girl, there would be no question of her having any independent source of ^W _{as} livelihood. This aspect need not detain further, it is seen from the counter that the applicant did not furnish any certificate with regard to the immovable property as required by the notification. In the notification ^{Conditions} one of the contentions laid down was that he/she must

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have an adequate source of income and must be able to offer suitable ^{space} steps to locate the post office. Ofcourse the documents required to be submitted by every applicant is the income and property certificate. In the case of the applicant there is no dispute that she did not submit any property certificate as such but furnished a letter from her father that the ^{letter} owned immovable property. This was considered not satisfactory or sufficient by the respondents. From a careful examination / material before us we cannot hold that the decision of the respondents not to select any of the applicants, more so the applicant ^{of the} ~~in particular~~ is in any manner illegal or arbitrary or unfair.

6. As regards the second notification, in view of the fact that the respondents could not select any of the candidates in response to the first notification, the issuance of the second notification cannot be deemed to be improper or unwarranted. The applicant also responded to this notification. The respondents gave a detailed ^{explanation} notification as to the merits and demerits ~~as to~~ ^{of} the applicant vis-a-vis Ch. Jayaram Respondent No.2. In view of the fact that Respondent No.2 secured a higher percentage of marks in S.S.C. compared to the applicant, the respondents selected Respondent No.2 in preference to the applicant. In the second process of ^{on the basis of} selection they found that the applicant submitted the required income and property certificate to their satisfaction. But it was only on account of the fact that Respondent No.2 secured higher percentage of marks ~~that~~ he came to be selected.

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7. In view of the afore-stated we find that there is no such illegality or irregularity in the matter of selection of Respondent No.2 which would warrant our interference with the same. Accordingly O.A. is dismissed. There shall be no order as to costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

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

Dated: 29th March, 1994

(Dictated in Open Court)

Amala
Deputy Registrar (J) CC

To sd

1. The Superintendent of Post Offices,
Parvatipuram Division,
Parvatipuram.
2. One copy to Mr. Duba Mohan Rao, Advocate, CAT.Hyd.
3. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
4. One copy to Library, CAT. Hyd.
5. One spare copy.
6. One copy to Mr. P. V. S. S. Rama Rao, Advocate,
Adarsh Nagar, Hyderabad
pvm

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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(AD)
AND

THE HON'BLE MR.TCCHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

Dated: 29-3-1994

ORDER/JUDGMENT

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

in

O.A.No. 186/91

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued

Allowed

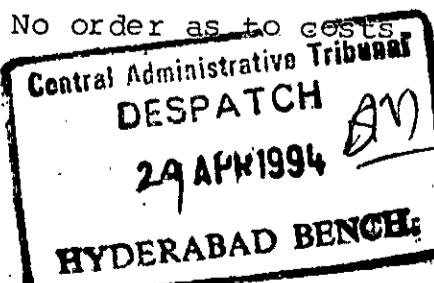
Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.



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