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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.567/91

Date of Order: 2.2.94

BETWEEN :

Anjaneyulu

.. Applicant.

A N D

Union of India represented by :

1. The Secretary to Government,
Department of Posts, New Delhi.
2. The Post Master General,
Hyderabad.
3. The Superintendent of Post Offices,
Mahaboobnagar.
4. Smt. G.Jayamma, BPM, Kachwar
Village, Makthal Mandal,
Mahaboobnagar District. .. Respondents.

Counsel for the Applicant

.. Mr. K.S.R.Anjaneyulu

Counsel for the Respondents

.. Mr. N.V.Ramana

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUD L.)

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

T. S. Reddy

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Order of the Division Bench delivered by
Hon'ble Shri T. Chandrasekhara Reddy, Member (Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to set aside the appointment of the 4th respondent as B.P.M. of Kachwar Village in Mahaboobnagar District and further to direct to reinstate the applicant in the post of B.P.M., Kachwar Village with all consequential benefits.

2. The applicant was selected as B.P.M. of Kachwar Village in Mahaboobnagar District w.e.f. 5.9.88. The said appointment was challenged by the 4th respondent herein by filing O.A.564/88 on the file of this Tribunal. The applicant herein (who was the 3rd respondent in OA.564/88) did not make his appearance in OA.564/88. The 4th respondent herein (who was the applicant in OA.564/88) raised many contentions questioning the appointment of the applicant herein that was made in the year 1988. It was contended in OA.564/88 that the applicant herein had no residence of his own and that he was not also a suitable candidate to be appointed for the post of EDBPM. OA.564/88 came up for final hearing before the Tribunal of this Bench on 15.3.91. After hearing the Advocates on record the Tribunal as per its judgement dated 15.3.91 disposed of the said OA.564/88 by observing as here under:-

"The record disclose that the comparative statement made for the purpose of selection shows that the applicant has secured 323 marks in the S.S.C. examination whereas the respondent No.3 has secured 339 marks. The statement also shows that the applicant has a house centrally located accessable to all people and the house stands in her name.

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that the property
is owned by the 3rd
respondent

In the case of the respondent No.3, it is stated that the house stands in his father's name, but an entry is made that it has been transferred to his name. From the report of the Sub-Divisional Inspector, Postal, Narayanpet Sub Division, dated 14-8-88, it is seen that the house bearing No.2-24 stands by the name of Sri Panthula Balaiah (father of 3rd respondent) but not in the name of 3rd respondent, and as the 3rd respondent is not having a house in his own name and he has not made any report on the suitability of the premises in his report, we do not find any basis for the remark made in the comparative statement in his own name. In the circumstances we find that the contentions of the applicant are valid and the selection made has to be set aside. Accordingly we do so and direct respondent No.2 to examine afresh the cases of the applicant herein and the two others and make a proper selection in accordance with the rules within a period of one month from the date of receipt of this order. The application is disposed of with this direction".

3. In view of the observations made by this Tribunal the competent authority examined afresh the matter and selected the 4th respondent herein and appointed her as B.P.M., Kachwar Villaga, Mahaboobnagar District. It is the said order of appointment that is questioned by the applicant in this O.A.

4. Counter is filed by the respondents opposing this O.A.

5. We have heard Mr. K.S.R. Anjaneyulu, Advocate for the applicant, Mr. N.V. Ramana, Standing Counsel for the Respondents 1-3 and Ms. N. Shakti, learned counsel for Respondent No.4.

6. It is the contention of the learned counsel for the applicant even though the Bench had directed official respondents to examine afresh the case of the applicant O.A. 564/88 (R4 herein) and also 2 others and make a proper selection that there is no proper examination by the respondents to ascertain the relative merits of the candidates and that a proper selection is not made.

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According to the counsel for the applicant, in all respects applicant herein (who was ~~RC~~ in OA.564/88) is the most suitable candidate and selecting and appointing the 4th respondent herein by the respondents to the said post of EDBPM in pursuance of the directions of the Tribunal is arbitrary and in excess of exercise of the powers of the respondents. In view of the contentions raised by the counsel for the applicant we have perused the relevant file that is produced before us.

7. It is not in dispute that the applicant herein does not have a house in his name. It is only the applicant's father who owns a house. The competent authority was satisfied with the ownership of the house the 4th respondent herein possessed and as the same was located in a central place in the village. It is needless to point out the location of the Branch post Office located in a central place in a village would serve the interestes of the residents therein better. Ofcourse the applicant herein had secured 339 marks in his S.S.C. examination whereas the 4th respondent has secured 323 marks. In making an appointment for the post of E.D.B.P.M. the overall assessment of the competing candidates has got to be taken into consideration for the said appointment. As the 4th respondent herein owns a house in her name and as the same is centrally located, the competent authority had come to the opinion, in view of the facts and circumstances of the case, that the 4th respondent herein is more suitable than the applicant for appointment to the post of B.P.M., Kachwar Village. So, in view of the facts and circumstances of the case it cannot be said that the opinion formed by the competent

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authority in selecting the 4th respondent is either arbitrary or illegal. As a matter of fact, on the ground that the applicant herein had no house in his own name, in the earlier OA filed by the 4th respondent herein the appointment of the applicant as E.D.B.P.M. of Kachwar village had been set aside. So, that being the position, the action of the official respondents in appointing R4 for the said post of EDBPM is certainly justified and their action has got to be upheld. So, we see no merits in this OA and hence this OA is dismissed and is accordingly dismissed. There shall be no order as to costs.

(R.RANGARAJAN)
Member (Admn.)

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

Dated : 2nd February, 1994

(Dictated in Open Court)

Mr. B. C. Ray
Deputy Registrar (J)

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To

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

pvm

5th Feb 1994

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 (A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 2-2-1994.

ORDER/JUDGMENT:

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

in

O.A.No.

567/91

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.

pvm

G. S. Jay

