

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

\* \* \*

O.A. 614/91

Dt. of Decision : 24.3.1994.

V. Ramudu

.. Applicant

Vs

Union of India represented by:

1. Secretary to the Government,  
Department of Posts,  
New Delhi.
2. Chief Post Master General,  
A.P. Circle,  
Hyderabad.
3. The Post Master General,  
A.P. Southern Region,  
Kurnool.
4. Superintendent of Post Offices,  
Kurnool.
5. Peddanarayana Reddy,  
Branch Post Master,  
R. Kanapuram a/w. Gudur  
Kurnool District.

.. Respondents.

Counsel for the Applicant : Mr. K.S.R. Anjaneyulu

Counsel for the Respondents : Mr. N.V. Raghava Reddy,  
Addl. CGSC.

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (ADMN.)

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ORDER

[(As per Hon'ble Shri T. Chandrasekhara Reddy, Member (J))]

This is an application filed by the applicant under Section 19 of the Central Administrative Tribunals Act to declare the selection made by the 4th respondent - Superintendent of Postoffices, Kurnool for the post of Branch Postmaster R.Kannapuram in Kurnool District is arbitrary, illegal and to set aside the same and direct the respondents to appoint the applicant in the said post and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The facts giving rise to this OA in brief, are as follows:

3. The post of Branch Postmaster, R.Kannapuram, Kurnool District fell vacant in the year 1988. The Superintendent of Postoffices, Kurnool (4th respondent) accordingly requested the District Employment Exchange to sponsor suitable candidates for the vacancy on 5.5.88. There was no response from the Employment Exchange. So, the 4th respondent issued an open notification dated 21.10.88. As many as nine applications were received and sent to the Asst. Superintendent of Postoffices, Kurnool West Sub-Division for verification of documents. The applicant herein also is one of the candidates who had applied for the said post. The said applications were sent to the Asst. Superintendent of Postoffices, Kurnool on 12.12.88.

4. Subsequently, the 4th respondent selected fifth respondent herein on merit and the selected candidate took over charge as BPM on 10.7.90 and continuing in the said post. It is the said selection of the fifth respondent by the 4th respondent that is questioned in this OA by the applicant who

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the candidates that had applied for the said post of  
BPM, R. Kannapuram, Kurnool District and for other ~~other~~ <sup>like</sup>  
reliefs as already indicated above.

5. Counter is filed by the respondents opposing this OA.
6. We have heard Mr KSR Anjaneyulu, Counsel for the applicant and Mr NV. Raghava Reddy, Standing Counsel for the respondents.
7. We have perused the relevant file. The relevant file goes to show that the applicant has secured 274 marks in his SSLC examination. He gets an annual income of Rs. 8000/- p.a. and the extent he owns is 12 acres and 50 cents, whereas, the 5th respondent who is selected had passed the SSLC examination in compartmental examination and ~~he~~ has secured 333 marks. His income is said to be Rs. 7000/- p.a. and he is said to be owning an extent of 23 acres and 31 cents. The competent authority after taking into consideration the educational qualification, their marks in SSLC examination, their actual income and also the properties they own had come to the opinion that the 5th respondent herein was more meritorious than the applicant herein and so, the competent authority, i.e. 4th respondent had selected the 5th respondent as BPM of R. Kannapuram and had ultimately appointed ~~him~~.
8. It is the contention of the learned counsel for the applicant, that as the applicant had passed SSC examination, at one time and has secured 274 marks and whereas the 5th respondent had passed SSLC examination in compartments, and has secured 330 marks, that the applicant herein should be considered as more meritorious candidate ~~xxxxxx~~ than the 5th respondent (selected candidate) and so, in view of this position that the competent authority was not justified in ~~sak~~ not selecting the applicant and in selecting the said 5th respondent to the said post. ...4

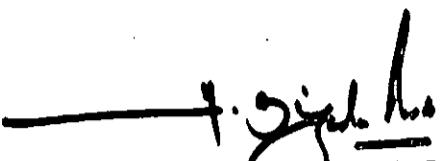
It is also further contended that the applicant herein in his own right owns 12 acres and 50 cents of land and that the 5th respondent does not own in his right the said ~~and but the same is for the family only~~ 23.31 acres of land and in view of the independent property which the applicant owns, that he should be deemed to have been ~~selected~~ more suitable for the said post.

9. Even though the 5th respondent had passed the SSLC examination in compartments, the marks which he has secured are more than the marks of the applicant. In view of the marks which the 5th respondent had secured and after taking into consideration other factors namely his income, property which he owns, the competent authority had come to the opinion that the 5th respondent was more suitable than the applicant and others, to the said post of ~~BMR BPM, R.Kannapuram.~~ <sup>and he got</sup> ~~that are attributed to~~ the competent authority in selecting the 5th respondent.

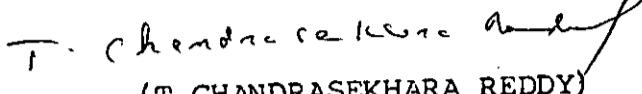
10. The competent authority has come to the opinion, taking into consideration of the factors that the 5th respondent was more meritorious and suitable. In view of the facts and circumstances of the case, it is rather difficult to say that the 5th respondent is not a meritorious candidate nor suitable to the said post when compared to the applicant herein. In view of this position, it is not open for us to substitute our opinion to the opinion of the competent authority which we had already said, is based on valid considerations. So, in the circumstances of the case, the action of the 4th respondent in selecting the 5th respondent has got to be upheld. So, we see no merits in this OA and hence, this OA is liable to be dismissed and

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is accordingly dismissed, leaving the parties to bear their own costs.

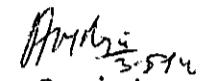
  
(H. RAJENDRA PRASAD)  
Member (Admn)

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(T. CHANDRASEKHARA REDDY)  
Member (Jud1.)

Dated: 24th March, 1994

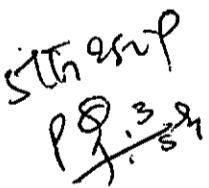
(Dictated in the open court)

  
Deputy Registrar (J) CC

To mvl

1. The Secretary to the Government, Union of India, Dept. of Posts, New Delhi.
2. The Chief Postmaster General, A.P. Circle, Hyderabad.
3. The Postmaster General, A.P. Southern Region, Kurnool.
4. The Superintendent of Post Offices, Kurnool.
5. One copy to Mr. K. S. R. Anjaneyulu, Advocate, CAT. Hyd.
6. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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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.JUSTICE V.NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMEER (AD)

AND

THE HON'BLE MR.TCCHANDRASEKHAR REddy  
MEMBER (JULY)

AND  
H.Rajendraprasad

THE HON'BLE MR.R.KANGARU : M(AD)

Dated: 24-3-1994

ORDER/JUDGMENT

O.A./R.A./C.A./No.

O.A.No.

in  
614/91

T.A.No.

(w.p.

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

