

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 38/91.

Dt. of Decision : 23.11.1994.

M. Nagaraju

.. Applicant.

Vs

1. Postal Superintendent,
Hindupur, Ananthapur Dist.
2. District Employment Officer,
Ananthapur.
3. B. Raja Reddy
4. Chief Post Master General,
Post Offices,
A.P. Circle, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. K.S. Murthy

Counsel for the Respondents : Mr. N.V.Ramana, Addl.CGSC.R-1
Mr. D.Panduranga Reddy, Spl.
counsel for A.P. R-2.

Mr.D. Manohar Reddy and Smt.P.Sharada
for R-3.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

OA.38/91

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri K.S. Murthy, learned counsel for the applicant; Sri N.V. Ramana, learned counsel for the R-1; Sri D. Panduranga Reddy, learned counsel for the State Government; Sri O. Manohar Reddy, and Smt. P. Sharada; learned counsel for R-3.

2. The Superintendent of Post Offices, Hindupur, i.e. R-1 herein issued requisition dated 2/4-1-1990 to R-2, District Employment Officer, Anantapur, to send a list of candidates for the post of EDBPM, Muthyalacheruvu. On receipt of the same, R-2, the District Employment Officer sent on 10-1-1990 a list of three candidates including that of R-3. R-3 was selected as EDBPM, Muthyalacheruvu and he joined the said post on 20-6-1990. The appointment of R-3 to the said post is assailed in this OA by alleging that the said selection is vitiated as the name of the applicant who got his name registered earlier to that of the candidates ^{was not sponsored} sponsored. It is manifest even from the counter filed by R-2 that the applicant got his name registered earlier to the date of registration of R-3. It is merely stated for R-2 that as he is not having particulars of residence, property and income of the applicant, and as R-3 and the other two ^{sponsored} candidates ~~sponsored~~ furnished those particulars, R-2 sent the names of those ^{three} ~~two~~ candidates.

..3.

B-1

(229)

3. The candidates who got their names registered in the Employment Exchange may not be knowing the requisition^{and} sent by the various employers, as such they may not be in a position to furnish the necessary particulars which are referred to as essential in the requisition. In such a case it is incumbent upon the District Employment Officer, to call for necessary particulars from the candidates whose names have^{to} been sponsored on the basis of seniority as per the date of registration, and after receipt of those particulars he has to sponsor the names of the candidates who satisfy those particulars on the basis of seniority as per the date of registration. There is an infirmity when R-2 had not followed the same.

4. As such the following directions have^{are} to be^{to} given :

Within one week from the date of receipt of copy of this order, R-2 had to address (by Registered Post Acknowledgement Due) the applicant to furnish the particulars in regard to his residence, income, and property as on 10-1-1990, and on receipt of the same, the applicant had to furnish those particulars to R-2 by Registered Post Acknowledgement Due. The name of the applicant also had to be sponsored in pursuance of the requisition dated 2/4-1-1990 received from R-1 in regard to the post of EDBPM, Muthyalacheruvu. If the applicant satisfies the essentialities referred to in the requisition, R-2 had to send the name of the applicant to R-1, in case he satisfies as referred to above within one week from the date of receipt of the

particulars from the applicant. In case R-2 feels that the applicant had not satisfied the essentialities as referred to in the requisition, ^{there} should inform the applicant accordingly by RPAD by marking copy to R-1.

5. R-1 has to take a decision in accordance with law as to whether ^{an applicant} R-3 has to be selected to the said post. The said decision has to be taken within three months from the date of receipt of information from R-2. In case the applicant is selected, the appointment of R-3 till the date of joining of the applicant should be treated as provisional. If ultimately R-3 is selected his appointment should be treated as regular even from 20-6-1990 the date on which he joined the said post.

6. OA is ordered accordingly. No costs./

(R. Rangarajan)
Member (Admn.)

(V. Neeladri Rao)
Vice Chairman

Dated : November, 23, 94
Dictated in Open Court

Arundh
2-12-94
Deputy Registrar(J)CC

To

1. The Postal Superintendent,
Hindupur, Anantapur Dist.
2. The District Employment Officer, Anantapur .
sk
3. One copy to Chief Postmaster General,
Post Offices, A P.Circle, Hyderabad.
4. One copy to Mr.K.S.Murthy, Advocate, 3-6-779,
14th Street, Himayatnagar, Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC. CAT.Hyd.
6. One copy to Mr.D.Panduranga Reddy, Spl.Counsel for A.P.Govt.CAT.Hyd
7. One copy to Mr. O.Manohar Reddy, Advocate, 254/3RT, mainroad,
Sanjeeva Reddy nagar, Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

pvm

checked by 30-11-94

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

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

DATED: 23-11-1994

ORDER/JUDGMENT:

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

in

O.A.No. 38/91

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

No spare copy

30/11/94

Central Administrative Tribunal

DESPATCH

DEC 1994

HYDERABAD BENCH

DVM