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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A.No.950/93 in
R.P.S.R. 3670/93 in
O.A.No.958/91

Date of Order: 18.2.1994

BETWEEN :

K.Ramachandra Reddy

.. Applicant.

A N D

1. Sub-Divisional Inspector,
Shadnagar, Dist. Mahabubnagar,
2. Superintendent of Post Offices,
Wanaparathi Division, Wanaparathi.
3. S.Venkateswar Reddy, ~~Respondents.~~ Respondents.

Counsel for the Applicant

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI V.NEELADRI RAO ; VICE CHAIRMAN

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

(13)

M.A.No.950/93 in
A.P.S.R.No.3670/93 in
O.A.No.958/91.

Date: 18.2.1994.

J U D G M E N T

I as per Hon'ble Mr.Justice V.Neeladri Rao, Vice-Chairman I

The petitioner herein filed O.A.No.958/91 praying for setting aside the order of appointment of R-3 as EDBPM at Vittaipally and for a direction to R-1 and R-2 to select him as EDBPM. One of the grounds on which the O.A.No.958/91 was dismissed as per order dt. 17.9.1993 is that ^{the} the services of the applicant when he was working as EDBPM provisionally, was found to be not satisfactory, ~~and on that basis R-2 had~~ ^{justified in} not considered the case of the applicant. When it was alleged in the reply filed in the O.A. to that effect, we directed R-2 to produce necessary record. After perusing it we were satisfied that there was ~~a~~ record in support of ~~it to~~ ^{the} note that the services of the applicant as EDBPM provisionally was not satisfactory and we had referred to that aspect in para-4 of the order dt. 17.9.1993. In ~~para~~ para-11 of the R.P. it is alleged that when the applicant was not given an opportunity to explain the same it should not have been looked into. But, it was not argued to that effect in the O.A. Hence, the applicant cannot be permitted to contend to that effect in this R.P.

2. The learned counsel for the applicant wants to rely upon the inspection record to contend that therein the applicant's services was noted as satisfactory, and hence, the record produced during the hearing of this O.A. ~~could not~~ ^{should} be held as fabricated. But even in para-10 of this R.P.

...3/-

(114)

the applicant attributed malafides to the respondents
~~in fabricating~~ ^{by alleging that} some adverse remarks ^{were fabricated} against him.

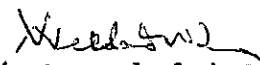
When there are three respondents, it is not stated to whom the malafides are attributed. It has to be further noted that the production of record on behalf of R-2 at the time of hearing of the O.A. had not come as a surprise. The said record was produced only on the adjourned date when a direction was given to R-2 to get the same produced. If the applicant felt that it was a fabricated one, he could have ~~sixth~~ summoned for the inspection ~~of the~~ record then itself. Hence, the applicant cannot be permitted to raise that ground also in this R.P.

3. The learned counsel for the applicant argued that the applicant is more qualified than R-3. But when the case of the applicant was not considered on the ground that his services were not satisfactory while he worked as EDBPM provisionally, the question of considering his merit does not arise.

4. No other point was argued. We do not find any reason for entertaining the R.P. As such no purpose will be served in condoning the delay as prayed for in the M.A.950/93. \

5. In the result the M.A.950/93 is dismissed and R.P. ^{S.A} is rejected. \


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


(V. Neeladri Rao)
Vice-Chairman

Dated 18th Feb., 1994.
Dictated in the open court.


Deputy Registrar(J)

Grh.
To

1. The Sub Divisional Inspector, Shadnagar, Mahabubnagar Dist.
2. The Superintendent of Post Offices, Wanaparthy Division, Wanaparthy.
3. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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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. A. B. GORTHI : MEMBER (A)

AND

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

AND

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

Dated: 18-2-1994.

ORDER/JUDGMENT:

M.A./R.A/G.A. No. 950/93 W.R.P.S.R. 367/93

in

O.A.No. 958/91
T.A.No. (W.F.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

