

(33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA No. 1021/91.

Dt. of Order: 18-4-1994.

P. Sawaswathamma

....Applicant

Vs.

1. The Superintendent of Post Offices,  
Tirupathi Division, Tirupathi,  
Chittoor Dist.
2. The Sub-Divisional Inspector (Postal),  
Piler, Chittoor Dist.
3. O.Krishna Reddy

....Respondents

Counsel for the Applicant : Shri G.Dasharadhami Reddy

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC  
for RR 1 & 2  
Shri K.S.R.Anjaneyulu for  
R-3

CORAM:

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

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

T.C.R

....2.

ISAP  
G  
X

(Order of the Divn. Bench passed by Hon'ble  
Sri T.C.Reddy, Member (J) ).

\* \* \*

This is an application filed under section 19 of A.T.Act, 1985, to set aside the order passed by the Respondent No.1 appointing the 3rd Respondent E.D.B.P.M. and further to direct the Respondents to absorb the applicant as EDBPM of Jangamvandlapalli Village, Rompicherla Sub-Post Office and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. Facts so far necessary to adjudicate this O.A. in brief are as follows :-

The Post of EDBPM of Jangamvandlapalli Village, Rompicherla Sub-Post Office, was created on the opening of new Branch Post Office on 17-3-91. The applicant was appointed as Branch Post Master on provisional basis on 17-3-91 pending regular selection and appointment to that post. The Respondent No.1 requested Employment Exchange, Chittoor to sponsor the candidates for the said post of EDBPM of Jangamvandlapalli Village through his letter dt.1-4-91. There was no response from the Employment Exchange, Chittoor to the letter dt.1-4-91. So the

C34

calling  
Respondent No.1 issued notification dt.3-5-91/for  
for the post of EDBPM,Jangamvandlapalli Village  
applications/fixing the last dateas 4-6-91. The appli-  
cant and the 3rd Respondent herein were the two among  
the five candidates that applied for the post of EDBPM  
of Jangamvandlapalli Village. The competent authority  
selected the 3rd Respondent and appointed him on regular  
basis as EDBPM <sup>for</sup> Jangamvandlapalli Village Branch Post  
Office. Aggrieved by the action of the Respondents in appoint-  
ing R-3 as EDBPM of Jangamvandlapalli Village, the applicant  
has filed the present OA as already indicated above.

3. Counter has been filed by the Respondents 1 and 2  
opposing the O.A. In the counters of the Respondents it  
is maintained that the applicant was not selected as <sup>she</sup>/did  
not own any property in her name in the Jangamvandlapalli  
Village and as she was also not <sup>a</sup>/resident of the said  
village. The Respondent No.3 who is selected has filed  
seperate counter maintaining that he had been duly selected  
and appointed and so his appointment has to be upheld.

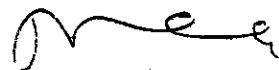
4. We have heard today Sri G.Dasharadharami Reddy,  
learned counsel for the applicant, ~~and~~ Sri N.R.Devraj,  
learned standing counsel for Respondents No.1 and 2 and  
Sri K.S.R.Anjaneyulu, learned counsel for Respondent  
No.3. It is not in dispute that the applicant had been  
provisionally appointed on 17-3-91 as EDBPM of Jangam-  
vandlapalli Village. It is also not in dispute that the

Respondent No.3 was selected and appointed by the competent authority as EDBPM, Jangamvandlapalli Village as per the order dt.15-10-91 of the competent authority. It is only for valid reasons that this Tribunal can interfere with the appointment of the Respondent No.3 that had been made by the competent authority. The fact that the Respondent No.3 was qualified and eligible for selection to the post of EDBPM, Jangamvandlapalli Village/ <sup>can</sup> not at all be doubted. We have perused the file relating to the appointment of the Respondent No.3 as EDBPM of Jangamvandlapalli. The file discloses that the 3rd respondent had the required educational qualifications for appointment to the said post and he ~~has~~ also income and own property at Jangamvandlapalli Village. So as the competent authority had found that he fulfilled all the requirements for appointment to the post of EDBPM and/he/ found suitable among the five candidates that had applied for the said post the competent authority taking into consideration the merits and demerits had selected the 3rd respondent. After perusing the file we are satisfied that the action of the respondents in selecting and appointing the 3rd respondent <sup>BPM of</sup> as Jangamvandlapalli Village ~~xxxxx~~ is valid. ~~.....~~

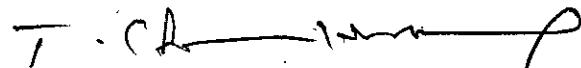
5. The statement of the applicant that is available in the file shows that her husband is residing at Onte-

kambhavaripalle Village, which is said to be a hamlet of Jangamvandlapalle Village. It is needless to point out that the ~~residence~~ of the applicant has got to be taken as the residence of her husband. So from her own statement it is clear that the applicant is not residing at Jangamvandlapalli Village, where the branch post office is located. ~~So it is needless to point out that~~ One of the essential requirements for appointment to the EDBPM is, the person to be selected to the post of EDBPM must be able to offer/place to serve as the premises for postal operations and the person selected must have adequate source of <sup>in her statement</sup> livelihood. The applicant had/clearly stated that she <sup>or any source of income</sup> does not have ~~either source or~~ lands/in her name. So it is quite evident from her own statement that the applicant does not have adequate means of livelihood. So even though the applicant claims to have passed M.A. as seen from the records XXXXXXX she has ~~not~~ produced before the competent authority only SSC and Intermediate marks list. No doubt she satisfied the requirements of educational qualifications, ~~as~~ seen the applicant has failed to satisfy her <sup>eligibility</sup> for appointment to the said post as already pointed out/she also does not appear to be a resident of Jangamvandlapalli Village, where the Branch Post Office is located and/she appears to be the resident of Ontekambhavaripalle Village, where her husband stays. She has also failed to satisfy the means test.

So, in view of the facts and circumstances the competent authority was right in not selecting her as EDBPM. We see and no merit in the OA /the O.A. is liable to be dismissed and it is accordingly dismissed leaving the parties to bear their own costs.



(R.RANGARAJAN)  
Member (A)



(T.CHANDRASEKHAR REDDY)  
Member (J)

Dt. 18th April, 1994.

Dictated in Open Court. *Prabhakar* Deputy Registrar (J) CC

av1/

To

1. The Superintendent of Post Offices,  
Tirupathi Division, Tirupathi, Chittoor Dist.
2. The Sub Divisional Inspector (Postal)  
Piler, Chittoor Dist.
3. One copy to Mr.G.Dasharadharami Reddy, Advocate  
9 Law Chamber, High Court of A.P. Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

*6th April  
pvm 26/4/94*

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: 18-4-1994

ORDER/JUDGMENT

M.A/R.A/C.G./NO.

in  
O.A.No. 1021/91

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.

