

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1053/91.

Dt. of Decision 15-8-94.

Smt. A. Baby Rani

.. Applicant.

Vs

1. The Superintendent of Post Offices,
Tenali Division, Tenali-522 201.
Guntur District.

2. The Asst. Superintendent of Post Offices,
Repalli, Guntur Dist.

3. Bh. Hari Babu

.. Respondents.

Counsel for the Applicant : Mr. M. Rama Rao
(not present)

Counsel for the Respondents : Mr. N.R. Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER(JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

ESTP/for

ORDER

(As per Hon'ble Shri AV Haridasan, Member(J))

The challenge in this application is against the order of the Superintendent of Post Offices, Tenali Division, Tenali ~~dated~~ dated 1.11.91, selecting and appointing of the third respondent as EDBPM, Allaparru, Branch Postoffice.

2. The applicant's husband, Sri A.Radhakrishna Murthy, while working as EDBPM, Allaparru Branch Postoffice was put off duty during the pendency of a criminal case against him and the applicant was provisionally appointed as EDBPM, Allaparru in his place with effect from 21.1.87. Though later the applicant's husband was ordered to be reinstated into service, he did not claim that benefit as he was ~~selected~~ as a Sarpanch. Therefore, as a regular vacancy occurred, the department initiated action for selection of a regular hand to man the post by issuing a notification dated 22.10.1990, fixing the last date for receipt of applications as 26.11.90. This date was later extended to 25.11.91. The applicant was one among the candidates, who ~~were~~ considered. Her grievance is, that the department selected the third respondent over-looking her superior merits. It has been alleged in the OA that there had been no proper selection ^{by the respondents} and what was done ~~was~~ just picking and choosing a man of their choice. With these allegations, the applicant seek to quash the order of appointment of the third respondent and for a direction to appoint her in that place.

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3. The respondents in their return have contended that the extension of the date of receipt of applications

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happened to be necessary as the applicant managed to see that the intimation to the police station, sarpanch office, etc. regarding the notification of the vacancy to be with-held from such offices, that the selection of the third respondent was based on the better merits of the candidates and that, as the third respondent has been selected ^{in a} bonafide and legitimate proper process of selection, the applicant has no basis for her grievance.

4. When the application came up for hearing on 2.8.94, none was present on behalf of the applicant. However with a view to dispose of the application on merits, as also to give a final opportunity to the applicant, the case was adjourned to this date. Today also neither the applicant nor ~~her~~ counsel is present.

5. Though the applicant and ~~her~~ counsel remained absent, we perused the application and connected papers in detail and heard arguments of Shri NR Devraj, learned Central Government Standing Counsel for the respondents and carefully perused the file relating to the notification of vacancies and the selection. The respondents have sought to justify the extention of time for receipt of applications on the ground that there was some complaints from the public that the notification of the vacancies did not receive due publicity. They have attributed the lack of publiclity to the applicant in that she had managed that the communication in this behalf did not reach those concer. However, we find that ~~no~~ injustice has been done to the applicant by extending the date of receipt of

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3rd page
Am

Copy to:-

1. The Superintendent of Post Offices, Tenali Division, Telani-522 201, Guntur District.
2. The Assistant Superintendent of Post Offices, Repalli, Guntur District.
3. One copy to Mr. M. Rama Rao, Advocate, 8-F Subhodaya Apartments, Beggolakunta, Hyderabad.
4. One copy to Mr. N. R. Devaraj, Senior CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare.

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5th page
for 16/8/49.

applications, and that the applicant had not raised any grievance about it at the relevant time.

Going through the file relating to the selection, we

find that the applicant was not left out of

consideration and that the selection of the third respondent was based purely on assessment of

inter-se merits. Though the essential qualification

for appointment to the post of EDBPM was only 8th Std

at the relevant time, even then a matriculate was to be

preferred. The applicant, admittedly has studied upto

8th Std only, whereas, the third respondent has not only

passed matriculation, but ^{is} also a graduate. Any qualifi-

cation above the level of matriculation is not to be

considered for the purpose of making selection. However,

the third respondent being a matriculate, had a preference

in the matter of selection. Viewed in this respect,

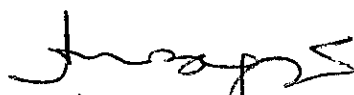
we find that there is no arbitrariness or unfairness

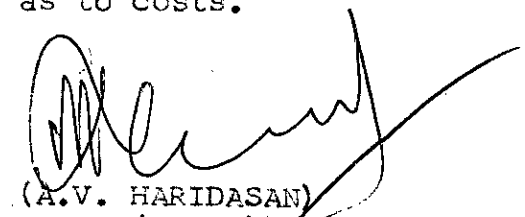
in the process of selection to render the selection invalid

on ^{any} account. Under these circumstances, we do not find

any merit in the application and therefore, the same

is dismissed without any order as to costs.


(A.B. GORTHI)
Member (Admn)


(A.V. HARIDASAN)
Member (Judl.)

Dated: 5th August, 1994

Dictated in the Open Court

mvl


Dy. Registrar (Judl.)

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN:MEMBER(J) ✓

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(A) ✓

Dated: 5-8-94 ✓

ORDER/JUDGMENT. ✓

~~M.A./R.P./C.P.NO.~~

C.A.NO. 1053/91 ✓
T.A.NO. in

(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. ✓

