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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 1117/91.

Dt. of Decision : 24.6.94.

Mr. S. Lingarao

.. Applicant.

Vs

1. The Union of India rep. by
The Secretary to Govt.
Department of Posts,
New Delhi.
2. The Post Master General,
Hyderabad Region,
Hyderabad.
3. The Superintendent of Post Offices,
Peddapalli - 505 172.
4. Sri P.Rajamouli, B.P.M.Shamagouda
Mandal Odela District:Karimnagar. .. Respondents.

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

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

CORAM:

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

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

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O.A.No.1117/91.

Date of Order : 24.6.94.

Order

As per Hon'ble Shri A.B.Gorthi, Member(A))

The applicant was a candidate for the post of EDBPM Shanagonda village. He is aggrieved by his non-selection and the selection of Respondent No.4 to the said post.

2. The Supdt. of Post Offices, Peddapalli issued a notification dt. 31.5.90 calling for applications to reach the office by 30.6.90. The applicant submitted his application supported by relevant documents but no action was taken by the respondents thereon. Another notification dt. 31.7.90 was issued, once again calling for applications to fill up the same post of EDBPM Shanagonda village. The applicant again submitted his application with all the relevant documents. The last date for receipt of applications was 30.8.90 but the result of the selection was not finalised till 19.3.91. On 12.6.91, the applicant was asked to submit his S.S.C. certificate for verification and it was done. As the official respondents selected Shri P.Rajamogili (R4) who had secured lesser marks in S.S.C. than the applicant, the latter made a representation but without any success. Hence this application.

3. The respondents in their reply affidavit clarified that the first notification had to be cancelled as it was issued without first notifying the vacancies to the Employment Exchange. After cancellation of the first notification, the Employment Exchange was asked to sponsor candidates but as no candidate was sponsored by the Employment Exchange, notification dt. 31.7.90 was issued.

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4. Three applications were received in response to the notification. The relative merits of each candidate, including the applicant and Respondent No.4, were duly considered. According to the respondents, the applicant did not produce any proof in respect of landed property owned by him in support of the certificate of his independent source of income. As per the certificate issued by the Mandal Revenue Officer, the applicant had an income of Rs. 7,000/- p.a. from land. The contention of the respondents is that the certificate issued by the Mandal Revenue Officer is not supported by any independent proof of the fact of possession of land by the applicant. As regards Respondent No.4, he not only furnished a certificate about his annual income but also produced documents to indicate that he is in possession of landed property.

5. Heard learned counsel for both the parties. The main question for our consideration is whether the respondents were justified in rejecting the applicant for the sole reason that he did not produce evidence to the effect that he owns landed property.

6. To be eligible for appointment to the post of EDBPM, the candidate must have "adequate means of livelihood" as per para 3 of Method of Recruitment laid down in Section III of Swamy's Compilation of Service Rules for Extra-Departmental Staff. An additional requirement is that the person selected must be able to offer space to serve as the agency premises for postal operations. There is no dispute that both the applicant and Respondent No.4 offered space to operate the post office. There is also no dispute that both of them submitted certificates

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issued by the Mandal Revenue Officer to the effect that their annual income is Rs.7,000/- (in respect of the applicant) and Rs.8,000/- (in respect of Respondent No.4).

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2 That a competent authority has issued such a certificate, we see no reason why the official respondents should insist on further proof. Even if they want such a proof, they should have made a specific query with the applicant or given him sufficient opportunity to prove the factum of his independent source of income. ~~Even~~ In the notification calling for applications it was not stated that proof of independent source of income should also be given by the applicants. In this regard we may extract para 3 of the notification which is as below:-

"3. The following documents should be submitted along with the application. (See instructions in the application form).

- i) Certificate regarding date of birth.
- ii) Certificate regarding educational qualification.
- iii) Caste Certificate from the prescribed authority (In case the applicant belongs to SC/ST).
- iv) Income and Property Certificate.
- v) Certificate regarding residence.
- vi) Employment Certificate and letter of permission from the employer to apply for the E.D. post. (In case the applicant is part-time/full-time employee of the State or Central Government Department/Organisation or Panchayat Raj Department).
- vii) In case the applicant is Ex-Serviceman/Ex-Army postal personnel, proof of Army Service and Discharge Certificate should be produced."

The income and property certificate referred to at para 3(iv) refers to the certificate as regards the annual income and the certificate to the effect that the applicant has space (house) from where he can operate the post office, if selected. It does not refer to any certificate with regard to possession of land as such a requirement is not there in the rules of recruitment 1

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7. We have called for the record of selection and perused the same. There is no dispute that the applicant scored higher marks than Respondent No.4 in the S.S.C. examination.

8. The respondents state that the property certificate in respect of the applicant was in the name of his father and it only stated that the land was in the kabza of the applicant whereas in the case of the selected candidate he produced documents to show that he owned land of one acre and 14 guntas. ~~As~~ As already observed by us, so long as the certificate from the competent authority stating that the individual has an annual income of Rs.7,000/- it should be taken as sufficient proof of the fact that the individual has independent source of livelihood.

9. Learned Counsel for the applicant drew our attention to the fact ~~that~~ of undue delay in the finalisation of the selection proceedings and alleged that it was done ^{to help} with a view to ~~save~~ Respondent No.4. We need not go into this matter as we are of the view that the respondents were not justified in rejecting the candidature of the applicant ^{in which they did} in the manner ~~alleged by him~~. Notice was served upon Respondent No.4 but he chose neither to file a counter nor to be represented by a counsel.

10. As we are satisfied that the rejection of the candidature of the applicant was made for reason which is untenable, we set aside the selection made by the official respondents in response to their notification dt. 31.7.90.

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To this extent we allow the O.A. The respondents are now directed to re-scrutinise the relative merits of the candidates who responded to the notification dt. 31.7.90 and select a suitable candidate in accordance with the extant rules. The respondents shall comply with this direction within one month from the date of communication of this order.

11. No order as to costs.

T. Chandrasekhar Reddy
(T.Chandrasekhar Reddy)
Member(J).

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

Dated: 24 June, 1994.
Dictated in Open Court.

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Arshie
Deputy Registrar(Judl.)

Copy to :-

1. The Secretary to Govt., Department of Posts, Union of India, New Delhi.
2. The Post Master General, Hyderabad Region, Hyderabad.
3. The Superintendent of Post Offices, Peddapalli-172.
4. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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