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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
---

O.A. No. 58/91.

Dt. of Decision : 5-8-1994.

Mr. K. Srinivasa Rao

.. Applicant.

Vs

1. Union of India, rep. by  
The Secretary to Government,  
Department of Posts, New Delhi.
2. The Post Master General,  
Vijayawada.
3. The Sr. Superintendent of  
Post Offices, Ongole.

.. Respondents.

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

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. GORTHIAN : MEMBER (ADMN.)

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OA 58/91.

Dt. of Order: 5-8-94.

Y ORDER PASSED BY HON'BLE SHRI A.B.GORTHI, MEMBER (A) X.

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The post of Extra Departmental Branch Post Master (EDBPM for short) of Poluru B.O. fell vacant with effect from 14-10-90. With a view to fill up the vacancy on a regular basis, the Respondents notified the vacancy to the District Employment Exchange, Ongole. As there was no response from the Employment Exchange, a local notification was issued on 28-5-90 fixing the last date for receipt of applications as 28-6-90. In response to the same, the applicant and some others submitted their applications/<sup>but they</sup>were all rejected for one reason or the other. The Respondents thereafter issued another notification dt. 3-9-90 inviting applications from the eligible candidates by 25-9-90. In response to the second notification also, the applicant submitted his application. The Respondents, however, vide impugned order dt. 12-12-90 extended the last date for receipt of applications up to 31-12-90. Aggrieved by the same, the applicant has filed this application with a prayer that the impugned order be set aside. As in the meantime applicant was provisionally appointed to the said post of EDBPM, Poluru B.O., a further claim was made in this O.A. for a direction to the Respondents to treat the applicant's appointment as regular appointment.

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(79)

2. The Respondents have not seriously disputed the facts avered in the applicant<sup>tion</sup>. They however contended that in response to the notification dt. 3-9-90, <sup>five</sup> ~~when the~~ applications were received out of which 3 were prior to the last date specified and 2 thereafter. The three applications which were received in time including that of the applicant were being processed by the S.D.I. (Postal), Cherala, for verification etc. In the meantime, a direction came from the office of the Post Master General, that the last date for receipt of applications be extended to 31-12-90, as there was some complaints that adequate publicity was not given to the notification dt. 3-9-90. In response to the impugned order by which last date was extended up to 31-12-90, some more candidates submitted their applications and all the applications are under scrutiny for finalisation of ~~the~~ selection.

3. Heard learned counsel for both the parties. Shri KSR Anjaneyulu, counsel for the applicant urged that there was no justification whatsoever to the Respondents' ~~in~~ extending the last date for receipt of applications. The allegation was that <sup>it</sup> ~~this~~ was done unfairly with a view to give opportunity to some other candidates also to compete.

4. Shri N.R.Devraj, learned senior standing counsel for Central <sup>g</sup>overnment has shown us the relevant record. What is apparent there-from is that while the selection process was in progress, an order was issued by the Asst. Post Master-General to the effect that the Post Master-General directed that the last date for receipt of applications be extended <sup>to</sup> by 31-12-90.

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<sup>Further</sup>  
It is, ~~therefore~~<sup>stated</sup> by Shri Devraj, that the file containing the complaints based on which <sup>the</sup> said decision was taken is missing. Therefore, nothing <sup>is</sup> on record to show that the complaints were genuine or that the notification dt.3-9-90 was ~~did~~ not given adequate publicity.

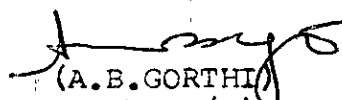
<sup>of the case</sup>  
5. The facts <sup>disclose</sup> in response to notification dt.3-9-90 as many as 5 candidates submitted applications. It cannot therefore be presumed that no sufficient publicity was given to the said notification. In view of this and in view of the fact that the Respondents could not show us any material to establish that there was inadequate publicity of the notification dt.3-9-90 or <sup>that</sup> there <sup>were</sup> ~~was~~ genuine complaints in that regard, we find no justification for the Respondents to extend the last date of receipt of applications as was done by them. The applicant is a candidate who had been consistently applying to all the notifications. From the selection proceedings which were incomplete, it is apparent that the candidature of the applicant was being preferred. As the selection process was, however, not concluded, the applicant was given <sup>only</sup> provisional appointment as EDBPM, Poluru B.O.

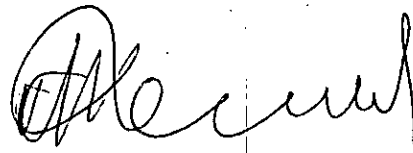
6. For the reasons above stated, we find that the Respondents are not justified in issuing the impugned memo by which the last date for receipt of applications was extended up to 31-12-90. and the same is therefore set aside. The Respondents are directed to finalise the selection based on <sup>a</sup> scrutiny of <sup>the</sup> applications <sup>received</sup> ~~receipt~~ on or before 25-9-90 in response to the notification.

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cation dt. 3-9-90. The result of the selection may be communicated to the concerned candidates with a period of two months from the date of communication of this order.

7. Till the appointment of the regularly selected candidate, the applicant shall continue in his present post on a provisional basis. No costs.

  
(A.B. GORTHI)  
Member (A)

  
(A.V. HARIDASAN)  
Member (J)

Dt. 5th August, 1994.  
Dictated in Open Court.

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DEPUTY REGISTRAR(J)

To

1. The Secretary to Government,  
Union of India, Department of Posts,  
New Delhi.
2. The Post Master General, Vijayawada.
3. The Senior Superintendent of Post Offices, Ongole.
4. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT, Hyderabad.
5. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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As 9/8/94

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. 58/91 ✓

T.A.NO.

in

(H.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. ✓

