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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.874/92

date of decision : 21-12-1992

Between

P. Bhoomaiah : Applicant

and

1. Postal Superintendent
Sanga Reddy
Medak District

2. Sub-Divisional Inspector
Postal
Sanga Reddy Sub Division
Sanga Reddy
Medak District

3. Mohd. Abdul Jabbar
S/o M.A. Sattar
Nizampet Village
Narayankhed Mandal
Medak District : Respondents

Counsel for the applicant : Mr. Kalyan Ram Joshi
Advocate

Counsel for the respondents : Mr. M. Keshava Rao
Standing Counsel for Central
Government

CORAM :

HON. MR. A.B. GORTHI, MEMBER (ADMN.), CALCUTTA BENCH

HON. MR. C.J. ROY, MEMBER (JUDL.)

Judgement

(Orders as per Hon. Mr. A.B. Gorthi, Member (Admn.)

Aggrieved by his non-selection for regular employment as EDBPM of Nizampet Post Office, the applicant has filed this application with a prayer that the respondents be directed to give him an appointment as EDDA in the place of Respondent No.3, who has been selected for the same.

2.

2. The applicant was initially appointed as EDDA of Nizampet on 12-12-1991. He worked in the said appointment till he was asked to handover charge to Respondent No.3 on 24-9-1992. While the applicant was working in his post, the respondents called for applications from suitable candidates for filling up the said post on regular basis. Some candidates applied as also the applicant. They were all called to produce the documents before the competent authority on 23-5-1992. The grievance of the applicant is that although he had worked with the Department for about ten months and despite the fact that he belonged to a backward community his case did not find favour with the respondents who selected Respondent No.3 for the said post. It seems Respondent No.3 belonged to OC and did not have any past experience either. The applicant alleged that appointment of Respondent No.3 was given on account of certain extraneous consideration and hence the selection should be quashed.

3. The respondents in their brief affidavit have stated that Respondent No.3 was selected on the basis of the fact that he had secured 53% as against 48.14% secured by the applicant in SSC Examination. Respondents have shown us the record of the selection to indicate that the merits and demerits of all the seven candidates who applied for the post were duly considered before Respondent No.3 was found suitable.

4. Learned counsel for the applicant has drawn our attention to certain Departmental instructions issued on the subject with a view to show that in the matter of selection and appointment of EDDA preference should be given to those with past experience. A perusal of the relevant instructions as reproduced at page 71 of the ²Swamy's Compilation of Service

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Swamy

Rules for ED Staff would indicate that such preference would be given only in respect of certain categories of EDDA only as stated below :

- i) ED Agents appointed prior to the introduction of the residence condition.
- ii) ED Agents who had acquired residences in new locality by purchase or inheritance.
- iii) All women ED Agents who have to shift the residence after marriage.

5. We have given due consideration to the issue rised on behalf of the applicant. We ~~do~~ did not find any statutory or other provision to the effect that ~~the~~ preference should be given either to a BC candidate or to one who had some previous experience. Notwithstanding the same, we find from the record of selection, that a mention was made there-on to the ~~effect~~ fact that the applicant had possessed past experience. It is apparent therefrom that the authorities concerned with the selection had taken into consideration the fact of previous experience of the applicant. We are not satisfied that in the matter of selection there has been any malafides or other any impropriety. It is well settled that a candidate who is ~~was~~ subjected ~~himself~~ to a selection cannot challenge the same merely because he was not selected, until and unless the said selection is vitiated on the ground that no statutory rule has been followed in the process of selection or that the Selection Committee itself ~~is~~ ^{was} improperly constituted. In the instant case we do not find any such irregularity as would suggest that the selection procedure ~~are~~ ^{is} vitiated.

6. In the result, we would ~~not~~ like to interfere with the selection of Respondent No.3. The application is accordingly dismissed but before we do so we must state that the

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respondents may take into consideration the past experience of the applicant and may give him a suitable employment even by way of provisionally engaging him in any other vacancy if such vacancy exists and if the applicant is considered suitable for the said post.

7. The application is ~~disposed of~~ ^{dismissed} with the above terms with no order as to costs.

transcript

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

recon
(C.J. Roy)
Member (Judl.)

827/28
Dy. Registrar (Judl.)

Dated : December 21, 1992
Dictated in the Open Court

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Copy to:-

1. Postal Superintendent, Sanga Reddy, Medak District.
2. Sub Divisional Inspector Postal, Sanga Reddy Sub Division, Sanga Reddy, Medak District.
3. Sri. Mohd. Abdul Jabbar, S/o M.A. Sattar, Nizampet Village, Narayankhed Mandal, Medak District.
4. One copy to Sri. Kalyam Ram Joshi, advocate, 16-8-248/7, Mala-kpet, Hyd.
5. One copy to Sri. M. Keshava Rao, Addl. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

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