

ANEXURE - II

List of Papers in Original Application No. 96/92

Sl. No. of Papers.	Date of Papers Or Date of Filing.	Description of Papers.
		Part I
	23/11/84	Original Judgement
	7-1-92	O.A. & Material Papers
	1-6-92	Counter
		Reply Counter

PART - I

PART - II

PART - III  
Destroyed.

19/3/99

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

RECORD SECTION INDEX SHEET

C. No. 96 /199 2

(i) Applicant (s) P. Seva prasad Rao

Versus

(ii) Respondent(s) Sub-Administrative Inspector (police) / Vizagpura & 304p

Sl.No.	Part.I Description of Documents	Page No.
	Order sheet.	<u>12 to 2</u>
	Original Application	<u>3 to 11</u>
	Meterial Papers	<u>12 to 14,</u>
	Order dated.	
	Counter Affidavit.	<u>15 to 19</u>
	Reply Affidavit	
	Order Dated. <u>23-11-94,</u>	<u>20 to 24</u>
	Part. II	
	Duplicate Order Sheet.	
	" Application	
	" Meterial papers.	
	" Order Dt.	
	" Counter Affidavit.	
	" Reply Affidavit.	
	" Order Dt.	
	Part. III	
	Vakalat.	
	Notice papers.	
	Memo of Apperiance.	
		<u>31/1/95</u>

OA 96/42

①

Date	Office note	Orders
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26/9/94

Post After vacation on 17-10-94

I

HABG  
M(A)HAVH  
M(J)

1/11/94

At the request on behalf  
of the applicant's counsel, 2 weeks  
time is granted for filing rejoinder  
list :t on 16/11/94.

✓  
HABG  
M(A)HAVH  
M(J)

21.11.94

None for the applicant  
list it for dismissal on 22-11-94.

HABG  
M(H)HAVH  
M(J)

22.11.94

At the request of the  
applicant's counsel adjourned to  
23.11.94 list :t under the  
same heading (dismissal).

HABG  
M(A)HAVH  
M(J)

23.11.94

Mr. M. V. Durga Prasad

Mr. M. V. Durga Prasad

OA is dismissed with no  
order as to cost. Vide the orders  
on separate sheet.

HABG  
M(A)HAVH  
M(J)

# Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No. .... 96/1992

P. Siva Prasada Rao ....., Applicant (s)  
 Versus  
 The Sub-Dist. Inspector (police), Nizamabad & 3 others ....., Respondent (s)

Date	Office Note	Orders
7-2-92		<p>M.A. 156/92, has been filed with a prayer that the production of impugned order along with be dispensed since the attempt of the applicant to procure the impugned order has been done successful. Accordingly M.A 156/92 is allowed.</p> <p>Admit. I issue notice to respondents for filing <del>for</del> counter notice, however, within an advance copy to the learned counsel for the applicant, who may file the rejoinder, if any, within two weeks thereafter.</p> <p style="text-align: right;">(H.R.B.S) M(S)</p> <p style="text-align: right;">(H.C.J.A) M(A)</p> <p><u>Service:</u>  <u>Rao. 1 to 4 served</u>  <u>Before the D.R. Ct</u>  <u>for counsel</u></p> <p>Even after granting 3 weeks time after serving notice, the counsel is not find. Hence Post before court for orders.</p> <p style="text-align: right;">8/2/92      S. S. S. (Signature)      Dy. Registrar (C)</p>
<u>20.3.92</u>		

17/2/92

6/3 28/3

(P.T.O.)

(2)

## Court of Appeal for Ontario

OA 96/92

Date	Office Note	Orders
24-3-92		At the request of the Standing Counsel for the respondents time is extended by another 6 weeks for filing Counter. <u>Keep this OA before the Registrar for directions after the counters are filed.</u>
28-5-92	Before the Registrar for Directions	T.C.M.P. (HCSR) M(J)
3-6-92	counter filed by Mr. Narain Bhushan Rao, Adv. C.S.C on 1/6/92	Even after extending another 6 weeks time for filing counter (the counter is not filed) Hence post the case in usual course
4-6-92	MA. 567/92 in OA. 96/92	<u>SSS/92</u> Registration
		The delay in filing the counter is condoned. Take them on file. List the case in normal course.
		<u>HABH</u> <u>W.R.</u> M(A) H.CJR M(J)

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 96 OF 1992

Shri P. Dije Plessede Rao.

Applicant(s)

Versus

Sub-Divt. Inspector, Vizag, Krishna Dist.

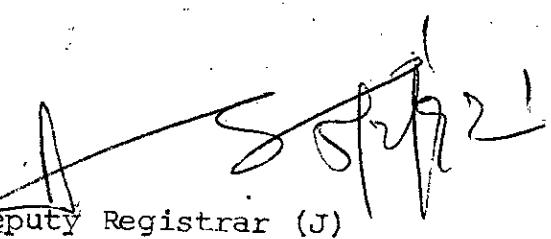
2364.

Respondent(s)

This Application has been submitted to the Tribunal by  
Mr. M. V. Durge Plessed. Advocate  
under Section 19 of the Administrative Tribunal Act. 1985 and  
same has been scrutinised with reference to the points mentioned  
in check list in the light of the provisions contained in the  
Administrative Tribunal (Procedure) Rules, 1987.

The Application has been in order and may be listed  
for admission on -292.

  
Scrutiny Officer.

  
Deputy Registrar (J)

## Particulars to be examined

## Endorsement as to result of examination

8. Has the index of documents been filed and has the paging been done properly ? *nic*

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application ? *Y*

10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal ? *Y*

11. Are the application/duplicate copy/spare copies signed ? *Y*

12. Are extra copies of the application with annexures filed.
 

- (a) Identical with the original *Y*
- (b) Defective *Y*
- (c) Wanting in Annexures *Y*

 No...../Page Nos.....?

d. Distinctly Typed ?

13. Have full size envelopes bearing full address of the Respondents been filed ? *Y*

14. Are the given addresses, the registered addresses ? *Y*

15. Do the names of the parties started in the copies, tally with those indicated in the application ? *Y*

16. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *Y*

17. Are the facts for the case mentioned under item No. 6 of the application.
 

- (a) Concise ? *Y*
- (b) Under Distinct heads ? *Y*
- (c) Numbered consecutively ? *Y*
- (d) Typed in double space on one side of the paper ? *Y*

18. Have the particulars for interim order prayed for, stated with reasons? *Y*

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

APPLICANT (S)..... *P.S. Renu*.....

RESPONDENT (S)..... *S.D.F.O. Vizag & 3 Branch*.....

Particulars to be examined

Endorsement as to result  
of examination

1. Is the application Competent ? *Y*
2. (a) Is the application in the prescribed form ? *Y*  
(b) Is the application in paper book form ? *Y*  
(c) Have prescribed number complete sets of the application been filed ? *Y*
3. Is the application in time ? *Y*  
If not by how many days is it beyond time ?  
His sufficient cause for not making the application in time, stated ?
4. Has the document of authorisation / Vakalat name been filed ? *Y*
5. Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded. *Y*
6. Has the copy/copies of the order (s) against which the application is made, been filed ? *NIC*
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ? *PO/1*  
(b) Have the documents referred to in (a) above duly attested and numbered accordingly ? *1/1*  
(c) Are the documents referred to in (a) above neatly typed in double space ? *1/1*

## CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH.

INDEX SHEET.

O.A. No.

96/ 1992

CAUSE TITLE

P. S. P. Rao

VERSUS

Sub-Divt. Inspector (Postal) Vuyyuru &amp; 3rd

Sl. No.	Description of Documents.	Page No
1.	Original Application	1 to 5
2.	Memorial Papers.	6 to 6
3.	Vakalat	1
4.	Objection Sheet	1
5.	Speaker Copies 5. (Affix)	
6.	Covers. 4. (Affix)	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

(3)

O.A.No. 96 of 1992

Between:

P.Siva Prasada Rao. .. Applicant

AND

The Sub-Divisional Inspector  
(postal) Vuyyuru, Krishna district.  
and 3 others. .. Respondents

CHRONOLOGICAL EVENTS

S.No.	Date	Particulars	Page No.
1.	29.3.1988	Memo No.BE/217 issued by the second respondent.	2.
2.	12-11-1991	The first respondent has sent notice for verification.	2.
3.	16-11-1991	Applicant has produced the the documents for verification.	2.
4.	4-6-1988	Regd. title deed in O.No.1102/88.	2.
5.	28-12-1991	The applicant has submitted a representation to the second respondent.	3.
6.	10-9-1964	Notification No.6/63/60-Disc.	3.
7.			

HYDERABAD.

DATED : 5-2-1992.

*YR. 82*

COUNSEL FOR THE APPLICANT.

to declare the selection of 4 teachers of the E.O. SPM. Madras Padi with  
and to select and appoint the applicants in that post. (u)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS  
ACT, 1985.

Buchanan

D.A. NO.:

96

of 1992.

### **Between:-**

P.Siva Prasada Rao.

...Applicant.

A N D

The Sub-Divisional Inspector (Postal)  
Vuyyuru - 521 165, Krishna District  
and ~~two~~ others.

... Respondents.

## INDEX

S.NO:		Description of Documents.	Page Nos.
1.	Original Application.	1 - 5.	
2.	Memo No B2/217, dt.29.3.88.	A - I.	
3.	Sub-Divisional Inspector Procs. dt.12.11.91.	A -II.	
4.	Representation to Post Mater General, A.P.Vijayawada, dt.28.12.1991.	A -III.	

Hyderabad,  
Dt. 5.1.1992.

✓ P. Siva Parasada Rao

SIGNATURE OF THE APPLICANT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD.

O.A. NO.:

OF 1992.

For use in Tribunal's Office:-

Date of Filing

Registration No:



SIGNATURE  
for REGISTRAR.

Paul Clegg  
21 May 1992  
S. W. Bunker Hill  
CCSC 87 (1/92)

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD BENCH.

O.A.No.

96 of 1992

Between:

P.Siva Prasada Rao,  
s/o. Guravaiah,  
aged 27 years,  
Kodurupadu, Bavulupadu Mandal,  
Krishna District.

.. Applicant

AND

1. The Sub Divisional Inspector (Postal),  
Vuyyuru - 521 165, Krishna district.

2. The Senior Superintendent (Postal),  
Vijayawada Division,  
Vijayawada - 520 001.

3. The Post Master General,  
G.P.O. Hyderabad - A.P.

4. G. ~~Veera~~ Prasad, s/o. Veera Swamy,  
aged 35 years, B.P.M.  
Kodurupadu Post Office,  
Bavulupadu Mandal, Krishna Dist.

.. Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the Applicant :

As shown in the cause title.

Address for service of Notices : M/s. M.V.DURGA PRASAD &  
Y.V. RAVI PRASAD  
Advocates  
37-Indiranagar,  
Vijayanagar Colony,  
HYDERABAD - 500 457.

2. Particulars of the Respondents :-

As shown in the cause title.

3. Particulars of the order against which application is made :

Questioning the selection of the fourth respondent  
herein, for the post of Sub Post Master at Kodurupadu,  
Krishna District by the Respondents 1 and 2 herein.

(b)

**4. Jurisdiction of the Tribunal :**

The applicant declares that the subject matter of the order against which they wants redressal is within the jurisdiction of the Tribunal as per s/14 of the Administrative Tribunal Act.

**5. Limitation :**

The applicant further declares that the application is within the limitation prescribed in Sec.21 of the Administrative Tribunals Act, 1985.

**6. Facts of the Case :**

(a) It is submitted that the second respondent by his Memo No.BE/217, dt.29.3.1988, notified has called for applications from the eligible candidates to the post of Extra-Departmental Sub Post Master at Kodurupadu branch Post Office under the Sub-Post Office, Veeravalli, Krishna district. About 10 candidates including the applicant and the fourth respondent have made their applications. The first respondent has sent notice for verification on 12-11-1991 that he would be ~~conducting~~ visiting the Kodurupadu village on 16-11-1991 and therefore, the applicant shall be present with original certificate and document for verification. The applicant has produced the originals of the nativity certificate from the Mandal Revenue Officer, record-sheet from the Head Master, M.C.E.M.E. School, Kodurupadu. The Secondary School Certificate from the Board of Secondary Education, A.P., the Community Certificate issued by the then Tahsilder, Nuzivid, Income Certificate from the M.R.O. Bapulapadu, Ownership of the Building Certificate with valuation from the Gram Panchayat, Kodurupadu and his original title deed dt.4-6-1988 ( D.No. 1102/88, on the file of Sub-Registrar, Kanum having already submitted the copies of these documents.

(b) It is submitted that the first respondent has verified the documents produced by the applicant and other candidates including the fourth respondent and did not conduct any interview except asking questions incidental to the verification of the documents produced by the respective candidates. It is learnt by the applicant that the first respondent has submitted a report recommending the name of the fourth respondent and accordingly the second respondent selected the fourth respondent for the post of Sub-Post Master, Kodurupadu on learning about the selection, the applicant has submitted ~~same~~ a representation on 28-12-1991 ~~same~~ to the second respondent, but the second respondent is going ahead with issuing appointment order to the fourth respondent without considering the representation of the applicant, hence, this original application, ~~same~~ for the following grounds :

G R O U N D S

(i) The selection of the fourth respondent is illegal, arbitrary and without any basis.

(ii) The respondent failed to follow the procedure laid down under the E.D.A. Conduct and Service Rules, Notification No.6/63/60-Disc. dt.10-9-1964.

(iii) The respondents have not conducted any oral or written test and the selection was made purely on the basis of certificates and other documents produced by the respective candidates. The applicant has passed 10th Class and he is having better educational qualifications and belongs to Backward Class (SC)  
caste and his having his own accommodation which is a pucca building in the Central locality of the village and is therefore he is the more eligible candidate of all.~~same~~

(iv) The respondent authorities failed to see that the selected and fourth respondent is not eligible to be/appointed for the post Sub-Post Master as he is already a beneficiary ~~and~~ under the Gramodaya Scheme and has taken a loan of Rs.15,000/- from the State Bank of India, Hanuman Junction for running a brick manufacturing unit and has committed a default and therefore, such a person cannot be selected for the post of Sub-Post Master.

(v) The respondent authorities ought to have seen that the fourth respondent does not own any house in his name and therefore, ineligible to be selected.

(vi) The respondent authorities failed to see that the Gram Panchayat passed a resolution and sent the same to the respondents stating that the applicant's house is situated in the central locality of the village and the fourth respondent's residence is in a corner place of the village and under the Rules ~~and~~ the respondent shall consider all the objections which they have failed to do and therefore, the selection of the fourth respondent is bad.

(vii) The respondent authorities ought to have selected the applicant, who is having better qualifications, and sufficient income and properties as required under the Rules.

7. The applicant ~~has~~ declares that he has availed of all the remedies available to them under the relevant service rules etc.

8. The applicant further declared that he has not filed any Writ, Suit or any other proceedings in this regard in any court or Tribunal.

9

9. Main Relief:-

For the reasons stated above, it is therefore, prayed that this Hon'ble Tribunal may be pleased to declare the selection of the fourth respondent as E.D.Sub-Post Master, Kodurupadu, Krishna District by respondents 1 and 2 as illegal, arbitrary and void and further that the applicant is entitled to be selected and appointed for the said post and pass such other order or orders as may be just and proper.

10. Interim Relief:-

It is therefore prayed that this Hon'ble Tribunal may be pleased to stay the appointment of the fourth respondent pending disposal of the Original Application and pass such other order or orders as may be just and proper.

11. Particulars of the Postal Order:-

- (i) No.
- (ii) Amount of Rs. 50/- 04 433 894.
- (iii) Date:- 7/1/92

12. List of Enclosures:-

- (i) Wakalat.
- (ii) Covers.
- (iii) Postal Orders,

✓ Rs 50/-  
I.P.O./B.G./D.D./Removed

VERIFICATION

I am the above applicant, which is under the administrative control of the respondents herein, hereby verify that the contents of paras 1 to 10 are true to my personal knowledge and believed to be true on legal advise and that I have not suppressed any material facts.

Hyderabad,  
Dt.5.1.1992.

P-Siva Periappa Rao  
SIGNATURE OF THE APPLICANT.

  
COUNSEL FOR THE APPLICANT.

A/S

Notification for ED SPM/BPM Post to be issued by Bwl.S&Pdt.

REGD.POST/ACK.DUE

DEPARTMENT OF POSTS

Office of the Sr. Supdt. Post Offices, Vijayawada Division  
Vijayawada 520001.

Memo No. 5/217

dated at Vijayawada-1 the 29-3-88

NOTIFICATION

1. Applications in the enclosed form are invited from eligible candidates for selection to the post of Extra-Departmental Sub-Postmaster/Extra-Departmental Branch Postmaster at . . . . . ED/Sub Office/ Kadurupadu Branch Post Officer under Veeravalli Sub Post Office/ Head Post Office. The post carries allowances of Rs.275/- per month.
2. The last date of receipt of applications in the office of the undersigned is 28-4-88
3. Following are the conditions attached to the post;

i) Age:

The applicant should have completed 18 years of age as on the date of issue of this notification. The maximum age upto which a person appointed to the post can be retained in service will be 65 years.

ii) Educational Qualification:

VIII Standard. (Matriculation or equivalent may be preferred)

iii) Income and ownership of property:

The person applying for the post must have adequate means of livelihood. He/She must have an adequate source of income and must be able to offer suitable space to locate the Post Office, with provision for installation of even public cell office (PCO)

iv) Residence:

The person to be appointed to the Post must be a permanent resident of the village where the post office is located.

- v. The person selected for appointment to the post

(10)

will ~~be~~ have to furnish the prescribed security.

vi) No person holding an elective office will be considered for appointment to the post.

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 ED Post (In case the applicant is a part-time/full-time employee of the State or Central Government Department/Organisation or Panchayat Raj Department).

vii. In case the applicant is Ex.Servicemen/Ex-Army Postal personnel, proof of Army Service and Discharge certificate should be produced.

4. Important instructions to the applicants:

i. Applications should be submitted only in the proforma enclosed to this notice and should be in the applicant's own handwriting. Full and clear information should be given in all columns of the application, otherwise the application will not be considered.

ii. The applications should bear the date of submission without fail.

iii) The certificates and other enclosures submitted along with the application should be noted in the application by the applicant himself in the space provided in the application under his/her signature.

This should be done without fail.

(11)

-3-

iv. All the required documents/certificates should be submitted along with the application. No documents will be accepted later or in place-meal. Applications not accompanied with all the necessary certificates or with incomplete information will not be taken up for consideration and no further correspondence will be entertained.

v. Applications received after the fixed date i.e. \* \* \* \* \* will not be considered.

28-4-88

Signature &-Designation of the  
Appointment authority.  
Vijayawada-521001.

REGD.AD: A copy of this notification is issued to:-

1. ED SPM/BPM Kudurupadu BG
2. Postmaster/Sub Postmaster Veeravalli S.O. exhibit this notice as well as the proforma of application form, prominently on the notice board in their office.
3. ASPOs/SDI(P) VJ East He will please ensure that the notice/application form is also exhibited on the notice board of the concerned offices.
4. ~~xxxxxx~~ The Mailaveseer Gannavaram He should ensure that wide publicity is given to this notification in the B.O. village and its hamlets if any.
5. The Sarpanch Kadurupadu
6. The Mandal Revenue Officer, Gannavaram.
7. The Block Development Office Gannavaram
8. The village Assistant Kodurupadu
9. The Headmaster Kedurupadu School
10. The station House Officer Kodurupadu
11. The Employment Officer. . . . .

The above mentioned authorities (5 to 11) are requested to exhibit this notice and also the proforma of application enclosed to the notice on the notice boards of theiri offices and in the gram Catchery etc for the general information of the public. Wide publicity may be given to the availability of the vacancy notified in this notice.

Signature and Designation.

Vijayawada.

A-II

S 13

REGISTERED.

DEPARTMENT OF POSTS, INDIA  
SUB DIVISIONAL INSPECTOR (POSTAL)  
VUYYURU-521165.

Office of the

To

Sri Pulaglu Siva Prasada Rao, S/o Guravadhlu  
Kodumpadu.

No.PO/Korumpadu/91 dt. 12.11.91.

Sub: Selection to the post of BPM & Korurupadu.

\*\*\*

I am visiting kodurupadu village on 16-11-91 saturday.  
please attend to Korurupadu BO at 11.00 A.M. on Saturday with  
original certificates/documents for verd verffication.

Sd/-

Sub Divisional Inspector(Postal)

Vuyyuru-521165.

//True Copy//

✓

From:

P.SIVA PRASADA RAO  
KODURUPADU  
BAVULUPADU MANDALAM  
KRI SHNA DISTRICT.

To:

The Post Master General  
Andhra Pradesh,  
VIJAYAWADA.  
Municipal Complex,  
Opp.Jai Hind Talkies.

A/11  
Sir, Sub

Sub: Representation submitted by Polusu Siva Prasada Rao  
son of Guravayya of Kodurupadu, Bapulapadu Mandal  
about the appointment of one Garikapati Surya-  
prasad, son of Veeraswami as the Branch Post  
Master leaving better qualified persons  
arbitrarily - Requesting the cancellation of the  
said appointment - Reg.

\*\*\*

I beg to submit that I belong to Backward Class  
Community and I, studied Intermediate after passing SSC  
Examination but failed, I further beg to submit that I own a  
house in the center of our village besides land of an extent  
of about Ac.1.20. My age is 26 years, I further beg to submit  
that I am disabled.

2. I beg to submit that I am one of the applicant for  
the Post of BPM of Kodurupadu.

3. I beg to submit that I came to know that the authorities  
are pleased to appointment one Garikapati Surya Prasad as the  
BPM. The said Surya Prasad is not having any properties of his  
own to locate the Post Office. Besides the same, the said  
Suryaprasad availed loan facility under the self employment  
scheme and misappropriated the said amount.

4. I beg to submit that the said Surya Prasad belongs to upper  
caste and he is not so much educated as me. Thus  
in all respects I am better eligible than Surya Prasad for  
the appointment as BPM.

5. I beg to submit that the appointment of Surya Prasad  
as BPM leaving me who is more qualified is nothing but arbitrary

I request you to be kind enough to enquire into the matter  
and appoint me as the BPM of Kodurupadu by cancelling the  
appointment of Surya Prasad and thus do justice.

Kodurupadu,

28/12/91

Sd/- P.SIVA PRASADA RAO.

Central Administrative Tribunal  
HYDERABAD BENCH

6th Floor, Insurance Building  
Tilak Road, Abids,  
Hyderabad.

Date: 7-1-92

O.A. Regd. No. 41/92

To

Mr. M. V. Darge ~~Devar~~,  
Advocate.

Sir,

I am to request you to remove the defects mentioned below in your application, within 14 days from the date of issue of this letter; failing which your application will not be registered and action U/R 5 (4) will follow.

1. Chronological statement of events should be filed.
2. Section should be furnished in Para-4.
3. Particulars of the impugned Order should be furnished in Para-3.
4. Copy of the impugned Order should be furnished.
5. Copy of the impugned Order/Representation should be attached to the application. <sup>only</sup> ~~and the other material papers~~ <sup>are</sup> ~~are~~ to be filed separately.
6. Application of OA and the other material papers ~~are~~ <sup>are</sup> to be filed separately.
- (a) If the impugned Order copy is not available a petition to dispense with the filing of the same should be filed.
- 8.
- 9.
10. Representation

All formalities ~~are~~ <sup>are</sup> to be completed  
by 10th Dec 1992

Deputy Registrar (Judl)



(13)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A. NO. 96 of 1992

Between:

P.Sivaprasada Rao .. Applicant

and

1. The Sub Divisional Inspector (Postal) Vuyyuru  
2. The Sr. Superintendent of Post Offices  
Vijayawada Division, Vijayawada and  
two others .. Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENTS 1 to 3

I, V.V.K.A.Mohan Rao, S/o Late Mohan Rao aged about 57 years, working as Asst. Postmaster General(S&V) o/o the Chief Postmaster General, A.P.Circle, Hyderabad, resident of Hyderabad, do hereby solemnly affirm and state on oath as follows:-

1. I am the deponent hereing and as such I am well acquainted with the facts of the case. I have read the O.A. filed by the applicant and I submit that it does not disclose any valid or substantial grounds for the grant of relief prayed for.
2. It is submitted that a brief history of the case is that the post of Extra-Departmental Branch Post Master, Kodurupadu EDBOa/w Veeravalli S.O. fell vacant on 24-7-91 consequent on the resignation tendered by the regular incumbent to the post. The 2nd respondent notified the vacancy to the Employment Exchange on 29-7-91. As no candidates were sponsored by the Employment Exchange within a period of one month, an open notification was issued on 30-8-91 in the B.O. village inviting applications from the eligible candidates for selection to the post of ED. BPM Kodurupadu B.O. In response to the said open notification, (12) Twelve applications were received. The 2nd respondent got verified the genuineness of the particulars furnished by the candidates in their applications through the 1st respondent. The 2nd respondent scrutinised the applications

  
Attestor.

Asst-Director ( Admin )  
o/o the Chief Postmaster Gen  
Andhra Circle, Hyd-500 001

  
Deponent.

and found that the 4th respondent possessed better qualifications in all respects, than the other candidates and selected him for the post and issued orders vide Memo. No.BE/217, dated 27-12-92, and the charge of EDBPM Kodurupadu B.O. was handed over to him on 31-12-1991 A/N.

3. Aggrieved of his non selection, the applicant filed the present application without waiting for outcome of his appeal preferred to the Second respondent. Thus O.A. is "premature" and liable to be dismissed on this ground "inlimine".

4. In reply to Para-2, it is submitted that the name of 4th respondent should be Garikapati Vara Prasada Rao and not G.Surya Prasad as quoted by the applicant.

5. In reply to para-3, it is submitted that the post in question is Extra Departmental Branch Postmaster and not subpostmaster Kodurupadu as referred in this para.

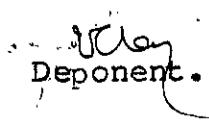
6. In reply to para-6, it is submitted that the notification issued to the public by the 2nd respondent calling for the applications for the post of EDBPM. Kodurupadu is No.BE/217, dated 30-8-91 and not BE/217, dated 29-3-1988.

7. Twelve (12) applications were received for the said post including the one from the Applicant and another from R-4. It is true that R-1 issued a notice to all the applicants on 12-11-91 to produce all their original certificates and documents for verification at Kodurupadu B.O. on 16-11-91. R-1 verified the documents produced by the Applicants on 16-11-1991.

8. The applicant produced the originals of all the certificates, copies of which were submitted by him along with his application dated 20-9-91.

9. In reply to para-6(b), it is submitted that it is true that R-1 verified the original documents of all the

  
Attestor,  
Asst. Director (A)  
o/o the Chief Postmaster General  
Andhra Circle, Hyderabad 500 001

  
Deponent.

(17)

candidates.. He did not conduct any interview of the candidates as no interview is prescribed in the rules. Hence no interview was conducted. It is not true that R-1 recommended the name of the Applicant. He is not expected to do so. He has submitted the report on the verification of the documents and other particulars shown in the applications.

10. The selection of R-4 of the post of BPM Kodurupadu was made by the 2nd respondent on a comparative examination of the merits and demerits of all the applicants. A communication under No.BE/217/91-92, dt.27-12-91 was issued by the 2nd respondent to R-1 informing of the selection of R-4 and with instructions to appoint the latter after observing usual formalities. A copy of this letter was marked to the selected candidate (R-4).

11. It is true that a copy of representation dated 28-12-91 addressed to the Postmaster General, Vijayawada was received by the 2nd respondent on 30-12-91 and a report was to be submitted to PMG, Vijayawada but in the meanwhile present O.A. was received.

12. The selected candidate (i.e. R-4) has taken charge as EDBPM Kodurupadu on 31-12-91 afternoon.

With reference to Grounds of O.A. it is submitted that:

- i) The selection is perfectly legal and made after the due process.
- ii) The procedure prescribed by the Director General, Department of posts, New Delhi has been correctly followed.
- iii) No interview is prescribed for the selection. It is true that the selection is made after verifying the eligibility conditions of all the candidates and on the basis of ~~the~~ comparative merits. It is true that the Applicant has passed 10th class. But it is not true that the applicant has better educational qualification than R-4. R-4 passed SSC and also studied Intermediate. R-4 secured 233 marks (excluding Hindi) in SSC whereas the Applicant secured only 211 marks (excluding Hindi). The applicant

says that he belongs to Backward Classes. It is ascertained that the Applicant is constructing an RCC House in the Centre of the village and 1/3rd construction was to be completed as on the date of verification i.e. 16-11-1991. The other candidate viz. R-4 has a tiled House located in the Centre of the village which is also accessible to all members of the public. By education the Applicant is not better than R-4. On other counts also is not better as claimed by him. The properties of the two candidates are as follows:-

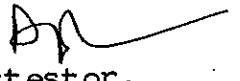
	Land	House site
	Acre 1-15 Cents	200 Sq. Yards.
1. Applicant	Acre 1-15 Cents	200 Sq. Yards.
2. R-4	i) Acre 1-15 Cents ii) Acre 4-30 Cents iii) Acre 1-50 Cents	270-2 Sq. Yards.
	Total	Acre 6-95 Cents

13. Thus, the candidate R-4 is not only better qualified but having more property and was considered financially sound and hence was selected for the post.

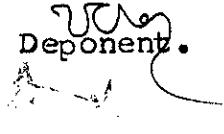
iv) R-2 and R-1 has no information about the alleged default of R-4 in respect of the loan, if any taken by him. This cannot be taken into account.

v) It is not true that R-4 doesn't own a house. He is having a tiled house and living therein with his father and he is only son to his father. The applicant's house was still under construction on the date of verification i.e. 16-11-91. The house of R-4 was found suitable for location of post office and accessible to all the members of the public. Hence R-4 was not considered ineligible on this count.

vi) It is true that a Mahazir was received from the Sarpanch, Gram Panchayat Kodurupadu with the signatures of the Sarpanch and ten members recommending the candidature of the Applicant. However, comparative merits, after verification of the claims of all the candidates have been considered and R-4 was selected. It is not true that the house of R-4 is situated in a corner of the village.

  
Attestor.

Asst. Director (Admn )  
o/o the Chief Postmaster Gen.  
Andhra Circle, Hyd-500 00.

  
Deponent.

vii) It is not true that the applicant has better qualifications. The applicant passed SSC with 211 marks leaving Hindi and R-4 got 233 marks in SSC leaving Hindi. R-4 also studied Intermediate. In the matter of Income and properties, R-4 is more sound.

14. In reply to para-9, it is submitted that the applicant is not entitled for the selection to the post of BPM and not entitled to any reliefs.

15. In reply to para-19, it is submitted that the  
is not entitled to any relief. The fourth respondent  
was already appointed in the post of EDBPM, Kodurupadu  
on 31-12-1991 Afternoon.

In view of above, the O.A. is devoid of merits and hence liable to be dismissed with costs.

W  
Deponent.

#### VERIFICATION

I, the above named deponent herein do hereby state that what all stated in the Counter Affidavit is true to the best of my knowledge, belief and information. Hence verified on this, the 13<sup>th</sup> day of May 1992 at Hyderabad.

Deponent.

Attestor.

Asst. Director (Adm. S.)  
o/o the Chief Postmaster Gen  
Andhra Circle, Hyd-500 001

13/5/92  
NAR  
BEFORE THE CENTRAL ADMINISTRATIVE  
TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.NO. 96 of 1992

Between:

P.Sivaprasada Rao .. Applicant  
and

The Sr. Superintendent of  
Post Offices, Vijayawada  
Division, Vijayawada and  
two others. .. Respondents



Authentic Affidavit

Filed by  
**NARAM BHASKER RAO**  
Advocate, High Court of A.P.  
Additional Standing Counsel For Central Govt.  
H. No. 35/C P.T. Vijayanagar Colony,  
HYDERABAD-500 467

on 1-6-92

Received Cpr

6/27/1994  
(for MVD record)  
AM

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

R.A./M.A./C.A. No.

ORIGINAL APPLICATION NO. 96/92

OF 19

TRANSFER APPLICATION NO.

OLD PETITION NO.

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room  
(Decided)

Dated: 13.12.94

Counter Signed  
Section Officer/Court Officer.

Signature of the Dealing Asst.

PVM

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.96/92

Date of Order: 23.11.94

BETWEEN:

P.Siva Prasada Rao

.. Applicant.

A N D

1. The Sub Divisional Inspector (Postal),  
Vuyyuru - 521 165, Krishna District.
2. The Senior Superintendent (Postal),  
Vijayawada Division,  
Vijayawada - 520 001.
3. The Post Master General,  
G.P.O., Hyderabad-A.P.
4. G.Surya Prasad, S/o. Veera Swamy,  
aged 35 years, B.P.M.  
Kodurupadu Post Office,  
Bavulupadu Mandal, Krishna District. .. Respondents.

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Counsel for the applicant .. Mr.M.V.Durga Prasad

Counsel for the Respondents .. Mr.N.R.Devraj

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CORAM:

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

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

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O.A.No. 96/92

Date of Order: 23.11.1994

X As per Hon'ble Shri A.V.Haridasan, Member (Judl.) X

- - -

The applicant and the 4th respondent were among the candidates who responded to ~~notification~~ for appointment to the post of E.D. Sub Post Master, Kodurupadu Branch Post Office. Both were eligible and qualified. The selecting authority on consideration of the records selected the 4th respondent. Aggrieved by the selection and appointment of the 4th respondent the applicant has filed this application praying that it may be declared that the selection of the 4th respondent for appointment of E.D. Sub Post Master, Kodurupadu is illegal and arbitrary and ~~be directed~~ the respondents to select the applicant to that post. It is averred in the application that the selection and appointment of the 4th respondent is without any legitimate criteria and without following the reservation for backward classes. It is further alleged that the building offered by the applicant for housing the Branch Post Office is much better than the one offered by the 4th respondent. According to the applicant in all respects he being the better candidate the selection <sup>of</sup> the 4th respondent is arbitrary and irrational.

2. The respondents in their reply have contended that the candidature of the ~~4th~~ respondent and the other candidates were scrutinised. The marks obtained by each of them at the S.S.C. examination was considered and the 4th respondent was selected as he had obtained 233

marks, while the applicant had obtained only 211. They also contend that the building offered by the 4th respondent is in the centre of the village and convenient to house the Post Office. Therefore, the respondent contend that the selection and appointment of the 4th respondent in preference to the applicant was on the basis of the comparative merits of the candidates and therefore no interference is called for.

3. We have heard the counsel on either side and have also perused the records. The file relating to the selection was also made available to us. The case of the respondents that the 4th respondent had obtained 233 marks while the applicant had obtained only 211 marks in the S.S.C examination is not disputed by the applicant. Therefore the 4th respondent has got more marks than the applicant in the S.S.C. examination. There is an instruction of the D.G.P&T that while considering the candidates for selection of E.D.B.P.M./E.D.S.P.M. among Metriculates the person who has got better marks in the examination have a better chance to be selected. The respondents has stated in the reply that the building offered by the 4th respondent is convenient and suitable for post office. Therefore, on a comparative assessment of the merits of the 4th respondent and the applicant the competent authority found the 4th respondent more meritorious than the applicant. We do not find any arbitrariness in this decision so as to warrant judicial interference.

4. The case of the applicant that the reservation for Backward Community has not been followed in making the selection is also not sustainable in as much as the post in question was not reserved for backward classes.

.. 4 ..

On a careful scrutiny of the documents available and the file relating to the selection we find that there is no merit in the claim of the applicant that the selection process is vitiated by arbitrariness. In the result, we find no merit in the application and the same is dismissed without any order as to costs.

(A.B. GORTA)  
Member (Admn.)

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

Dated: 23rd November, 1994

(Dictated in Open Court)

  
Ananya 137284  
DEPUTY REGISTRAR(J)

sd

Copy to:

1. The Sub Divisional Inspector, (Postal), Vuyyuru - 521 165
2. The Senior Superintendent (Postal), Vijayawada Division, Vijayawada - 520 001.
3. The Post Master General, G.P.O., Hyderabad.
4. One copy to Mr. M.V. Durga Prasad, 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.

YLKR

Typed by  
Checked by

Comptated by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(0)

AND  
THE HON'BLE MR.A.B.GORTHI : MEMBER(0)

DATED: 23.11.94

ORDER/JUDGMENT.

M.A/R.P/C.P.No.

in  
O.A.NO. 96/92  
T.A.NO.

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with Direction.

Dismissed. ✓

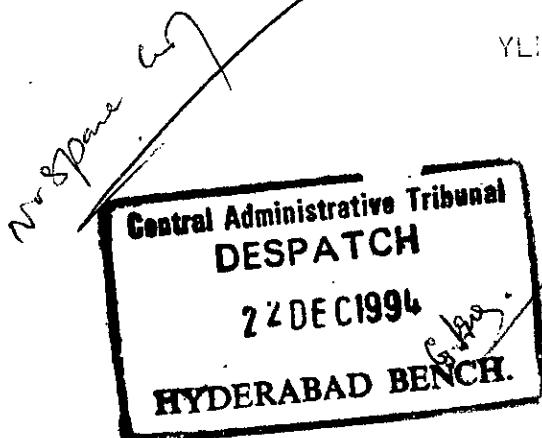
Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

YLR



*EO*