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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD.

O.A.NO. 1050/92.

Date of Order: 7-7-95.

Between:

A.Sethuram.

and

1. The Superintendent of Post Offices,
Hindupur Division, Hindupur, Anantapur Dist.
2. A.Eswaraiah, Post Master,
Bisalamanapalli, Lepakshi Mandalam,
Hindupur Taluk, Anantapur Dist.

.. Respondents.

For the Applicant: Mr. M.Pandurangarao, Advocate.

For the Respondents: Mr.N.R.Ramana, Addl.CGSC.

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.R.B. GORTHI : MEMBER(ADMN)

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Sign

O.A.No.1050/92

O R D E R

1. As per the Hon'ble Sri A.B. Gorthi, Member (A) (

The grievance of the applicant arises out of his non-selection ~~for~~ appointment to the post of Extra Departmental Branch Post Master (for short EDBPM), Bisalamanapalli.

2. The father of the applicant who was serving as EDBPM, Bisalamanapalli was medically invalidated w.e.f. 15-11-90 and in the resultant vacancy the applicant was provisionally appointed w.e.f. 10-12-90. In the meantime, the Employment Exchange was notified of the vacancy and requested to sponsor the names of suitable candidates. The Employment Exchange sponsored three candidates including Respondent No.2 and later on one more candidate (the applicant) was sponsored. However, the applications from the three candidates who were initially sponsored were rejected as the necessary documents were not enclosed. The application from the applicant was not entertained because it was received after the stipulated last date for receipt of the application. Consequently, the Department issued an open notification on 4-3-91 in response to which five candidates including the applicant and R-2 submitted their applications. The applicant was hoping to be selected on the basis of his having worked as provisional EDBPM, but to his surprise the Department selected Sri A. Eswaraiah (R-2) for the said post.

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3. Heard learned counsel for both the parties. The main contention of the learned counsel for the applicant is ~~that~~ of two fold. Firstly the applicant was appointed as provisional EDBPM in the vacancy that came up on the medical invalidment of his father. He therefore contends that the appointment of the applicant should be treated as if it was made on compassionate ground, and thus he would be entitled to be regularly appointed in that post in preference to others. Secondly, the applicant having worked as provisional EDBPM and having gained experience should have been given preference over R-2, who had no such experience.

4. The respondents in their reply affidavit have clarified that on scrutiny of all the applications received from the candidates it was found that the applicant passed 8th standard, whereas R-2 passed P.U.C. The educational qualification specified for the post of EDBPM is 8th standard minimum, but Matriculates are to be preferred. As R-2 passed P.U.C. and fulfilled all the other conditions for recruitment he was selected in preference to the applicant who passed 8th standard only.

5. The appointment of the applicant in the vacancy caused by medically invalidment of his father cannot give him any right to claim regular appointment in that post. The extant instructions do not provide for appointment of the next of kin as an EDBPM where the employee is invalidated on medical grounds. As regards the experience gained by the applicant, it was on account of his provisional employment in the vacancy caused by his father's

medical invalidment. Experience by itself will not be a determining factor for selection of candidates for Extra Departmental posts. It is only when all other ^{the} ~~eligibility~~ conditions are found to be equal ~~between~~ ^{the} competing candidates, the fact that one of them has some experience can be taken into consideration and necessary weightage given in such a case. In the instant case as R-2 is better qualified than the applicant, the respondents are justified in selecting him notwithstanding the applicant's past experience as EDBPM.

5. As the selection of R-2 by the Department cannot be said to be either unfair or arbitrary, there is hardly any scope ~~for~~ ^{to} intervene. We therefore, find no merit in the O.A. and the same is hereby dismissed. No order as to costs.//

Anantapur

(A.B. Gorchi)
Member (A)

Neeladri
(V. Neeladri Rao)
Vice Chairman

Dated 7th July, 1995
Open Court Dictation

Amrit
Deputy Registrar (J)CC

To

1. The Superintendent of Post Offices,
kmv Hindupur Division, Hindupur,
Anantapur Dist.
2. One copy to Mr. M.Panduranga Rao, Advocate,
Advocates' Association, High Court of A.P.Hyderabad.
3. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

pvm.

P. V. Gorchi
31/7/95

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

A. B. Groothi

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED 21 1995.

ORDER/JUDGMENT:

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

in
OA. No.

1050/92

TA. No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

