

(4)

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

C.A.NO. 1132/92

DATE OF JUDGMENT: 11.7.95

BETWEEN:

G.VENUGOPALA REDDY ..

APPLICANT

AND

Union of India represented by

1. The Secretary to Government,  
Dept. of Posts,  
New Delhi.
2. The Postmaster General,  
Vijayawada.
3. The Sr. Supdt. of Po. Offices,  
Nellore.
4. ~~The~~ Smt. R.Subba Lakshmi ..

RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI KSR ANJANEYULU

COUNSEL FOR THE RESPONDENTS: SHRI NR DEVARAJ

Sr/Adv. CGSC.

*or respondent No. 4 Mr.*

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

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

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O.A.NO.1132/92.

JUDGMENT

Dt:11.7.95

(AS PER HON'BLE SHRI JUSTICE V.NEEIADRI RAO, VICE CHAIRMAN)

Heard Shri KSR Anjaneyulu, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for R-1 to R-3. R-4 is called absent when the case was called.

2. A vacancy arose for the post of EDBPM, Siddipuram due to the death of Shri D.Krishna Murthy, the incumbent of that post, on 19.11.1990. As no candidate was sponsored by the Employment Exchange though a request was made, the notification as per the memo dated 8.3.1991 was issued by R-3 calling for the applications by fixing 30.4.1991 as the last date for receiving the same. The applicant herein and two others submitted their applications in time. The other two were not having the independent property and income. The case of the applicant was not considered as he did not submit the proof regarding the property as per rules. As such a fresh notification was issued in pursuance of which the applicant and R-4 and some others submitted applications. As necessary documents were not filed by them, it was again notified on 29.6.1992 fixing last date for receipt of applications as 31.7.1992. Then again the applicant and R-4 also applied along with all necessary certificates. R-4 was selected and appointed for the said post.

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and being aggrieved, the applicant filed this OA  
praying for declaration that the selection and appoint-  
ment of R-4 as EDBPM, Siddipuram is arbitrary,  
illegal and untenable and for consequential direction  
to R-2 and R-3 to appoint the applicant to the said  
post.

3. While the applicant passed B.Com., R-4 failed  
in 9th class. It is urged for the applicant that as  
preference has to be given to the Matriculates, the  
applicant should have been preferred to R-4. The  
applicant was appointed as EDBPM, Siddipuram on provi-  
sional basis after terminating the services of the  
substitute appointed by the deceased.

4. R-3 endorsed to the following effect, while  
preferring R-4 to the applicant:-

"The provisional BPM has got qualifica-  
tions which are far higher than those  
are prescribed which is disadvantage in  
matters like this. Further we cannot  
allow an impression to gain accuracy,  
~~not~~  
but provisional appointments are alone  
likely to be ratified. It amounts to  
delegating power of selection to the  
sub-ordinates. -----"

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8. The OA is ordered accordingly. No costs. //

A. B. GORTHI  
(A. B. GORTHI)  
MEMBER (ADMN.)

V. NEELADRI RAO  
(V. NEELADRI RAO)  
VICE CHAIRMAN

DATED: 11th July, 1995.  
Open court dictation.

vsn

*Amrit*  
Deputy Registrar (J) CC

To

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

8) one copy to Mr. C. Nagurna Rao, Advocate  
pvm. plot no. 189, 825, colony, new lokan, hyd.

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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. Gorafi

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

DATED -11-7-1995.

ORDER/JUDGMENT:

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

OA.No.

in

1132.92

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.

No Space copy

27 July

NSP