

(44)

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 P.O. Offices,  
Nellore.

4. ~~The~~ Smt. R. Subba Lakshmi ..

RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI KSR ANJANEYULU

COUNSEL FOR THE RESPONDENTS: SHRI NR DEVARAJ

Sr/2222.CGSC.

*2 Nafwanad No. 4/24*

CORAM:

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

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


(45)

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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.. 3 ..

and being aggrieved, the applicant filed this OA praying for declaration that the selection and appointment 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 provisional 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 qualifications which are far higher than those are prescribed which is disadvantage in matters like this. Further we cannot allow an impression to gain <sup>convenience</sup> accuracy, ~~but~~ <sup>that</sup> provisional appointments are alone likely to be ratified. It amounts to delegating power of selection to the sub-ordinates. -----"

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

(V. NEELADRI RAO)  
VICE CHAIRMAN

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.

f) pvm.

8) one copy to Mr. C. N. Srinivasan, Secy to the Govt., Adm. Secy, P.W.D.,  
plot no-188, G.B. colony; near Nizam, Hyd.

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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. Gorti*

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

DATED 11-7 1995.

ORDER/JUDGMENT:

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

in

OA.No.

*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 spare copy*

*27 Jul*

*not*