

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO.268 of 1992.

Between

Dated: 3.2.1995.

Alahari Suri Muralimohan Rao

... Applicant

And

1. The Senior Superintendent of Post Offices, Nellore.
2. The Asst. Superintendent of Post Offices, Kavali,
Nellore District.
3. The Director of Postal Services, O/O Post Master General
Vijayawada.
4. A. Hanumantha Rao. ... Respondents

Counsel for the Applicant : Sri. P. Sridhar Reddy

Counsel for the Respondents : Sri. N.R. Devaraj, Sr. CGSC.

CORAM:

HON'BLE MR. A.V. HARIDASAN, JUDICIAL MEMBER

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER

Contd:...2/-

O.A.No.268/92 Dt. of decision: 3-2-1995.

JUDGEMENT

X As per Hon'ble Sri A.V.Haridasan, Member(J) X

Heard.

2. The applicant who was one of the candidates for selection to the post of Extra Departmental Branch Post Master (for short EDBPM), Tummalapenta has filed this application U/s 19 of the A.T.Act by the fact aggrieved that he was not selected and the 4th respondent was selected and appointed as EDBPM. He has prayed that records of the selection may be called for and the selection and appointment of the 4th respondent may be set aside and the R-1 to R-3 be directed to appoint him as EDBPM, Tummalapenta. The applicant has alleged in the application that he being a graduate ~~xxxxxxxxxx~~ with independence a means of livelihood, was at any rate/much more deserving candidate than the 4th respondent who did not produce any certificate showing his independent assets at the time when he filed the application and who has got lower educational qualification than the applicant.

3. The respondents 1 to 3 have filed a detailed reply statement in which they contend that the applicant who is a Supervisor in the Non Formal Education, Kavali Zone has to tour extensively

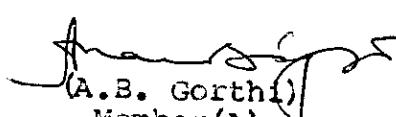
in places) about 20 K.Ms. away from the village and who owns only a small hut in the village which is unsuitable for housing a Post Office was not found a suitable candidate and that the 4th respondent who had all the qualifications was properly selected and appointed and that therefore no judicial interference is called for. The 4th respondent, in response to notice, appeared through his counsel, Sri Anjaneyulu, but did not file any reply statement.

4. We have carefully gone through the pleadings and documents. We have also perused the files relating to the selection and appointment of the 4th respondent. About the pleadings in this case and the stand taken by the respondents 1 to 3 in their reply statement to contend that the applicant was found unsuitable for appointment, we have to say that these contentions are untenable. The fact that the applicant is working as a Supervisor in Non-Formal Education Scheme cannot be held out against him as a disqualification for appointment as Extra Departmental Branch Post Master, especially when the authorities under whom the applicant was working has issued a certificate to the effect that they have no objection on the applicant taking up the post of EDBPM. Further, the fact that the applicant was earning a sum of Rs.400/- from his avocation as Supervisor in Non-Formal Education Scheme is a factor in his favour because to that extent he has got inde-

pendent means of livelihood. Apart from that, it is not in dispute that the applicant has got some landed properties and had income therefrom. Therefore the ground on which the applicant was not considered suitable for appointment do not appeal to us as convincing. Therefore, in order to see whether, if the applicant was considered ignoring these contentions the applicant would have stood a chance to be selected, we carefully perused the file. It is not in dispute that the 4th respondent was working as EDBPM on a provisional basis pending regular selection and appointment. The file relating to selection contains the photo copies of the extract of Marks obtained by the applicant as well as by the 4th respondent. It is seen that the 4th respondent has got 247 marks out of 500 in SSC Examination, while the applicant has got only 245 marks. In accordance with the instructions in relation to the selection and appointment of EDBPM among Matriculates the person who has got higher marks will have the better chance to be selected. It is also made clear in the instructions that the qualification above Matriculation will not be given any weightage at all. This Tribunal has held that while making regular selection for appointment to the posts of ED Agents, provisional service rendered by the candidate should be given some weightage though it should not be the sole criteria for selection. In this case, in the

matter of marks in the SSC Examination, the 4th respondent is better placed than the applicant. The 4th respondent has rendered provisional service and the records reveal that the 4th respondent is in all other respects eligible and qualified. Therefore, the selection and appointment of the 4th respondent cannot be faulted. Hence, we are convinced that no prejudice has been caused to the applicant by the respondents considering him to be unsuitable to be appointed on irrelevant considerations because even dehors the above factors, the 4th respondent was more deserving to be selected than the applicant.

5. In the light of what is discussed above, we do not find any merit in this application and therefore we dismiss it leaving the parties to bear their own costs.



(A.B. Gorthi)
Member (A)



(A.V. Haridasan)
Member (J)


Dy. Registrar (Judl.)

Dt. 3-2-1995
Open Court dictation.

Copy to:-

1. The Senior Superintendent of Post Offices, Nellore.
2. The Asst. Superintendent of Post Offices, Kavali, kmv, Nellore District.
3. The Director of Postal Services, O/O Post Master General, Vijayawada.
4. One copy to Sri. P.Sridhar Reddy, advocate, Flat No.414, Sovereign Shelter, Lakdikapul, Hyd-4.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Sx. Library, CAT, Hyd.
7. One copy to spare. *Rankin Argumby nra*

Rsm/-

26/2/92

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

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

AND

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

DATED : 3/2/92

ORDER/JUDGEMENT.

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

in

D.A.N. 26/2/92

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

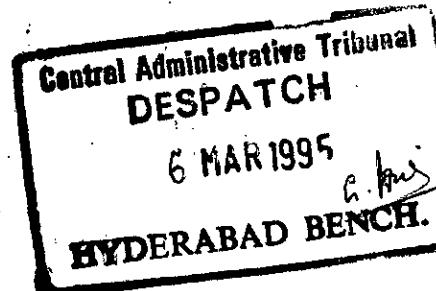
Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

No Spare copy



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