

(30)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

D.A.No. 291/92

L.A.No.

Dt. of Decision: 11-2-93

P.V. Kameswara Rao

Petitioner

Shri V. Rajagopala Reddy

Advocate for
the Petitioner
(s)

Versus

Sr. Supdt. of POs, Nellore.

Respondent.

Shri N.V. Ramana

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. V. Neeladri Rao, Vice-Chairman

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

avl/


HVNRJ
VC


HRBS
M(A)

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

HYDERABAD

OA No. 291/92

Date of judgement: 11-2-93.

Between

P.V. Kameshwara Rao : Applicant

And

1. Senior Superintendent of Post offices,
Nellore division
2. P. Sreenivasulu,
S/o Sri Venkata Subbaiah,
Branch E.D. Postmaster,
Chiramana village,
Via Sangam, Nellore dist, A.P. : Respondents.

COUNSEL FOR THE APPLICANT : Shri V. Rajagopala Reddy

COUNSEL FOR THE RESPONDENT : Shri N.V. Ramana

CORAM

Justice
Hon'ble Shri V. Neeladri Rao, Vice-Chairman

Hon'ble Shri R. Balasubramanian, Member (Admn.)

Justice
(Judgement of the division Bench as delivered by Shri
V. Neeladri Rao, Vice-Chairman)

The applicant was provisionally appointed as an Extra Departmental Branch Postmaster (EDBPM), Chiramana with effect from 6-5-91 and on the same day he joined the post. In the first week of February, '92, a notification was issued by Respondent 1 directing the eligible candidates who desire to be appointed as ED BPM, Chiramana on regular basis to submit their applications to him in the proforma. In pursuance of this notification, the applicant and the Respondent 2 herein also applied for the said post. Later on,

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the Respondent 2 was appointed for the said post. His appointment for the said post in preference to the ~~appointment of the~~ applicant on regular basis is assailed in this OA.

One of the requisite qualifications for eligibility to the post of ED BPM is that he/she should have adequate means of livelihood. The applicant submitted that he purchased 60 cents of land out of 1.04 acres on 25-4-91 in Survey No. 293 from Shri B. Subba Rao under document No. 237/91. It is stated for Respondent 1 that complaints were received to the effect that the document of purchase in favour of the applicant is only nominal and it was created to enable him to secure the post of ED BPM. An enquiry was conducted and then the statement of the applicant was recorded on 11-2-92 wherein he reiterated that he paid a sum of Rs. 10,800/- to Shri B. Subba Rao and purchased 60 cents of land from him. But ^{it} is the case of Respondent 1 that when Shri Subba Rao was examined he denied about the said sale. On that basis, Respondent 1 held that the applicant is not having adequate means of livelihood. Accordingly he was not considered for the post.

It is urged for the applicant that the enquiry in regard to the purchase of land by the applicant was conducted behind his back and hence ^{principles of natural} ~~provisions of rules~~ ^{justice over} ~~were~~ violated. This is not a case of enquiry that is conducted for the purpose of removal of the employee. This enquiry is conducted on receipt of the complaint in order to determine whether the applicant is eligible to be selected for the post on regular basis. It cannot be stated that for the purpose of such enquiry the witnesses have to be examined in the presence of the applicant for the post and he had to be given an opportunity to cross examine the witnesses. It may be different if ~~the~~ malafides are adduced. In this case it is merely ^{stated} ~~raised~~ that in order to accommodate Respondent 2 and in order to see that the

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applicant is excluded, this enquiry was resorted to.
The said allegation is vague.

The learned counsel for the applicant submitted that the appointment of Respondent 2 had to be set aside as neither written test ^{provided} or interview was conducted. The rules do not ~~spec~~ for conduct of either any written test or viva-voce for selection to the post of ED BPM. Hence there is no violation of rules in selecting Respondent 2.

Thus this G.A. does not merit consideration
~~Hence there is no need to consider the G.A. and~~
accordingly it is dismissed with no costs.

Vh
(V. Neeladri Rao)
Vice-Chairman

R. Balasubramanian
(R. Balasubramanian)
Member (Admn.)

(Dictated in the open court)

Dated 11th February, 1993.

822/1993
Dy. Registrar

NS

Copy to:-

1. Senior Superintendent of Post Offices, Nellore District.
2. P.Sreenivasulu, Branch E.D. Postmaster, Chiramana village, Via Sangam, Nellore District.
3. One copy to Sri. V.Rajagopala Reddy, advocate, 3-5-942, Himayatnagar, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. *One copy to Mr. T. Jayanthi, Advocate for Appellant No. 2, Hyd.*
6. One spare copy.

Rsm/-

13/02/93
27/2/93

2 O.A. 291/92
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.V.NEELADRI RAO :V.C.

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.CHANDRA SEKHAR REDDY
:MEMBER(J)

AND

THE HON'BLE MR.

DATED: 14/2/1993

ORDER/JUDGMENT:

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

A.A.No.

IN

291/92

F.A.No.

(W.P.No.)

Admitted and Interim directions
issued.

Allowed,

Disposed of with directions.

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

22/2/93

pvm

