

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

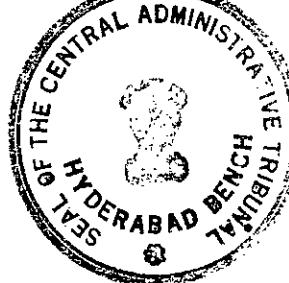
ORIGINAL APPLICATION NO.419 of 1992

DATE OF JUDGMENT: 26/10/OCTOBER, 1992

BETWEEN:

Mr. P.Bikshapathi

Applicant



AND

1. Union of India represented by
The Secretary to Government,
Department of Posts,
New Delhi.
2. The Regional Director of Postal Services,
Hyderabad.
3. The Senior Superintendent of Post Offices,
Hyderabad South East Division,
Hyderabad.
kacheguda,
4. The Superintendent of Post Offices, Hyderabad.
5. Smt. Aruna ..

Respondents

COUNSEL FOR THE APPLICANT: Mr. M.Ratna Reddy

COUNSEL FOR THE RESPONDENTS: Mr. M.Jagan Mohan Reddy, Addl.CGS
for Respondents 1 to 4

Mr. S.Ramakrishna Rao, Counsel
for Respondent No.5

CORAM:

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

Hon'ble Shri C.J.Roy, Member (Judl.)

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the income certificate of Rs.10,000/- on lands ^{owned} by him certified by the Mandal Revenue Officer, whereas the 5th respondent did not submit the valid income certificate. The 5th respondent also did not register her name in the Employment Exchange. Hence, the applicant states that he alone should be appointed to the post of EDBPM, Gummadavalli.

6. We have heard the learned counsel for the applicant Mr. M.Ratna Reddy, the learned Additional Standing Counsel for the Respondents 1 to 4, Mr. M.Jagan Mohan Reddy; and the learned counsel for the respondent No.5 Mr. S.Ramakrishna Rao. We have also perused the records produced by the learned Additional Standing Counsel for the Respondents 1 to 4.

7. As per the recruitment rules, the educational qualification for appointment to the post of EDBPM is VIII Standard (Matriculation or equivalent may be preferred). One should have an adequate means of livelihood. The person selected must be able to offer space to serve as the agency premises for postal operations. The premises must be such as will serve as a small postal office with provisions for installation of even a PCO (Business premises, such as shops, etc., may be preferred). The selected person must be a permanent resident of the village where the post office is located. He should be able to attend the post office work as required of him keeping in view the time of receipt, despatch and delivery of mails which need not be adapted to suit his convenience or his main avocation.

Superintendent of Post Offices, South Sub Division, Hyderabad also visited the Post Office at Gummadavalli and verified the certificates of the applicant. The applicant came to know reliably that one Smt. Aruna, a O.C. candidate (5th respondent herein) is being appointed. The applicant states ~~km~~ that he had put in 3½ years of service and hence he should be appointed to the post of EDBPM, Gummadavalli. Hence, this application.

3. Respondents 1 to 4 filed a counter affidavit stating that the selection was made on merits basing on the marks secured in SSC Examination. No provisional appointment order was however issued to the applicant though he was working as EDBPM, Gummadavalli. The 5th respondent has taken charge of the post of EDBPM, Gummadivelli and has been continuing till date. There is no rule giving weightage to inservice candidates or candidates from the back-ward classes or temporary incumbents. Hence, the applicant cannot claim any preferential treatment. The O.A. is devoid of merits and is liable to be dismissed with costs.

4. The 5th respondent also filed a counter affidavit with similar contentions as stated by the respondents 1 to 4.

5. The applicant filed additional affidavit in support of this O.A. He states that the Assistant Superintendent of Post Offices as an Enquiry Officer recommended ~~km~~ his name for the said post pursuant to the 2nd notification issued for which the applicant had applied for the said post. The applicant submitted all the relevant documents including

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12. The application is accordingly dismissed with no order as to costs.

CERTIFIED TO BE TRUE COPY

Date..... 20/11/92
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

Copy to:-

1. The Secretary to Government, Department of Posts, Union of India, New Delhi.
2. The Regional Director of Postal Services, Hyderabad.
3. The Senior Superintendent of Post Offices, Hyderabad South East Division, Hyderabad.
4. The Superintendent of Post Offices, *Kachiguda*, Hyderabad.
5. One copy to M. Ratna Reddy, advocate, 3-4-8, Dr. Bhoomanna Lane, Kachiguda, Hyd.
6. One copy to Sri. M.Jagan Mohan Reddy, Addl. CGSC, for R-1 to R-4, CAT, Hyd.
7. One copy to Sri. S.Ramakrishna Rao, advocate, for R-5, CAT, Hyd.
8. One spare copy.

Rsm/-

Case No. OA 419/92
Dated: 26-10-92
C. 20-11-92

