

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA No. 597/92

Date of judgement: 21-12-92.

BETWEEN

Shri Ch. Ramesh Babu : Applicant

AND

1. The Superintendent of Post offices, Warangal Division, Warangal.
2. Director of Postal Services, Hyderabad Region, Hyderabad.
3. Neelam Janardhan, Candidate said to have been selected. : Respondents

COUNSEL FOR THE APPLICANT

: Shri S. Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS

: Shri N.V. Ramana  
: SHRI T. JAYANT. IAS  
R3.

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Hon'ble Shri A.B. Gorthi, Member (Admn.)

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

(Judgement of the division bench as delivered by Shri A.B. Gorthi, Member (Admn.))

The applicant who was appointed to the post of an Extra Departmental Branch Postmaster (EDBPM hereafter) of Gurijala P.O on 20-2-92 has challenged in this application the validity of the decision of the Director of Postal Services (Respondent No. 2) dated 30-4-92 to terminate the services of the applicant and to appoint one Shri N. Janardhan (Respondent No. 3) in his place.

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The post of ED BPM, Gurijala P.O f  
Consequently, the Supdt. of Post Offices,  
division (Respondent No. 1) sent a requisition to  
the concerned Employment Exchange office calling for  
the names of suitable candidates. In response to  
the requisition, the said Employment Exchange office  
forwarded the names of 5 candidates including that  
of Respondent No. 3 Shri N. Janardhan. As the selec-  
tion process was going on, it seems, there were com-  
plaints both in the press and also from the villagers  
and village pradhan alleging that the Employment  
Exchange ignored the names of some candidates who  
registered themselves much earlier. On the receipt  
of the said complaints, the SPOs, Warangal division  
decided to issue an open notification calling for  
candidates direct from the open market. In response  
to the said notification 10 candidates, including the  
applicant, forwarded their applications. All the 15  
candidates were subjected to the process of selection  
and finally, the applicant was found to be the most  
suitable candidate. He was accordingly given the  
appointment as ED BPM on 20-2-92. He was also put  
through required departmental training. Thereafter  
he was allowed to take full charge of the post in  
which he continued till, all of a sudden, he was informed  
that the D.P.S. decided to terminate his services  
and to appoint Shri N. Janardhan. Aggrieved by the  
same the applicant approached the Tribunal  
and made a representation to the D.P.S.  
The Tribunal also ordered that status quo be maintained  
as a result of which the applicant continued to hold  
the post till 15-6-92 on which date he was made to  
handover charge of his post to respondent No.3.

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Employment Exchange is not found suitable as per the prescribed conditions of eligibility, it would be open to the competent recruiting authority to make selection from the other applicants in accordance with the existing procedure. In other words, the contention of Shri T. Jayant is that no other circumstances, the SPOs is entitled to call for the applications direct from the candidates ignoring those sponsored by the Employment Exchange or in addition to those already forwarded by the Employment Exchange.

The aforesaid departmental instruction in our view lays down the normal rule of selecting the candidate out of the list sponsored by the Employment Exchange. It nowhere lays down that the competent authority cannot receive the applications from other suitable candidates direct. In fact, the said instruction itself provides for obtaining such applications direct from the candidates in certain circumstances. The scope of the instruction does not limit those circumstances. In the ~~xt~~ instant case, the respondents themselves have clarified ~~the~~ at length as to the circumstances under which the SPOs was required to issue a notification calling for applications direct from the candidates. It cannot be said that the action of the SPOs was either malafide or was contrary to any regulation. We further find from the records that all the 5 candidates sponsored by the Employment Exchange were also subjected to the process of selection together with those whose applications were received direct.

4/16/94

The representation of the applicant to the D.P.S. was considered by the latter but was rejected by means of a detailed order which is at Annexure I to the application. As can be seen from Annexure I, the request of the applicant was turned down.

Shri Rajeswara Rao, appearing for Shri N.V. Ramana, learned counsel for the respondents 1 & 2 stated that no counter affidavit has been filed in this case. He also explained the background leading to the decision of the D.P.S. to terminate the services of the applicant. The reasons stated by him also had been reflected adequately in the order dated 11-6-92 issued by the D.P.S. at Annexure I. The case of the official respondent is that the Supdt. of Post offices, Warangal division exceeded his authority in not confining the selection process to the candidates sponsored by the Employment Exchange only. In other words, the SPO's action to make a public notification and call for the names of the candidates direct is found to be irregular by the D.P.S. The contention of the respondents is that the candidates sponsored by the Employment Exchange only should have been considered for selection to the post.

We have also heard Shri T. Jayant, learned coun  
appearing for the Respondent No. 3. He took th  
stand as that adopted by the official respo  
has also drawn our attention to a depa  
tion (D.G. P&T letter No. 45-22  
which lays down that only w  
from the Employment Excha  
the stipulated period or

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To

1. The Superintendent of Post Offices,  
Warangal Division, Warangal.
2. The Director of Postal Services,  
Hyderabad Region, Hyderabad.
3. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Hon'ble Mr.A.B.Gorthy, M(A) CAT.Hyd.
6. One copy to Hon'ble Mr.C.J.Roy : Member(J)CAT.Hyd.
7. One spare copy.
8. one copy to Mr.T.Jayant, Advocate CAT Hyd
9. one copy to D.L (J)

pvm

6th Feb  
P.M. D.L  
J

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Apparently, the applicant who was selected was the most suitable candidate. It is not the case of any of the respondents that Respondent No. 3 is a better qualified or a more suitable candidate than the applicant. The applicant, having been found to be the most meritorious candidate from the selection, it will be unfair and unjust to set aside the same on some technical ground which in any case is not there as we have already discussed above.

In the result, we are of the view that the selection of the applicant as was done by the Supdt. of Post offices, Warangal division cannot be legally assailed. We, therefore, direct the respondents to reinstate the applicant to the post of ED BPM with immediate effect. It is open to the respondents to find an alternative appointment to the Respondent No. 3 if the same is feasible in accordance with the extant rules.

The application is disposed of thus with no order as to costs.

*transcript*  
 (A.B. Gorai)  
 Member (Admn.)

*MSW*  
 (C.J. Roy)  
 Member (Judl.)

Open court dictation

Dated 21st December, 1992.

NS

*82/12/88*  
 Deputy Registrar (J)

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TYPED BY

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
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APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND  
A. B. Gorhey

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY : M(J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: - - 1992

ORDER/JUDGMENT:

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

in

O.A. No.

597/92

T.A. No.

(W.P. No. )

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

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