

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

OA.No.72/93.

Date of order: 23.6.95.

Between:-

1. Prasad Panigrahi ... Applicant.

And

1. Post Master General, Visakhapatnam Region,
2. Senior Superintendent of Post Offices,
Srikakulam Division, Srikakulam.
3. Pala Teerdham Suribabu.
(Selected Candidate) BDM, Kothagraharam,
Brahmana Tarla 532 220, Dist Srikakulam.

... Respondents.

Counsel for the Applicant: Mr. S. Ramakrishna Rao, Advocate.

Counsel for the Respondents: Mr. N. V. Raghava Reddy, CGSC.

N. V. Raghava Reddy for R3.

CORAM:-

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

Hon'ble Shri R. Rangarajan, Member Administrative.

C.A.NO.72/93.

JUDGMENT

Dt:23.6.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri S.Ramakrishna Rao, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant applied for the post of Extra Departmental Branch Post Master, Kothagraharam, Brahmana Tarla in Srikakulam District in pursuance of the notification dated 3.2.1992 issued by R-2. The last date for receipt of the applications was 2.3.1992. Besides the application of the applicant, another application was received before 2.3.1992. It is stated that the application of R-3 was received on 3.3.1992. When the case of R-3 was also considered, ultimately he was selected. This application was filed praying for setting aside the selection of R-3 and to direct the respondents to select a candidate from among the applications received before the due date without reference to the application received after the due date.

3. It is stated for the respondents that as 2.3.1992 happened to be a holiday being Mahasivaratri, the application of R-3 which was received on 3.3.1992 ie., the next working day, was also considered. It is not

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the case of the applicant that 2.3.1992 was not a public holiday. R-2 was justified in considering the application of R-3 also as it was received on the working day following the last date stipulated when that last date happened to be a holiday.

4. It was also pleaded for the applicant that if in fact the application of R-3 was received on 3.3.1992 it could also have been sent along with the application of the applicant and another on 23.3.1992 instead of sending separately on 10.4.1992 for verification. We feel that on that basis alone, it cannot be inferred that the application of R-3 was received even beyond 23.3.1992. The possibility of R-2 considering as to whether the application ^{received} on the working day following the last date stipulated which happened to be a holiday, ^{can be entertained or not,} cannot be ruled out. Hence, that contention for the applicant has to be negated.

5. It is next urged for the applicant that R-3 submitted solvency certificate after the expiry of the due date and hence he should not have been entertained.

6. We perused the record. It discloses that the property certificate of 1987, income certificate and solvency certificate besides marks sheet in regard

contd....

Copy to:-

1. Post Master General, Visakhapatnam Region,
Visakhapatnam.
2. Senior Superintendent of Post Office,
Srikakulam Division , Srikakulam.
3. Pala Teerdham Suribabu,
(Selected Candidate)BPM, Kothagraharam,
Brahmana Tarla 532 220. Dt.
Srikakulam.
4. Sanaka Ramakrishna Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.V.Raghava Reddy, Addl. CGSC.
6. One copy to Library, CAT, Hyd.
7. One spare copy.


8. Mr. K. Sudhakar Reddy, Adv. J. No. 3.
CAT, Hyd. Bench

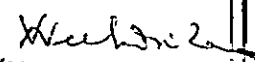
(34)

to SSC were enclosed to the application of R-3. As the certificate in regard to the property submitted by R-3 was of 1987, he was asked to submit another current certificate in regard to the property. Thereby it cannot be stated that the property certificate was not enclosed to the application. In order to satisfy as to whether the properties referred to in 1987 certificate are still with the applicant or not, he was asked to submit the current certificate in ~~xx~~ regard to the property. Thus, there is no infirmity when the case of R-3 was considered on the basis of the property certificate of 1987 filed along with the applica^{tion}~~tion~~ which was confirmed even by the current certificate in regard to the property.

7. Further, it can be seen that while R-3 got 207 marks in SSC, the applicant got only 202 marks in SSC (the marks referred to above both in regard to the applicant and R-3 do not include the marks allotted for Hindi and in fact they were not included in the totals that were shown in the SSC certificates). Thus, even on merits, it cannot be stated that there is any irregularity in preferring R-3 to the applicant.

8. Thus, there are no merits in this OA. Accordingly it is dismissed. No costs.//


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 23rd June, 1995.
Open court dictation.


Dy. Registrar (Jud)

THPED BY

72/93
CHECKED BY

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

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

DATED 23.6.1995.

~~ORDER/JUDGMENT:~~

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

OA. No.

in

TA. No.

72/93
(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 2nd copy

