

(ge)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA 731/93 & 800/93.

Dt. of Order: 15-2-94.

OA 731/93.

M. Venkat Rao

...Applicant

Vs.

1. The Superintendent of Post Offices,
Karimnagar Postal Division,
Karimnagar, A.P.

2. V. Sreenivasa Rao

...Respondents

OA 800/93.

T. Ravinder Rao

...Applicant

Vs.

1. The Superintendent of Post Offices,
Karimnagar.

2. The Post Master General, AP, Hyd.

3. The Director of Postal Services,
Hyd.

4. The Sub-Divisional Inspector of Post
Offices, Sircilla, Karimnagar District.

5. V. Srinivasa Rao

6. M. Venkat Rao

...Respondents

Counsel for the Applicant : Shri K. Venkateswara Rao
(in OA 731/93)

Shri D. Linga Rao
(in OA 800/93)

Counsel for the Respondents : Shri N. V. Raghava Reddy,
Addl. CGSC in both the cases for official
representatives.

CORAM:

Mr. K. Venkata Rao, Advocate for Rs in
OA 800/93.

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN

: MEMBER (A)

OAs 731/93 & 800/93

Judgement dated 15.2.94.

(AS PER SHRI V. NEELADRI RAO, VICE-CHAIRMAN)

Heard Shri K. Venkateswara Rao, learned counsel for the applicant in OA 731/93 and also Shri N.V. Raghava Reddy, learned Standing counsel for the respondents. No one is present for the applicant in OA 800/93.

2. The facts which give raise to these two OAs are as under:

A vacancy had arisen in regard to the post of ED BPM, Nerella on 3.1.93 due to the death of the incumbent. A requisition was issued on 20.1.93 to the District Employment Officer, Employment Exchange, Karimnagar for furnishing a list of candidates to be considered for the post of ED BPM. When no such list was received by 15.2.93, the date specified for the requisition, SPOs, Karimnagar issued a notification calling for applications for the said post and 15.3.93 was notified as the last date for receipt of applications. The applicants in both the OAs, Shri V. Srinivasa Rao, (Respondent 5 in OA 800/93 and Respondent 2 in OA 731/93) and 6 others submitted the applications. The applications of those 6 others were rejected as they were found to have not fulfilled the conditions. Ultimately, Shri Srinivasa Rao was selected on 21.6.93 and he was given theoretical training

92

~~from~~ ^{on} 2.7.93 ^{and} ~~to~~ 3.7.93 and practical training
~~from~~ ^{on} 7.7.93 ^{and} ~~to~~ 8.7.93 and he assumed charge
as ED BPM, Nerella immediately thereafter.

4. OA 731/93 was presented on 5.7.93 praying for declaration that the applicant is entitled for appointment as ED BPM, Nerella in preference to Shri Srinivasa Rao. OA 800/93 was presented on 12.7.93 praying for declaration that the applicant is entitled for appointment as ED BPM, Nerella in preference to Shri Srinivasa Rao and the applicant in OA 731/93 by holding that the action of the Sr. Supdt. of Post offices in selecting Shri Srinivasa Rao and the applicant in OA 731/93 in the order of merit is illegal, arbitrary and discriminatory.

5. In the replies filed for the official respondents, it is stated that Shri Srinivasa Rao got 350 marks in S.S.C. while the applicants in OA 731/93 & OA 800/93 got 320 and 280 marks *respectively* in S.S.C. It is further stated therein that Sri Srinivasa Rao is having house in his own name as per the certificate given by the Gram Panchayat and he is also owning 2.01 acres of land as per the certificate given by the MRO. He thus satisfied the conditions prescribed for eligibility for consideration for appointment as ED BPM.

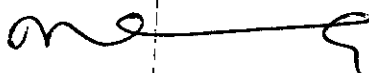
6. Of course, the applicant in OA 800/93 is owning 4.12 acres of land. But, when it is a case of relative assessment for selection to the post of ED BPM and when the SSPOs, the appointing authority has not committed any irregularity in this selection and when malafides were not attributed,

(23)

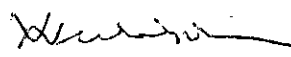
the Tribunal/Court will not interfere in the selection. It is not for the Tribunal or the Court to assess the relative merit for the purpose of selection for it is the duty to be discharged by the appointing authority. The Tribunal/Court interfere only when malafides ^{or} were established or when the authority exceeds the jurisdiction or he ~~is~~ not empowered to ~~do~~ question or when a candidate who is not eligible is selected or if there are any grave irregularities or illegalities in the process. As ^{no} such circumstances exist in this case, we do not find any reason to set aside the order of appointment of Shri

as ED BPM, Nerella.

In the result, both these OAs are dismissed. No costs.



(R. RANGARAJAN)
Member (Admn.)



(V. NEELADRI RAO)
Vice-Chairman

(Open court dictation)


Deputy Registrar(J)C

NS

To

1. The Superintendent of Post Offices, Karimnagar Postal Division, Karimnagar A.P.
2. The Postmaster General, A.P. Hyderabad.
3. The Director of Postal Services, Hyderabad.
4. The Sub Divisional Inspector of Post Offices, Sircilla, Karimnagar Dist.
5. One copy to Mr. K. Venkateswara Rao, Advocate, CAT. Hyd.
6. One copy to Mr. D. Linga Rao, Advocate, A.P.A.T. Advocates' Assn. Hyd.
7. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.
10. One copy to Mr. K. Venkateswara Rao, Advocate, H.No. 1-2-365/5/1A, Behind Chagan Mahal pvm Narsinghpet, Dhone, Andhra Pradesh.

2 - Cases
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 15-2-1994.

~~CREEP~~ JUDGMENT:

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

in

O.A.No. 731/93 & 800/93

T.A.No.

(W.P.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm

