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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1127 of 1993

DATE OF ORDER: 27th August, 1996

BETWEEN:

V.NAGA RAJA SHARMA

.. APPLICANT

AND

1. Union of India rep. by the
Director General, Dept. of Posts,
New Delhi 110 001,
2. The director, Postal Services,
Office of the Postmaster General,
A.P.Southern Region, Kurnool 518005,
3. The Superintendent of Post Offices,
Proddutur division, Proddutur,
4. Shri V.Shyam Kumar,
5. K.Venkata Ramana Reddy

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI P.RATHAIAH

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI JUSTICE B.C.SAKSENA, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

(PER HON'BLE SHRI JUSTICE B.C.SAKSENA, VICE CHAIRMAN)

We have heard Shri BSA Satyanarayna for Shri P.Rathaiah, learned counsel for the applicant and Shri N.R.Devaraj, learned senior standing counsel for the respondents.

2. The short question raised in this OA is whether the candidature of the applicant was rightly not considered

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(44)

on the ground that the requisite documents in support of the income, property etc, were not annexed along with the application submitted for consideration for appointment to the post of EDBPM.

3. The respondents in their counter affidavit have taken a stand that the applications from the eligible candidates were invited and the last date for receipt of the applications was indicated as 19.7.93. It was also provided that the applications should be duly filled up and sent along with the required documents. The learned senior standing counsel for the respondents placed for our consideration a copy of the advertisement issued for inviting applications in the present case. It contained a specific condition as condition No.4(4) which reads as follows:-

"All the required documents/certificates should be submitted along with the application. No document will be accepted later on in piece meal. Applications not accompanied with all the necessary certificates or with incomplete information will not be taken up for consideration and no further correspondence would be entertained."

4. The applicant has filed a copy of the application submitted by him as Annexure-I. When the attention of the learned counsel for the respondents was invited to this document, he after comparing it with the original of the application in the official records, pointed out that as against item 9 in the original application, a blank had been drawn while in the copy filed as Annexure-I, the words

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"certificate enclosed" has been added. Similarly it was pointed out that in the column enclosures, only 3 enclosures were indicated, the 4th one indicated in Annexure-I as property certificate is not mentioned in the original of the application submitted before the authorities by the applicant. It is a serious matter and it would have been proper that the respondents had verified the position before filing their written statement. Perhaps they were under the impression that such patent forgery is not possible to be made by an applicant in the paper submitted before the Tribunal. However, the ~~effect~~ ^{fact} ~~for~~ remains that the Annexure-I filed along with the O.A. cannot be relied upon. The original of the application with the authorities ~~is~~ clearly supports the submission that an incomplete application form had been submitted and the necessary documents and certificates had not been enclosed and thus as per the provisions of the Para 4(4) of the advertisement, the applicant ^{could have been} ~~not~~ ^{weeded} ~~not~~ and was not considered.

5. The learned counsel for the applicant laid a great stress on a decision of the Ernakulam Bench reported in 1993(2) ATJ 182 (Sivadasan Akkathadathil v. Union of India & 4 others). We have carefully gone through the said decision. In our considered opinion, the question which came up for consideration before the Bench in that case has no relation with the question under consideration in this O.A. Here the question is altogether different which has ^{in above} been noted hereunder:

The application submitted not being accompanied by the documents, relevant certificates was an application

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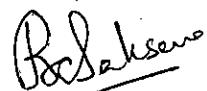
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which deserved to be rejected. ~~is believed~~. On the basis of such an application, the applicant cannot legally claim that his candidature should have been considered and the absence of certificate for income and property should have been gone into at the stage of appointment preceded by selection. If this submission is accepted, in our opinion, it would create administrative difficulties and unnecessary and unavoidable selection process to go on. We may illustrate the point further. Supposing an applicant does not furnish the requisite certified documents and he on the basis of the marks obtained is selected but subsequently he is unable to furnish the documents for income and property ~~and~~ in that event a fresh selection would have to be held. In our opinion to obviate the situation, it is very correct to insist that such documents and certificates should accompany the application.

6. In view of the above, we do not see any merit in the OA. It is accordingly dismissed. Parties to bear their own costs.



(R.RANGARAJAN)
MEMBER (ADMN.)



(B.C.SAKSENA)
VICE CHAIRMAN

DATED: 27th August, 1996
Open court dictation.

vsn



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OA.1127/93.

Copy to:-

1. The Director General, Dept. of Posts, Union of India, New Delhi-1.
2. The Director, Postal Services, O/O Postmaster General A.P.Southern Region, Kurnool.
3. The Superintendent of Post Offices, Proddatur Division, Proddatur.
4. One copy to Sri. P.Rathaiah, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

9/9/93

DA-1127/93

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Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

Hon Mr Justice B.C. Saksena V.C.
THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

27/9/93

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

D.A.NO. 1127/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DESPATCH

9 SEP 1993

हैदराबाद न्यायालय
HYDERABAD BENCH