

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1198/93

Date of Order: 7.2.1994

BETWEEN :

Smt. K.Janaki .. Applicant.

A N D

The Union of India rep. by :

1. The Post Master General,
Hyderabad.
2. The Superintendent of Post
Offices, Wanaparthy Division,
Wanaparthy. .. Respondents.

Counsel for the Applicant .. Mr.K.S.R.Anjaneyulu

Counsel for the Respondents .. Mr.N.R.Devraj

CORAM :

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

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMIN.)

[Signature]

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O.A.NO.1198/93.

JUDGMENT

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

Heard Shri KSR Anjaneyulu, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant and two others applied for the post of Extra Departmental Branch Post Master (EDBPM) of Chedurupalli in Veldanda Mandal in pursuance of the notification dated 20.4.1993 calling for applications for filling up of the said post. The applicant submitted the certificate given by the Sarpanch in regard to the house owned by her, the certificate of MRO in regard to the income from the lands and No.2 account in regard to the lands from which the said income is received. Office of L had put up the following note:-

"This case relates to selection of the candidate for the post of BPM, Chedurupalli a/w, Veldanda.

Smt. K.Janaki not submitted property certificate due to property certificate not obtained from the MRO (she only submitted pahani).

Now, Smt. K.Janaki property certificate submitted. Put up below at Sl. No.164."

Thereupon, the 2nd respondent on 9.9.1993 for issuance of renomination for the post said post. This OA was filed challenging the renomination as per the memo dated 16.9.1993, vide Annexure-I by contending that it is

(31)

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unreasonable and untenable and the applicant prayed for setting aside the same and for issual of necessary consequential orders.

3. Column 10 of the application filed in pursuance of the first notification is as under:-

"10. Particulars of properties with saleable rights in the name of the applicant. Title and the annual income derived from it may please be furnished with a certificate to that effect obtained from the MRO should be enclosed."

It is urged for the applicant that in compliance with the same, she filed a copy of the No.2 account in regard to the lands from which she is deriving income and the MRO had given the certificate in regard to the income therefrom and hence the 2nd respondent erred in holding that the applicant had not complied with the said condition. The respondent is also relying upon the short note reported in (Bawye Lal Thakur Vs. Union of India and ors) III (1990) CSJ (CAT) 258/ and the judgment of the Patna Bench, and also an unreported judgment of this Tribunal in MA 802/93 in OA 646/90 (R. Ratnamala Vs. Union of India and others), to contend that the income of the husband of the married lady can be treated as income of the married lady if she applies for the post of EDBPM and means of livelihood as adumbrated in the Instruction 3 regarding selection of ED/SPM/EDBPM.

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4. It may be noted that the 2nd respondent rejected the application of the applicant only on the ground that she had not complied with the condition 10 in the application. But as the applicant filed a copy of the No.2 account in regard to the particulars of the properties and as she filed the income certificate given by the MRO, it can be held that there is substantial compliance of the condition 10 in the application. Hence, the reason given for ~~not~~ ordering renotification by the 2nd respondent ^{fully} ~~dehort~~ to the ground and hence the renotification as per the memo dated 16.9.1993 is liable to be set-aside, urged for the applicant.

.. Sri N.R. Devaraj, learned standing counsel for the respondents submitted that adequate means of livelihood is referred to as one of the conditions for eligibility for consideration for selection as EDBPM & so as to enable the authorities to attach property which is yielding income in case there is any defalcation on the part of the EDBPM. But it may be noted that the application of the applicant was not rejected on that ground ~~and~~ it was rejected only on the ground that she had not complied with the condition 10 of the application. ~~So, we do not feel it necessary to consider the above contention for the respondents for disposal of this OA, and it is for the 2nd respondent to take a decision in regard to the adequate means of livelihood of the applicant, and if the applicant is going to be~~

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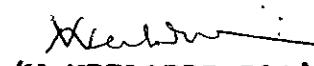
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aggrieved by the said order of the 2nd respondent, it is needless to say that it is open to the applicant to move this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

6. We agree with the contention for the applicant that the reason given for ordering renotification is not tenable and hence the renotification as per the memo dated 16.9.1993 is set-aside. The 2nd respondent has to consider the case of the applicant ^{on the basis} ~~in regard to~~ submitted by ~~the applicant~~ in pursuance of the first notification, in accordance with ...

7. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 7th February, 1994.
Open court dictation.

11-3-94
Deputy Registrar (J) C.C.

To vsn

1. The Postmaster General, Union of India, Hyderabad.
2. The Superintendent of Post Offices, Wanaparthy Division, Wanaparthy.
3. One copy to Mr. K. S. R. Anjaneyulu, Advocate, CAT.Hyd.
4. One copy to Mr. N. R. Devraj, Sr. CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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Stamps 1/2/94
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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. GORTHI : MEMBER(A)
AND

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

AND

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

Dated: 7-2-1994.

~~ORDER/JUDGMENT:~~

M.A./R.A/C.A. NO.

in
O.A.No. 1198/93

T.A.No. (W.P.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn. DESPATCH

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

