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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1037-of 1993

DATE-OF-ORDER:-13th-November, 1996

BETWEEN:

Saggurthi Srinivasa Rao

.. Applicant

AND

1. The Sr.Superintendent of Post Offices,
Vijayawada, Krishna District,

2. Smt. Alivelu Mangatayaru.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI SYED SHAREEF AHMED

COUNSEL FOR THE RESPONDENTS: SRI N.V.RAGHAVAREDDY, ADL.CGSC
mr. K. Vinaya Kumar, Advocate

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDICIAL))

Heard Shri Syed Shareef Ahmed, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned standing counsel for R-1. R-2 and her Counsel Shri K.Vinaya Kumar are absent.

2. In this OA the applicant prays the Tribunal to set-aside the order dated 9.7.93 bearing No.BE/201 issued by R-1 and appointment of R-2 as Extra Departmental Branch

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Post Master (EDBPM), Kakarla Vilage, Tiruvuru Mandal, Krishna District, ^{by} holding it as illegal, arbitrary and ^{and} contrary to the rules, to direct R-1 to appoint him in place of R-2 as EDBPM and for such other reliefs.

3. Pursuant to the public notice bearing No.BE/187 dated 28.12.92, ^{and} wide ~~was~~ publicity done in that village, five applicants including the present applicant and the R-2 offered their candidature for consideration for selection of one post of EDBPM, Kakarla Village.

4. It is stated that the applicant is a Graduate in B.Sc, that he had registered his name with the Employment Exchange, that he is having landed property of 4 acres and 70 cents, that he is getting an income of Rs.25,000/- per annum, that he ~~has~~ applied to the post of EDBPM, Kakarla village, that he appeared for the interview along with others, that R-1 kept quiet for four months without declaring the results, that the R-1 appointed the R-2 as EDBPM, Kakarla Village, even though he was far meritorious and eligible for the said post than R-2, that according to the qualification prescribed for the post, marks secured in SSC are required to be considered that R-1 did not take into consideration that he had secured 337 marks in SSC examination whereas R-2 secured only 278 marks, that as regards the income and the properties, he had 2 acres and 83 cents in Survey No.125/1 and 103/2 of Vallampatla Village of A.Konduru Mandal worth about 1,00,000/-, that even the Mandal Revenue Officer, A.Konduru had issued

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certificate dated 20.1.93 to that effect, that he is also having one acre and 82 cents in Survey No.48/2 worth Rs.45,000/- in Ramannapalem village, that Village Administrative Officer, Lakshmipuram, Tiruvuru Mandal, Krishna District, issued a certificate to that effect, that he was getting an annual income of Rs.10,000/- whereas R-2 was having only 2 or 3 acres, that R-2 was getting an income of Rs.10,000/- and that his income from all sources exceeded Rs.25,000/- per annum, that he is having a permanent pucca building at Kakarla village, that prior to the notification, the Post Office was situated^a adjacent to his building in the village, that one M.Krishnaiah was the then Branch Post Master and subsequent to him, his daughter Smt. Lalithakumari, had worked as EDBPM in the said building, that his building is situated in the heart of the village, that villagers of Kakarla village and Ramannapalem were used to have their postal transactions in the said building, that his building is also convenient to install a Public Call Office, that the house of R-2 is situated at^a remote area towards northern side in Kakarla Village, that the said house is a thatched one, that it is not suitable for running the Post Office, that it is not possible to instal a Public Call Office, that the population of Kakarla village is 600 and Ramannapalem is 400, that it would be inconvenient for the residents of the said villages to transact from a place remotely situated towards north in the village, that in fact, the Surpanch and other villagers represented to the authorities to consider his case and also sent telegrams, that,

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unfortunately, because of political pressure brought about by the R-2 through her husband Sri U.Lakshmiraju who is the Joint Secretary of Turuvuru Mandal, R-1 gave deaf ear to the telegrams of the Sarpanch and representation of the villagers and appointed R-2, that R-2 is already having dealership of a Fair Price Shop in the village, that subsequently she resigned the same and got this appointment, that at the instigation^{ance} of the local Minister, R-1 appointed R-2 ignoring his legitimate claims, that R-2 had not communicated any orders or displayed^{the} results at any place, that on coming to know of the appointment of R-2, he himself approached the Postmaster General, Vijayawada, that the Postmaster General, Vijayawada had not taken any action, that, surprisingly, he received a communication dated 9.7.93 in which it was stated that he had not come up well in the interview, that R-1 erred in holding the applicant as not come up well in the interview, that his legitimate claims have been ignored, that R-1 failed to consider his high marks in SSC, the income, and property held by him and that his application be allowed.

5. R-1 filed reply affidavit stating that pursuant to the public notice, five candidates offered their candidature, that among them 3 candidates did not fulfil property and other conditions, that, therefore, he had to select one among the applicant and R-2, that R-2 had produced a Sale Deed owning property in her name and had produced an income certificate to the effect that she had income Rs.10,000/- per annum, that the applicant has not

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produced satisfactory proof for his income and alternative means of livelihood, that he had produced a joint property certificate, that he did not produce any proof regarding any other source of income by which he could live independently, that, therefore, R-1 preferred R-2 for the appointment.

6. It is an admitted fact that R-1 was required to consider the marks secured by the candidate in the SSC examination. The applicant had secured 337 marks whereas R-2 had secured 278 marks in the SSC examination. As regards educational qualification, R-1 ought to have preferred the applicant. It is submitted that both the applicant and R-2 are Graduates. However, for appointment as EDBPM only marks secured in SSC examination is required to be considered. In that view of the matter, the applicant stood qualified than R-2.

7. As regards income and property, it is stated that the applicant owned 2 acres and 83 cents in Vallampatla village and 1 acre and 82 cents in Ramannapalem village and that these ^{lands are} alone worth more than Rs.45,000/-. It is disclosed that the applicant and his brother had equal share in the agricultural lands. The R-1 felt that the applicant had no independent income because the land revenue records showed joint possession along with his brother. The view taken by R-1 as regards income and property of the applicant appears to be not correct. Admittedly, the property held to the share of the applicant

exceeded the income of R-2. Further, it is stated that the applicant had a pucca building in the village and in his neighbourhood previously the Post Office existed for nearly 30 years. These aspects should have been considered by R-1 in proper perspective.

8. During the course of arguments it is submitted that in terms of circular No.17-497/90/ED-Trg. dated 10.5.91 it was brought to the notice of every body that every thing being equal, candidates who had secured more marks in the examination be made eligible for appointment and should be given preference. It is submitted that R-2 had not possessed a pucca building. The R-1 before considering the claims of the applicant and the R-2, has not considered this aspect of the matter. Had he considered as to who owned pucca building, we feel that the R-1 would have preferred the claims of the applicant.

9. In case R-1 had any doubt as to the property held by the applicant, he should have sought necessary clarification from the applicant. This clarification could not have given any added advantage to the applicant. It is not insertion of more information or new documents which binds consideration of the applicant for the post of EDBPM.

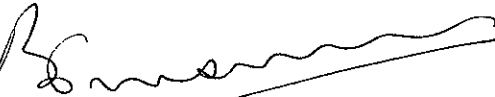
10. Hence considering the facts and circumstances, we feel that R-1 has not properly considered the claims of the applicant for appointment as EDBPM, Kakarla Village. His preference to R-2 cannot be sustained. Therefore,

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appointment of R-2 as EDBPM, Kakarla Village is set-aside.
R-1 is directed to appoint the applicant as EDBPM in
Kakarla Village, Tiruvuru Mandal.

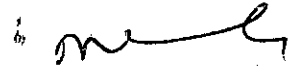
11. Time for compliance is three months from the date
of receipt of a copy of this order.

12. With these observations, this OA is allowed but
with no order as to costs.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDICIAL)

13.11.96



(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: -13th-November, -1996
Dictated in open court

vsn

Pr. Raju
21.11.96

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