

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1590/93

DATE OF ORDER : 28-02-1997.

Between :-

J.Karunakar Reddy

... Applicant

And

1. The Senior Superintendent of Post
Offices, Hyderabad South East
Division, Hyderabad.

... Respondent

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondent : Shri N.V.Raghava Reddy, Addl.CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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...2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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

2. Notice has been served on Respondent No.2. He has filed a reply statement on 17-1-97 but when the case was taken up today neither the ^{respondent} second/ nor his counsel represented today. When the notification dt.21-12-92 (Annexure-I) was issued for filling up the vacancy of EDBPM at Madhapur ED Branch Post Office, para-4(iv) of the notification stipulated that all the income, ownership and property and the ~~documents~~ be submitted along with the application. The notification does not indicate that the post was reserved for reserved communities. There was ^a complaint from the villagers concerned in regard to the improper advertisement among the residents of Madhapur village while calling for applications for EDBPM and ^{further represented} the ~~representations~~ for extension of ~~the~~ last also made. Accordingly the/ date for receipt of the applications was extended, upto 3-3-93. ^{extended} ~~Later on the last date was indicated as 20-1-93~~ the proper required documents i.e. i.e. the residential, income and property certificates and hence he was addressed to by letter dt. 3-5-93 to submit the three more candidates were also asked to submit the required documents which were not enclosed to the application form. Respondent No.2 acknowledged the above correspondence and submitted income certificate and a copy of the gift deed, and ~~submit~~ the same.

Accordingly Respondent No.2 submitted his property certificate in the shape of Gift Deed registered at Sub-Registrar Office, Ibrahimpatnam on 26-5-93. It is stated that Respondent No.2 was selected.

3. This O.A. is filed for setting aside the notification and direct the respondents to finalise the selection on the basis of the notification dt. 21-12-92 from among the candidates who submitted applications along with the enclosures and before the last date. An interim order dt.24-12-93 was issued in this OA for maintaining status quo until further orders. It is stated that the applicant who was working as a provisional EDBPM from 17-11-92 was continued and he was continued in the capacity even today.

4. It is now stated that no second notification has been issued but only the last date for submission of applications to the first notification was extended up to 3-3-93. The final selection has not been made yet. Though final appointment has not yet been made, it is stated that the Respondent No.2 was selected. In this connection we would like to observe as follows :-

(i) All along this Bench was taking the view that no incomplete application received will ~~not~~ be entertained as the notification itself clearly states that the application should be complete in all respects;


(ii) Unless the reservation is indicated in the notification, the question of appointing the reserved candidates on the basis of caste doesnot arise. The above view has also been taken by the Calcutta Bench of the Tribunal in OA 712/95 dt.15-11-96.

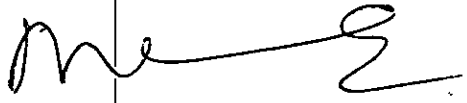
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5. As the final selection is not fully completed by issuing the appointment order to the selected candidates, Hence the Respondent No.1 is directed to finalise the selection in accordance with the law keeping our observations as above in mind.

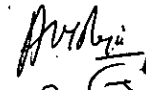
6. The Original Application is ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
21/2/97


(R. RANGARAJAN)
Member (A)

Dated: 28th February, 1997.
Dictated in Open Court.

avl/


D.R. (S) 63-97

21/4/97 (6)

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:

DATED: 28/2/92

ORDER/JUDGEMENT

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

O.A.NO. 1590/93 in

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

II COURT

