

(49)

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:

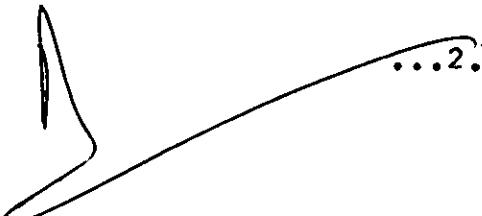
THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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

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

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Jai

A handwritten signature consisting of a stylized 'J' and a long, sweeping line that ends with the number '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 respondent today neither the second/ nor his counsel represented today. When the notification dt.21-12-92 (Annexure-I) was issued for filling up the ~~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 ~~other~~ documents be submitted along with the application. The notification does not indicate that the post was reserved for reserved communities. There was <sup>a</sup> complaint from the villagers concerned in regard to the improper advertisement among the residents of Madhapur village while calling for applications for EDBPM and the ~~representations~~ <sup>further representations</sup> ~~for extension~~ <sup>last</sup> also made. Accordingly the date for receipt of the applications was extended, upto 3-3-93. Later on the ~~last date was indicated as 20-4-93~~ <sup>exp date</sup> the proper required documents i.e. i.e. the residential, income and property certificates and hence he was addressed to by letter at 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 submitted the same.

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....3.

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 does not 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  
(B.S.JAI PARAMESHWAR)

Member (J)

21/2/97

R. RANGARAJAN  
(R.RANGARAJAN)

Member (A)

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

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AV1/63-97  
D.R.G

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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 <sup>in</sup>

ADMITTED AND INTERIM DIRECTIONS ISSUED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

NO ORDER AS TO COSTS.

II COURT

