

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

RA. No. 2079/97
R.A. No. 69 /97 in
O.A. No. 108/93.

Dt. of Decision : 26-08-97.

J.Nageswara Rao

.. Applicant.

vs

1. The Union of India rep. by its Secretary, Min.of Communications, New Delhi.
2. The Director of Postal Services, O/o the Postmaster General, Vizayawada Region, Vizayawada, Krishna District.
3. The Sr.Supt. of Post Offices, Vizayawada, Vizayawada Division, Vizayawada, Krishna District. .. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:-

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

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

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

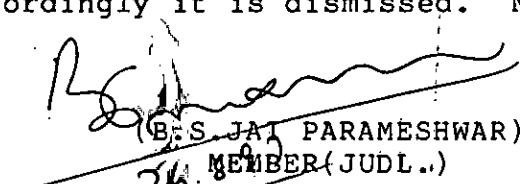
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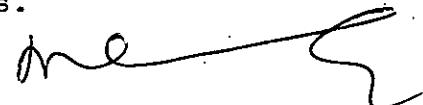
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2. This RA is filed by the applicant in the OA. The applicant filed OA for regularising his services as EDBPM, Machinenipalem Branch Office. But that prayer was dismissed by this Bench by the order dated 31-12-96.

3. This RA is filed that his selection of the above sub post office was interfered by the higher authorities higherer than the appointing authority. Hence on that basis itself the selection should ~~not~~ have been set aside. But ~~this~~ we noted there that the applicant was not the first selected candidate. The first selected candidate did not take up the job. Hence the appointing authority has appointed the applicant herein who was second selected candidate. But we held in the OA that the question of keeping any reserved list of appointment in case most eligible candidate did not take up the job does not arise. If the eligible candidate refused to take up the job then the alternate left to the department ^{was} is to issue a fresh notification for filling up that post. As the applicant was not the most eligible candidate for posting and he was considered because of the most eligible candidate was not willing to join it was held that the selection of the applicant ^{was} is not regular and on that basis the OA was dismissed. Even if the higher authority had interfered in the selection that is only a side point and that will not give any right to the applicant to be posted as EDBPM of that post office. The other contentions raised has got no relevance for reviewing the judgement in the OA.

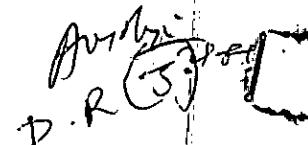
4. In view of what is stated above, we find no error in the judgement. Hence the RA is only liable to be dismissed and accordingly it is dismissed. No costs.


(B.S. JAI PARAMESHWAR)
76 MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 26th August, 1997.
(Dictated in the Open Court)

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D.R. (J)

Copy to:-

1. The ~~S~~ecretary, UOI Min. of Communication, New Delhi.
2. The Director of Postal Services, ~~Or~~ The Postmaster General, Vizayawada Region, Vizayawada Krishna Dist.
3. The Sr. Superintendent of Post Offices, Vizayawada, Vizayawada Division, Krishna Dist.
4. one Copy to Mr. S. Ramakrishna Rao Advocate CAT, HYD.
5. One Copy to Mr. N. R. Devraj, Sr. CGSC, CAT, HYD.
6. One Copy to The D.R(A).
7. One ~~ex~~ Duplicate Copy.
8. One copy to Sri G. Nagavarao, ED/BPM, Machinenipalem Upr. a/w. Vastavai, Vizayawada Division, Krishna Dist.

~~Plat~~

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.G.JAI PARMEGHULR:
(M) (J)

Dated: 26.8.97

ORDER/JUDGEMENT

~~M/R.A/~~ NO.

69/97

in

CIA. NO.

108/93

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

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pl. type the address
of the party

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DESPATCH

- 9 SEP 1997

हैदराबाद न्यायालय
HYDERABAD BENCH