

(50)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD PENCH: AT
HYDERABAD.

C.A.NO. 350/93.

DATE OF JUDGMENT: 28-07-95.

BETWEEN:

P. Anjaneyulu.

.. Applicant.

AND

1. The Supdt. of Post Offices,
Narsaraopet Division,
Narsaraopet, Dt. Guntur.
2. The Director of Postal Services,
Office of the P.M.G.,
3. Jillellamudi Subba Rao

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI S. Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Deveraj,
Sr/Adv. CGSC. (For R-1 and 2)

Shri Syed Shareef Ahmed, for R-3.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANG/RAJAN, MEMBER (ADMN.)

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Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri S. Remakrishna Rao, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents and Sri Syed Shareef Ahmed, learned counsel for R-3.

2. In pursuance of the notification dated 28-11-1992 calling for applications for the posts of EDBPM, Mulakalur, the applicant and R-3 herein and two others applied with all the certificates. While the applicant is a matriculate; R-3 passed 9th class; and the other two are graduates. The case of the other two were not considered by R-1 on the ground that they are having higher educational qualifications. Be that as it may they are not challenging selection of R-3 as EDBPM.

3. The main contention for the applicant is that matriculates have to be preferred to a non-matriculate and as the R-3 is non-matriculate, and hence selection of R-3 is illegal.

4. We perused the order in regard to selection of R-3 which is in the record that is produced. Therein it is stated that as the applicant herein was not established that he is having immovable property in his name, ~~in the~~ his name will not be considered.

5. Alongwith the application, the applicant herein submitted property certificate issued by the Village Officer which is countersigned by MRO (copy of the same is at Annexure VII). The report of the Sub Divisional Inspector, Mulakaluru Sub Division, is to the effect

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that there is no registered document with saleable rights in
name of the applicant in regard to the properties said to have
owned by him.

6. It is stated for the applicant that he is the only son and his father died about 15 years back. The further case of the applicant is that the lands referred to in Annexure VII Property certificate were already entered in the pass book given to the applicant.

7. There cannot be any registered document in the name of the owner if he succeeds to the ancestral property. There may be mutation or there may not be mutation in the name of the heir or successor. But still in the case of ancestral property, if a doubt arises as to whether they belong to the person who claimed as owner or not, then necessary inquiry has to be made. But the report of the Sub-Divisional Inspector discloses that he had come to the conclusion that the applicant had no property in his name and he has no saleable interest in the lands claimed by him, per se on the ground that there is no registered document in his name. But as already observed it is not a case where there will be any registered deed in regard to the ancestral property, if one got it on the basis of mere succession.

8. So, in the circumstances, it is just and proper to direct
R-1 who is the appointing authority to get an inquiry made in order
determine as to whether the applicant is the owner of the properties
covered by Annexure III, a copy of which is enclosed to the applica-
tion filed by the applicant in pursuance of the notification. If on

the basis of that discrimination it is going to be held that the appl
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the basis of that discrimination it is going to be held that the appl
..... XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX

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interest in the lands claimed by him, his case along-with the case of R-3 for appointment to the post of EOBPM has to be considered in accordance with the rules. It is also just and proper to allow R-3 to continue as EOBPM but on provisional basis till final selection is going to be made. If ultimately R-3 is going to be selected, even this period should be treated as a regular one.

9. The OA is ordered accordingly. No costs.//

mr
(R. Rangarajan)
Member (Admn)

JKR
(V. Neeladri Rao)
Vice Chairman

Dated : July 28, 95
Dictated in Open Court

Amber 11-85
Dy. Registrar (Jud1)

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Copy to:-

1. The Superintendent of Post Offices,
Narasaraopet Division, Narasaraopet, Dist Guntur.
2. The Director of Postal Services,
Office of the P.M.G. Vijayawada Region,
Vijayawada.
3. ~~One copy to Mr. Syed Shareef Ahmad, Advocate, 3-6-725,
Street No. 11, Himayat Nagar, Hyd-500 029.~~
4. One copy to Mr. S. Rama Krishna Rao, Advocate, CAT, Hyd.
5. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

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

DATED 28.7.1995

ORDER/JUDGMENT:

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

OA. NO.

350/93

TA. NO.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

Sh
11/8/95

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