

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 37/93.

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (A))

Date: August 26, 1996

Between:

Jagula Umadevi.

.. Applicant.

A n d

1. Union of India represented by :

- 1) The Secretary to the Govt. Dept of Posts, New Delhi.
- 2) The Post Master General, Vijayawada.
- 3) The Supdt. of Post Offices, Machilipatnam Divn. Machilipatnam.
- 4) The Asst. Supdt. of Post Offices, Avanigadda, Sub Division, Avanigadda.
- 5) Smt. Boyina Santhi Latha, .. Respondents.

Counsel for the Applicant: Shri Subrahmanyam for Sri K.S.R. Anjaneyulu.

Counsel for the Respondents: Sri N.R.Devraj, Senior Standing Counsel for the Respondents.

Mr. G. Krishna Murthy & Co.

CORAM:

HON'BLE SHRI JUSTICE B.C.SAKSENA, VICE-CHAIRMAN, ALLAHABAD BENCH.
HON'BLE SHRI R.RANGARAJAN, MEMBER (A).

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O R D E R:

Heard Sri Subrahmanyam for Sri K.S.R. Anjaneyulu for the applicant. Sri N.R.Devraj, Senior Standing counsel for the Respondents.

2. In pursuance of the Notification No.BE/HE/92 dated 1-9-1992 for the post of EDBPM, Hamsaladeevi Post Office 9 applications were received including the applications of the applicant and Respondent No.5. Out of them, 4 applications were rejected and the rest of the applications including applicant and Respondent No.5 were considered. Respondent No.5 was selected for the post of EDBPM on a regular basis. This O.A. is filed assailing the selection and posting of Respondent No.5 regularly as EDBPM, Hamsaladeevi Post Office.

[Signature]

3. The first contention of the applicant is that she was posted provisionally to that post and Respondent No.5 was not considered for posting in that post provisionally. Hence Respondent No.5 could not have been found fit for regular posting ⁱⁿ against that post ignoring the applicant herein who is already working as provisional EDBPM in that Post Office.

4. It is stated by the respondents in the reply affidavit that Respondent No.5 has not produced the necessary documents for verification by Respondent No.4 when his candidature was considered for provisional selection. In view of that she was not considered for provisional appointment. But, Respondent No.5 produced all the necessary documents at the time of regular selection in response to the notification for regular selection and hence she was selected regularly having been found a better candidate compared to the applicant. The applicant has not filed any rejoinder contradicting the above statement that Respondent No.5 has not produced necessary documents at the time of consideration for provisional selection. Hence, it has to be taken that the averment made by the Official Respondents is in order and, hence the present contention of the applicant cannot be upheld.


5. The 2nd contention of the applicant is that Respondent No.5 is working in Social Welfare Department

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at Tallapalem and hence she is having two employments one in Social Welfare Department and the other as EDBPM and in view of that her appointment is in contravention of the rules and suppression of facts.

6. In the first instance it has to be observed that no specific rule as contented above has been shown. In the absence of any specific rule which is contravened in this selection no worthwhile consideration can be given to this contention. It is only the perception of the applicant.

7. Be that as it may, the application submitted by Respondent No.5 for the above said post was seen. In Column 11 of the application form viz., "whether the candidate is working in any of the Offices of the State or Central Government, Panchayatraj etc.," Respondent No.5 has clearly stated in her application "N O". The applicant has not produced any concrete evidence to show that Respondent No.5 was having dual postings. In the absence of any concrete evidence, it has to be held that the answer in the application form of Respondent No.5 referred to above, that she is not working in any of the other Departments, has to be treated as factual information. In view of the above this contention also has no legs to stand. No other contention has been raised.



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8. In view of the above, the O.A., is
liable to be dismissed and accordingly it is
dismissed. No costs.

[Signature]

R.RANGARAJAN
Member(A)

[Signature]

B.C.SAKSENA, J
Vice-Chairman,
Allahabad Bench.

Date: August 26, 1996.

Pronounced in open Court.

[Signature]
D.R. (J)

SSS.

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Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

The Hon'ble Shri B.C. Saxena, V.C.
THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 26/8/86

ORDER JUDGEMENT
R.A/C.P./M.A.NO.

in

O.A.NO. 37/83

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

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