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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No.38/1993.

(AS PER HON'BLE SHRI JUSTICE B.C.SAKSENA, VICE-CHAIRMAN
(ALLAHABAD BENCH)

Date: August 26, 1996.

Between:

Kandula Rambabu.

.. .. Applicant.

And

1. The Secretary to the Government,
Department of Posts, New Delhi.
2. The Post Master General, Vijaya -
wada.
3. The Superintendent of Post Offices,
Machilipatnam Division,
Machilipatnam.
4. The Asst. Supdt. of Post Offices,
Avanigadda Sub Division, Avanigadda.
5. Smt. V.Dhanalakshmi, Respondents.

CORAM:

Justice

HON'BLE SHRI/B.C.SAKSENA, VICE-CHAIRMAN, ALLAHABAD BENCH.

HON'BLE R.RANGARAJAN, MEMBER (A)

--
O R D E R.

We have heard Mr. Subrahmanyam for Mr.K.S.R.Anjaneyulu,
Mr. Raghava Reddy, learned standing counsel for the Respondents.

2. The applicant through this O.A., challenges the
appointment of Respondent No.5 as EDBPM Venkatapuram.

3. The learned counsel for the applicant ^{mainly} ~~mainly~~/sub-
mitted that the applicant having been appointed provisionally
to the said post could not have been rejected while

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making regular selection.

4. The respondents in their counter have indicated that in the letter making the provisional appointment, they have clearly stipulated that the posting is purely temporary appointment pending regular selection to the said post.

~~This is~~ ^{On} the material and the ^{are} averments on record, we ~~have~~ are satisfied that the Authorities have duly considered all the relevant aspects provided in the rules for comparative assessment of the merits of the candidates concerned. The Respondent No.5, it has been indicated had obtained 55 per cent of marks in the Intermediate examination which is equivalent to 12th class while the applicant in the Intermediate Examination had secured 38.8% marks only. The learned counsel for the applicant submitted that the minimum qualification is H.Sc., and therefore the comparison of the applicant with that of Respondent No.5 in respect of their marks obtained by them in the Intermediate Examination is an irrelevant consideration. We are not impressed with this argument. The learned counsel for the Respondents stated that the 5th Respondent did not appear at H.S., but straight away appeared for Intermediate Examination. Thus the examination which Respondent No.5 has taken, has been compared ~~with~~ with the examination taken by the applicant as equivalent examination. The other criteria have also been compared and Respondent No.5 was found to be a suitable candidate.

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not
This Tribunal is/a Selection Agency. When there are no
allegations of mala fides the assessment of relative
merits of the candidates as made by the Authorities
does not call for any interference. The O.A.,
is liable to be dismissed.

The O.A., is accordingly dismissed. No costs.

[Signature]

A. 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.

12/9/96
O A 38/93
Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

The Hon'ble shri B.C. Saksena: V.C.
THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 26/8/96

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

in
O.A. NO. 38/93

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

YLKR

II COURT

