

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

O.A.NO.392 OF 1993

Between:

K.Nageshwara Rao

Applicant

And

The Supdt. of Post Offices  
Rajahmundry Division  
and others

Respondent

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS 1-3

I, K.Sandhya Rani, D/O Sri K. Papa Rao aged about 31 years, occupation Government Service resident of Hyderabad do hereby solemnly affirm and state as follows:

1. That, I am Assistant Postmaster General (S&W) in the office of the Chief Postmaster General, A.P.Circle, Hyderabad and as such I am well acquainted with the facts of the case. I am filing this counter affidavit on behalf of the Respondents Nos.1 to 3 as I have been authorised to do so. The averments in the O.A. are denied save those that are expressly admitted herein. The applicant is put to strict proof of such averments except those that are specifically admitted hereunder.

2. It is submitted that the post of ED BPM for Musurumilli ~~Sub Office~~ under Ramachodavaram Sub Office fell vacant during March, 1992. The applicant was provisionally appointed as BPM with effect from 8-4-92 till regular appointment is made. A requisition was placed on the Employment Exchange for sponsoring suitable candidates. As the Employment Exchange did not sponsor Applications have been received from 1) Sri K.Nageswara Rao- the applicant in the present O.A., 2) Sri G.Victor Mathew and 3) T.Ratna Bharat. Out of the 3 candidates two were eligible

ATTESTOR (बजट)

Assistant Accounts Officer (Budget)

मुख्य पोस्टमास्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,

ए.पी. सर्किल, हैदराबाद-500 001  
A.P. CIRCLE, HYDRABAD-500 001

DEPONENT

on the ground that they were not the residents of Musurumilli village which is one of the conditions for appointment as BPM in that village. The applicant had stated in his application dated 15-6-92 that he was a permanent resident of Musurumilli village and hence his candidature was considered for appointment. But subsequently, it was noticed that the applicant had stated in his previous application dated 14-2-92 that he was a resident of Chinabarangi village. Further enquiries made into the matter revealed that the applicant is a resident of Chinabarangi village only and that he furnished false information in his application. As none of the three applicants fulfilled the condition that the applicant should be a resident of Branch Office village, another notification was issued on 26-10-92.

4. In response to the second notification, applications were received from the same three candidates who had applied in response to the first notification. As there were no applications from the B.O. Village, even for the second notification, the second respondent No. 1 had decided to consider all respondents belonging to Chinabarangi village and accordingly the applications were sent to R-3 for verification which revealed the following:

- i) Sri G. Victor Mathew:- He had no independent source of income and hence he was not eligible.
- ii) Sri T. Ratna Bharati:- He is an ex-serviceman of Indian Force having definite source of income of Rs. 8,544/- per annum by way of pension. His conduct and general behavior stated to be good from the discharge certificate issued by the Indian Air Force. He secured 52% of marks in SSC which is the qualifying examination and he is also a graduate. He belongs to S.C. Community to whom preference is to be given in selection when he fulfills all other conditions.

ATTESTOR (बजट)  
 Joint Accounts Officer (Budget)  
 Chief Accounts Officer  
 of the Government of India  
 General  
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 DEPONENT

iii) K.Nageswara Rao, the Applicant: He had an income of Rs. 6000/- per annum by business. He secured 51% marks in SSC Examination. He furnished false information in his application more than once stating that he is permanent resident of Musurumilli village which was proved to be false on enquiries.

Sri T.Ratna Bharat was considered suitable by the S.P.O. Rajahmundry for the post of BPM, Musurumilli BO and accordingly orders were issued on 16-4-1993.

5. In reply to para 6(a) and (b) of the O.A., it is submitted that in response to the notification dated 18-5-92, three candidates- the applicant was one of the three, submitted their applications for the post of BPM at Musurumilli village and all the three, on verification did not belong to the village Musurumilli which is one of the main conditions for appointment. Therefore second notification was issued on 26-10-92 and in response to this notification, three applications have been received from the same three applicants who had sent their applications in response to the first notification. In these circumstances, the respondent No.1 had decided to consider one of the candidates for appointment. Sri T.Ratna Bharat, one of the three candidates was found most suitable for appointment and accordingly he was selected and posted as BPM at Musurumilli village.

As contended, the applicant did not send any representation nor he never personally met the SPO, Rajahmundry as such the question of giving an assurance does not arise.

6. In reply to para 6(c), it is submitted that ASPO (R-3) could not contact Sri T.Ratna Bharat (R-4) during the course of field verification as he was away from the village on 20-1-93 on which date the ASPO visited the BO Village without prior intimation

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Assist  
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ATTESTOR (Budget)  
General.

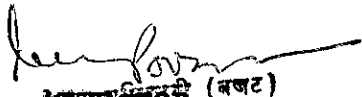
DEPONENT

to the candidate. On receipt of a representation dated 22-1-93 from Sri Ratna Bharat stating that he took his wife to a hospital in Rajahmundry on 18-1-93 and returned only on 21-1-93 and that he could not attend at the time of field verification and it was done without prior notice. The R-1(SPO, Rajahmundry) directed the R-3(ASPO) to verify the candidature of R-4 (Sri Bharat) also. The R-3 verified on 26-3-93.

7. In reply to para 6(d), it is submitted that the contention of the applicant that the appointment of the Respondent No.4 is not in accordance with the rules is not correct. As none of the candidates is resident of the BO village, there was no other go to R-1 except to consider and select the suitable candidate from among the applicants. R-4 was found to be suitable in all respects and accordingly he was selected and posted as BPM.

8. In reply to para 6(a) of the O.A., it is submitted that the applicant had furnished false information about his residence in his application submitted in response to the first notification. R-3(SDI(P)) without proper verification of the particulars certified that the applicant was a resident of Musurumilli BO village. Further enquiries by the R-2 (ASPO) ~~was~~ revealed that the applicant had furnished false information about his residence and that he was actually resident of Chinaberangi village. The contention of the applicant that he was the only suitable candidate for the post is not correct.

For all the reasons stated above, there are no merits in the O.A. and this Honourable Tribunal may be pleased to dismiss the same and pass such other orders as deemed necessary in the circumstances of the case.

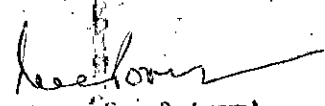
  
सहायक **ATTESTOR** (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमस्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
आ. व. विभाग, हैदराबाद-500 001  
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DEPONENT

**Verification:**

I, K. Sandhya Rani do hereby state that the contents of above affidavit are true to the best of my knowledge and information. Hence verified on this 7<sup>th</sup> day of September, 1993 at Hyderabad.

**ATTESTED:**

  
सहायक लेखा अधिकारी (बजट)  
Assistant Account Officer (Budget)  
मुख्य पोस्टमन्ट प्रभाग का कार्यालय  
Office of the Comptroller and General,  
आ. प्र. परिषद, ०० ००१  
A P CIRCLE, HYDERABAD-500 001.

  
**DEPONENT**

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And:

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and others



Filed by:

V. Kumar  
Asst EGSC

*Received copy  
K. Nageshwara Rao  
Comd by applicant*