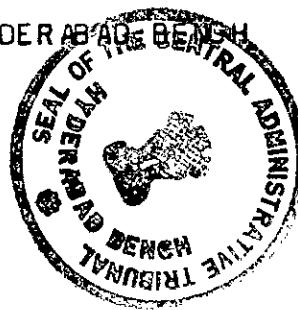


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BEANCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 841/94

DATE OF ORDER : 01-07-1997.



Between :-

Ch. Namdev

.. Applicant

And

1. Sr. Superintendent of Post Offices, Nizamabad.
2. Sri P. Mohan, ED Branch Postmaster, KONKESHWAR B.O., R/o DENKESHWAR,
3. The Postmaster General, Hyderabad Region, Hyderabad.

.. Respondents

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Counsel for the Applicant : Shri S. Ramakrishna Rao

Counsel for the Respondents : Shri N.V. Raghava Reddy, CGSC

CORAM:

THE HON'BLE SHRI B.S. JAI PARAMESHWAR - MEMBER (A)

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

Je (Order per Hon'ble Shri B.S.J)

finalising selection i.e. on 3-3-93. It is an admitted fact that the said certificate was received by ASPO though it is denied that it had not been received. <sup>when</sup> A responsible officer ~~the~~ received MRO certificate before the selection is completed, it is the responsibility of the authorities that the certificate is to be taken into consideration and a proper decision is taken. As the date of certificate of MRO and the date of conduct of selection are not a nearby dates, it cannot be said that the cancellation of valuation certificate received late and hence <sup>taken note of</sup> information about the incorrectness of it could not be ~~connected~~. Even though the/income and property certificate was available before the last date of receipt of applications, the same was not taken into consideration and basing on the wrong Valuation certificate only the selection was finalised. Hence the selection has to be held as invalid one. In our opinion the Respondent No.2 had failed to submit a correct income and property certificate though he ~~had~~ submitted later, the same cannot be counted as a proper one. This fact has been admitted by the respondents themselves also. When Respondent No.2 had submitted <sup>an</sup> incomplete application, the same had to be rejected as invalid one. In that view we feel that it is not necessary for us to go into other contentions as the application of Respondent No.2 itself was invalid one and <sup>hence</sup> the selection of Respondent No.2 has to be held as invalid. The post of BPM is a public oriented one and the same cannot be kept vacant and hence a provisional arrangement has to be made ~~and~~ as the Respondent No.2 is now working, he is permitted to work till the regular arrangement is made in that post. In the result, the following

father and the property mentioned in the valuation certificate No.A3/393/92 dt.12-2-93 issued in favour of Respondent No.2 that the ASP further reports that the MRO, Nandipet had not informed that the valuation certificate issued in favour of Respondent No.2 had been cancelled by him. That the said communication was not received in the office of the respondent until after finalisation of selection of Respondent No.2, who had secured higher marks in the SSC examination, a representation dt.9-3-93 enclosing a copy of the letter dt.12-2-93 of the MRO, Nandipet was received, that income and property certificate issued in favour of Respondent No.2 by MRO Nandipet was found valid. The Respondent No.1 correspondence therefore communicated to the ASPO, Nizamabad for information that the charge of the post was transferred to Respondent No.2 on 15-4-93. That the father of the Respondent No.2 produced a copy of the letter of MRO, Nandipet under Lr.No.RDR/650/89 dt.6-4-93 wherein it was mentioned that survey No.224/3 of 2.29 acres area was transferred in the name of Sri P.Mohan on 15-10-93 after the report of ASPO. Thus the selection of Respondent No.2 on 3.3.93 and the transfer of Branch Office on 15-4-93 is nothing to do with the transfer of property and thus the selection is regular and need no interference.

4. It is to be noted that the last date fixed for receipt of applications was 13-1-93. It is stated that the applicant had submitted both the property and income certificate. The MRO, Nandipet by his letter dt.12-2-93 (Annexure-2 to OA) had informed Respondent No.1 that the valuation certificate issued in favour of Respondent No.2 in regard to his property had been

directions are given :-

- (i) The selection of Respondent No.2 is set aside;
- (ii) Fresh selection has to be conducted for filling up the post of BPM of Donkeshwar Branch;
- (iii) The present incumbent should be continued as EDBPM of that post office till the regular incumbent takes charge of that post.

4. The O.A. is ordered accordingly. No costs.

प्रमाणित प्रति  
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COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद व्याख्यान  
HYDERABAD BENCH