

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.961 of 1994.

Date: 2--5X-1997.

Between:

Mohd. Chan Fasha Applicant.

A n d

1. The Superintendent of Post Offices, Medak.
2. Divisional Inspector (Postal), Medak West Sub Division, Medak District.
3. Sri Bobbidi Yadiah. Respondents.

Counsel for the applicant: Sri S.A. Razzaq.

Counsel for the Respondents: Sri V.Rajeswara Rao.

CORAM:

HON'BLE SHRI R.RANGARAJAN, Member (A)

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (J)

JUDGMENT.

(as per Hon'ble Sri R.Rangarajan, Member (A))

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None for the applicant. Sri V.Rajeswara Rao

for Respondent Nos., 1 and 2. None for the 3rd Respondent.

Though the 3rd respondent ^{was} ~~was~~ ^{with} ~~was~~ served notice, neither he nor his counsel entered appearance before this Tribunal. Respondent No.3 called absent.

The Post of Extra Departmental Mail Carrier

(EDMC) Mupparam Branch Office fell vacant on ~~12~~ 9-10-1993

consequent upon the resignation of the regular incumbent.

The applicant was appointed provisionally with effect from

19--10--1993. As the Employment Exchange failed to

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sponsor the candidate, an open Notification was issued on 21--4--1994 for filling up that post. 13 applications were received in response to that notification including that of the applicant and the Respondent No.3. The Respondent No.3 was selected by the impugned Order dated 30--7--1994.

Aggrieved by the said order, the applicant had filed this O.A., for setting aside the appointment Order of the 3rd respondent, Order No. RR/PDMC/Muppall/94 dated 30-7-1994 (Page 4 of the O.A.) and for a consequential direction to appoint him as EDMC in Muppalam Branch Post Office.

We have perused the selection proceedings in this connection. ~~xx~~ The applicant is contending that he is the most eligible candidate fulfilling all the conditions and hence he has to be appointed as EDMC.

Everything being equal the meritorious candidate ^{b/c} is selected for the post on the basis of the marks obtained in the SSC. Examination. From the records, it is seen that both the applicant and the 3rd respondent ~~are~~ ^{have} fulfilled all the conditions. As they were placed in equal footing, the meritorious candidate, ^{was} Respondent No.3 was selected on the basis of his marks obtained in the SSC examination. The applicant





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has secured 230 marks in the SSC Examination whereas Respondent No.3 had secured 321 marks. Though there were three candidates viz., Eswarayya, Yadayya and Sri D.Nagaraj who had secured ^{more} ~~the~~ marks than the 3rd respondent in SSC Examination, their candidature was rejected as all the three had not submitted the required certificates. Though emphasis is placed in the O.A., for selection of R-3 as he belongs ^{ed} to the S.C. community, we find that community status has not been given ^{him} any advantage in selecting him for that post as he is ^{the} meritorious candidate among the eligible candidates.

In view of what is stated above the O.A., has to be dismissed as having no merits.

The O.A., is dismissed accordingly. No costs. (The selection proceedings were perused and they were returned.)

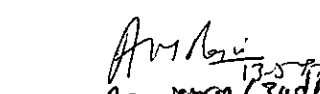

(B.S. JAI PARAMESHWAR)
MEMBER (J)


(R. RANGARAJAN)
MEMBER (A)

21597

Date: 2--5--1997.

Dictated in open Court.


Dy. Registrar (3rd)

28/6/97
TYPED BY
COMPARED BY

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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. AGARWAL : M(A)

AND

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

DATED: 2/5/97

ORDER/JUDGEMENT

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

in

O.A. NO.

961/97

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

YLKR

II COURT

