

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1113/94.

Dt. of Decision : 20.6.97

P. Ananda Rao

.. Applicant.

Vs

1. The Supdt. of Post Offices,
Karimnagar Division, A.P.-1.
2. The Director of Postal Services,
Hyderabad Region, O/o Dak Sadan,
Abids, Hyderabad-1.
3. Md. Hasan Mahameed
4. Sri Haneef
5. The Supdt. of Post Offices,
Peddepally Division,
Karimnagar District.



.. Respondents.

Counsel for the applicant : Mr. Krishna Devan

Counsel for the respondents : Mr. N.R. Devaraj, Sr. CGSC
for R-1, 2 and 5.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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

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antecedents were doubtful, that therefore the applicant was not considered for appointment. In the case of remaining two applicants the income of the one of the applicant was stated to be from cooli and he did not possess any landed property in his name. The applicant Sri Hasan Mohamed who produced income and property certificate from the prescribed authority and also produced a registered document dt.17-3-94 in respect of 0.37 acres of land in his name. Therefore he was considered and selected as EDBPM, Asifnagar B.O. on 11-05-94.

4. The respondents have filed counter stating that at the time of scrutiny of the applications received for the post it was revealed that the applicant ^{had} ~~was~~ secured 264 marks in SSC examination and fulfilled all the required conditions that he had possessed property in his name, that however the Inspector of Post offices in his letter No.BO/Asifnagar/93-94 dated 11-2-94 reported that the applicant did not possess good conduct stating that he was involved in theft cases and also assaulting one Sri P. Srinivasa Rao etc., that his ~~an~~ honesty, trust worthiness and of temperate habits were not certified by the Inspector of Post Offices, that therefore the applicant was not considered ^suitable for the post that out of the remaining two candidates one was found to have source of income provision as cooli that his property and there is no property in his name that therefore the candidature of R-3 was considered and selected.

5. The learned counsel for the applicant during the course of ~~his~~ arguments contended that the Inspector of Post Offices is not the competent person to report as to the antecedents and the character of the applicant; ~~or more over one~~ ^{that} the Inspector of Post Offices had stated that the applicant had involved in theft cases and in an assault case without verifying with the local police, ^{that} the appointing authority accepted the report ^{ex facie} that the procedure adopted by the appointing authority in accepting the report of the Inspector of Post Offices is not correct that ^{Superintendent} the ~~Inspector~~ of Post Offices had not given him an opportunity to explain the contention of the report of the Inspector of Post

out of which three candidates did not possess the minimum educational qualification and a candidate did not submit necessary income and property certificate and one candidate though he was having income of Rs.6000/-p.a. from his tailoring profession he did not possess any landed property in his name.

d) The Superintendent of Post Offices was asked to collect some more applications in person and to verify this antecedents of the applicants. The applicants whose applications were collected by the Superintendent did not furnish the required certificate as per letter No.17/184/93-EDA & Trg. dated 6-12-93 communicated in Postmaster General Lr.No.H/ST/4-1/III dt. 7-1-94, the adequate means of livelihood required for appointment of BPM was to be derived from landed property or immovable property. Out of 3 applications, two candidates did not produce the income and property certificate and the remaining one possessed one third share in the landed property in the joint family. That out of six applications obtained by the Superintendent of Post Offices one was a minor, 3 applicants did not submit income and property certificate. One did not submit property certificate issued by the MRO and the applicant's conduct was reported to be doubtful though he fulfilled^{all} the prescribed conditions. Therefore, the vacancy was again ordered for renotification.

e) As such a renotification, was issued on 25-2-94 fixing the last date for receipt of applications in the Divl. Office on 30-03-94. In response to the said notification 5 applications were received and all the 5 applications were sent to the Supdt. of Post Offices for verification. The Superintendent verified the applications and through his report dt. 4-5-94 stated that the applicant had secured 264 marks in the SSC examination and fulfilled all the prescribed conditions but it was reported that the applicant did not bear good conduct that he had involved in theft cases and also in an assault case^{in respect of} one Mr.P.Srinivasa Rao, and his

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When that is so we humbly feel that the action of the ~~XXXXXX~~ SPO in rejecting the candidature of the applicant without verifying with the local police or without giving an opportunity to the applicant is not proper.

6. It is submitted ^{that the R3} ~~with R-4~~ was found next suitable and was ^{Had the} ~~the~~ SPO ignored the report of the Inspector of Post Offices then the applicant ^{would} ~~must~~ have been selected. Therefore we feel it proper to set aside the entire process of selection and ^{to} direct the SPO to make fresh selection among the applicants who had applied in pursuance to the notification dated ^{25.2.1994} ~~5-11-93~~. We make it clear that the SPO must consider the candidature of the applicant ignoring the report of the Inspector of Post Offices otherwise he should confirm ^{its} ~~his~~ authenticity after verifying with the local police or giving an opportunity to the applicant.

7. Hence we feel it proper to set aside the selection of R-3.

8. Therefore the OA is allowed and the following directions ^{are} ~~is~~ given to R-1.

a) The selection of R-3 as EDBPM, Asifnagar, is hereby set aside.

b) The SPO i.e., R-1 shall make a fresh selection among ^{25.2.1994} ~~at 5-11-93~~ the applicants who had responded to the notification ^{who is} ~~at~~ till such time the person ^{now} ~~be~~ shall continue ^{be} ~~as~~ provisional basis. The SPO shall make the necessary selection expeditiously and post a regular candidates to the post of EDBPM, Asifnagar.

9. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

M. H. J.
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

केस नम्बर	0 A 1113/94
CASE NUMBER	
निर्णय का तारीख	
Date of Judgement	
प्रति तय्यार किया गया दिनांक	20/6/97
Copy Made Ready on	
अनुमान अधिकारी (जय विक)	
Section Officer (J)	

Offices and that without verification from the local police the Superintendent of Post^{Offices} should not have accepted the report of the Inspector of Post Offices. He elaborated his argument by saying that the Inspector of Post Offices is not competent to state ~~that~~ as to the involvement of the applicant in any case unless and until ^a ~~his~~ case is registered with the local police and pending ~~xxxxxx~~ investigation or a charge sheet is submitted to the competent Court. Further without verifying as to the ~~auth~~ authenticity of the report of the Inspector of Post Offices, the Superintendent of Post Offices has declined to consider the candidature of the applicant. As against this the learned counsel for the respondents ^{submitted} ~~admitted~~ to ~~contend~~ ^{wrong} that there was nothing on the part of the Superintendent of Post Offices to secure a ^{report} from the Inspector of Post offices ^{as} to the antecedents ^{of} the applicant and to ^{rely} ~~relevant~~ upon. No doubt, ^{but} the SPO might have sought the report from the Inspector of Post Offices when the report of the Inspector of post offices ^{contained} ~~asked~~ certain information which were required to be verified with the local police. We humbly feel that the SPO before accepting his report must have ^{either} given an opportunity to the applicant or should have verified its authenticity with the local police. As submitted by the learned counsel ~~for~~ for the applicant the involvement of the applicant in theft cases and in an assault case can only be verified with the local police. The Inspector of Post Offices is not the competent authority to state as to the involvement of the applicant in any case when no such information is available from the local police. The Inspector of Post offices ^{could} ~~should~~ have stated generally as to the conduct and antecedents of the applicant. When the Inspector of Post Offices reported to the SPO about the applicant's involvement in ^a theft cases and in an assault case we feel that the SPO should have made verification with the local police before rejecting the candidature of the applicant. This report of the Inspector of Post Offices was the basis for the Superintendent of ~~Post Offices~~ post offices to reject the candidature of the applicant. It is submitted otherwise the applicant ^{had} fulfilled all the requirements required for the post.

Expedite Pet

Returned

1. Service to be made on the standing counsel.

KARIMNAGAR DISTRICT

CENTRAL ADMINISTRATIVE TRIBUNAL

:: HYDERABAD BENCH ::
HYDERABAD.

in date time

Ch
W/L & D/L
for P.R.S.

M.A.No. of 1996.

in
O.A.No. 1113 of 1994.

Represented :

① Since service to standing counsel completed.

Shankar

20/8/96

for Counsel for APPL

:: EXPEDITE APPLICATION ::



Received
20/8
R.N.V.R. Reddy
ACM

KRISHNA DEVAN &
RAJANI
COUNSEL FOR THE APPLICANT.

may be filed
20/8/96