

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

O.A.NO.1117 OF 94.

Between:

C.Chennaiah ... Applicant

And

Supdt. of Post Offices
Cuddapah and others ... Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

I, P.Parasuram, son of late Sri P.Chandraiah aged 57 years, Occupation: Government service, do hereby solemnly affirm and state as follows.

1. I am Assistant Postmaster General (S&V) 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 other Respondents as I have been authorised to do so. The material averments in the OA are denied save those that are expressly admitted herein. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder.
2. It is submitted that the applicant was appointed as E.D.Stamp Vendor on provisional basis by order dated 1-6-94 for a period of 90 days with effect from 1-6-1994 or till regular appointment is made whichever is shorter.
3. I submit that a notification was issued on 30-3-1993 calling for application for the post of EDSV. In response to the notification 15 applications were received within the due date and the SDI(P) verified the original certificates of all the candidates on 30-5-1994. After verification of originals, the

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ATTESTOR

सहायक सेला ओफिसर (रुदीत)
Assistant Accounts Officer (Rudeet)
मुख्य नियन्त्रक असेला ओफिसर
Office of the Chief Postmaster General,
अपी. सीर्कल, हैदराबाद-500 001
A.P. STATE, HYDERABAD-500 001

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DEPONENT

Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001,

SDI(P) selected the applicant. However the applicant was appointed him on provisional basis vide his Memo.No.PF/EDSV/M.Tn. dated 1-6-1994. The applicant joined the post on 4-6-94 and working since then.

4. I submit that on a complaint received from Shri K.Guruvaiah one of the applicants that selection was not done properly by the SDI(P) and a candidate who did not attend interview was selected, the report of the SDI(P) was called for by SPOs. The selection file obtained and reviewed. On review by the SPOs selection made by the SDI(P) was found irregular as the SDI ignored the merit candidate who got 357 marks where as the petitioner got only 325 marks in SSC Examination. As per rules, the remit (marks obtained) should be the criteria for ~~selection~~ selection. The SDI ignored this. Therefore the selection was set aside and the SDI(P) was directed on 19-7-94 to terminate the arrangement made by him (as it is purely provisional) and likely to be terminated without notice at any time and fill up the vacancy as per the rules and the selection should be strictly according to merit. The SDI(P) was directed to terminate the arrangement made by him but there was no directions to issue a notice to the applicant as it was unnecessary and rule 6 of ED Agents (C&S) rules. Since the selection done was irregular, the work and conduct of the applicant does not come into the picture.

5. In reply to para 5(i) it is submitted that it is not correct to say that there was no complaint against the selection and their review was done suo-motto. One Sri K.Guruvaiah, one of the applicants for the post complained that merit was not taken into account while making selection the SDI(P) and to find out

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Assistant Postmaster General
Office of the Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.
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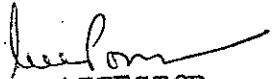
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DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001,

the truth the file was called for and reviewed by SPO's who is competent.

6. In reply to para 5(ii) it is submitted that the applicant fulfills all the required conditions, but there are better and meritorious applicants even from ST/SC community from among the applicants. The contention of the applicant regarding qualification is not correct. It is true that only VIII standard is the minimum qualifications prescribed for EDSV post but matriculate or equivalents are preferred always. But when the applicants with SSC qualifications applied for the post fulfilling all other conditions, the only yardstick to select a suitable ~~maximum~~ candidate is the number of marks obtained by them in SSC examination leaving other conditions which is general followed. There are two more candidates who secured higher marks than the applicants hence the selection was set aside.

7. In reply to para 5(iii) it is submitted that vide Rule-16 of EDAs (C&S) rules, the immediate superior to call for the file and review the selection made by the sub appointing authorities and this was done accordingly. There is no reservation for physically handicapped persons in the posts as per the rules prescribed by the Department at ED Agents level within the competent of SDI(P).

8. In reply to para 5(iv) (v) (vii) it is submitted that the notice served under Rule 6 is valid as the words for generally unsatisfactory work has been removed and the appointing authority is competent to terminate the services at any time without any notice. Hence the notice is legally valid. There is no need to serve a show cause notice to the applicant as the appointment itself is purely temporary. The applicant has not exhausted the channels of appeals to higher authorities. He never appealed on the orders


ATTESTOR

सहायक लेखा आ. कुमार (बजट)
Assistant Accountant (Budget)
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Office of the Chief Postmaster General,
आ.प. सर्कार, हैदराबाद
A.P. CIRCLE, HYDERABAD-500 001.

DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
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of his SPOs. His version is therefore incorrect and false.

For all the reasons stated above there are no merits in the O.A. and the Hon'ble Tribunal may be pleased to dismiss the same and pass further orders as may be necessary in the circumstances of the case.

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DEPONENT

Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001,

VERIFICATION

I, P. Parasuram, son of late P. Chandraiah aged 57 years do hereby solemnly affirm and state that his contents of the above affidavit are true to the best of my knowledge and information. Hence verified on this ~~25th~~^{16th} day of January, 1995 at Hyderabad.

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DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001,

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Filed on: 12-1-95

Abdul

Filed by: A. Bhimamay

Abdul CASC

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C.A.
1/3/95