

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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D.A. 1132/94.

Dt. of Decision : 27.1.95.

D. Janardhan Rao

.. Applicant.

Vs

1. Supdt. of Post Offices,  
Khammam Division, Khammam,  
A.P - 507 003.

2. Sub-Divisional Inspector (Postal)  
Khammam North Sub-Division,  
Khammam, A.P - 507 003.

3. G. Kamalakar .. Respondents.

Counsel for the Applicant : Mr. N. Rama Mohan Rao

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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O.A. 1132/94.

Dt. of Decision : 27.1.95.

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicant who was a candidate for selection and appointment to the post of Extra Departmental Branch is Post Master at Kothapeta, aggrieved by the decision of the official respondents in selecting the third respondent (G.Kamalakar) for the said post. His prayer in this application is, to quash the order dated 28.7.1994 appointing the third respondent and further direct the department to consider the applicant for the said post.

2. The main contention raised by the applicant in this OA is, that he appeared for 12th standard examination but failed, whereas the third respondent ~~however~~ studied only upto 10th class.

3. The respondents in their reply affidavit ~~has~~ <sup>have</sup> stated that in response to <sup>an</sup> open notification, five candidates submitted their applications and on verification/scrutiny, it was found that the third respondent passed SSC and secured 224/500 marks, and on the other hand, the applicant merely submitted a transfer certificate from the Higher Secondary (multi-purpose) School, Nizamabad which indicated that the applicant failed in 12th standard. The contention of the respondents is, that as the applicant did not furnish any certificate showing the marks obtained by him in the 10th class, his case was not considered.

4. We have asked for the relevant record from the official respondents and perused the same. We have also gone through the documents annexed to the rejoinder submitted by the applicant; from these documents it would be seen that the

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To

1. The Superintendent of Post Offices,  
Khammam Division, Khammam., A.P.- 507 003.
2. The Sub Divisional Inspector (Postal),  
Khammam North Sub Division,  
Khammam., A.P.-507 003.
3. One copy to Mr.N.Rama Mohan Rao, Advocate,CAT,Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT,Hyderabad.
5. One copy to Library,CAT,Hyderabad.
6. One spare copy.

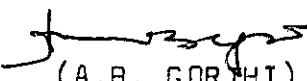
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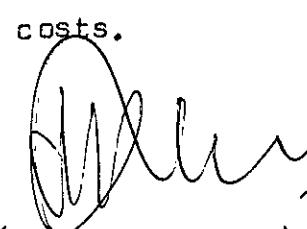
applicant passed 10th class in the Multi-purpose School by securing 336/1000 marks. Even it is presumed that the 10th class examination in the Multi-purpose School to be equivalent of SSC, we find that the applicant had secured only 33.6% marks whereas the third respondent's marks are 44.8%.

5. As per extant policy in the matter of selection for appointment to the post of EDBPM, the department gives preference to a candidate securing higher percentage of marks in SSC, all other things being equal. Accordingly, we find that the selection of respondent No.3 cannot be said to be irregular or illegal as would warrant our interference therewith.

6. Another issue ~~persisted~~ <sup>contested</sup> before us is that the applicant had shown property worth Rs. 98,000/- in his name whereas the third respondent had shown property worth Rs. 30,000/- only. As the applicant had more property than respondent No.3, it was urged that preference should have been given to the applicant. The contention, to put it mildly, is ~~as follows~~ <sup>as per</sup> what all is required ~~in~~ in the extant rules is that the candidate should have some independent income, as in the post of EDBPM, his salary by itself is not very attractive.

7. In the result, we find no merit in this application and the same is dismissed. No order as to costs.

  
(A.B. GORTHI)  
MEMBER (ADMN.)

  
(A.V. HARIDASAN)  
MEMBER (JUDL.)

Dated : The 27th January 1995.  
(Dictated in Open Court)

  
6-195  
DEPUTY REGISTRAR(J)

contd...

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIKANTH : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

DATED : 27-1-95

ORDER/JUDGEMENT.

M.A/R.P/C.P.No.

in  
O.A.NO. 1132/94.

Admitted and Interim directions  
issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

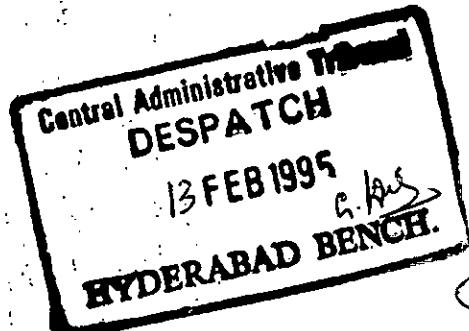
Dismissed for Default.

Rejected/Ordered

No order as to costs.

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*✓*