

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 1135-OF-1994

DATE OF ORDER: - 4th June, - 1997

BETWEEN:

KATTA VENU GOPALA RAO

.. APPLICANT

AND

1. The Superintendent of Post Offices,
Narasaraopet Division,
Narasaraopet 522601,

2. The Post Master General,
Vijayawada Region, Vijayawada,

3. Shri Madamanchi Suresh Babu

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. M.PANDURANGA RAO

COUNSEL FOR THE RESPONDENTS: Mr. N.R.DEVARAJ, Sr.CGSC for R1
Mr. Y.Krishna Reddy for R-3

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.K.Ravi for Mr.M.Panduranga Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned standing counsel for the Respondents 1 and 2. Notice was served on R-3. But he was not present.

2. The post of Extra Departmental Branch Post Master, Kattavaripalem BO became vacant on 16.4.94 due to the resignation of the previous incumbent. The Employment Exchange was addressed on 7.4.94 to sponsor eligible

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candidates to fill up the post. As there was no response from the Employment Exchange, a public notification was issued on 26.5.94 to fill up the said post fixing the last date for receipt of applications as 28.6.94. In pursuance of the said notification, four applications were received including that of the application of the applicant as well as R-3. R-3 was selected and appointed.

3. This OA is filed praying for setting aside the selection and appointment of R-3 as illegal, arbitrary and for a consequential direction to the official respondents to appoint the applicant as EDBPM, Kattavaripalem.

4. The main contention of the applicant in this OA is that he is meritorious candidate as he had obtained more marks than that of R-3. Hence he should have been selected. His further contention is that the income is derived ^{by} ~~from~~ him from the 3.38 acres of dry land and that income belongs to him only.

5. A reply has been filed in this connection. It is admitted that the applicant is meritorious candidate due to the fact that he had secured more marks in SSC than R-3. But consideration of marks arises only when every thing being equal. It is stated in para 4 of the reply that the applicant had not produced any documentary proof showing that he had ^{income} ~~income~~ from the property which he stated he ^{was} ~~is~~ possessing. In the application in Column 9 he had indicated that the income certificate ^{could} ~~will~~ be produced later. When he ~~has~~ produced the income certificate later, that income certificate indicated the income in the name of

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his mother from the landed property to the extent of Rs.6,000/-. Further the VAO's remark on the income certificate shows^{ed} that the income from the landed property is that of the apoplicant's mother and it is the income of the whole family.

6. The applicant has not submitted any rejoinder to rebut the contentions as stated above.

7. This Tribunal is consistently holding the view that all the required certificates have to be furnished along with the application before the last date of receipt of the applications. In this case it is an admitted fact that the applicant had not produced income certificate along with his application on or before the last date for receipt of the applications. He had submitted the income certificate after the last date. Hence it has to be cons^{tr}ued that he had defaulted in submitting the application with all the relevant documents. In that view itself, the present application is liable to be rejected. Even otherwise it is seen that the income certificate produced by him shows^{ed} that the income ^{was} ~~is~~ in the name of his mother and this has also been substantiated by the remark of the VAO. Hence it cannot be held that the applicant had income from the property and hence is eligible for consideration for the post of EDBPM, Kattavaripalem.

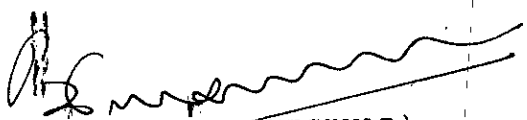
8. As the applicant ^{had} failed to produce the income certificate in time and the income certificate produced though belatedly ^{was} ~~is~~ not proper as the income ^{was} ~~is~~ in the name of his mother, the applicant cannot claim for posting as


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EDBPM, Kattavaripalem even though he is meritorious candidate as having obtained more marks in SSC than R-3.

9. In view of the foregoing, we find that the application has no merits. Hence it is liable only to be rejected. Accordingly, it is dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
4/6/97


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED:- 4th June, 1997
Dictated in the open court.

vsn


D.R. (J)
18696

31/7/97 (7)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED: 4/6/97

ORDER/JUDGEMENT

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

in

O.A.NO. 1135/94

- Admitted and Interim directions Issued.
- Allowed
- Disposed of with directions,
- Dismissed
- Dismissed as withdrawn
- Dismissed for default
- Ordered/Rejected.
- No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दिल्ली/DESPATON
- 4 JUL 1997
हैदराबाद ब्याच/बेंच
HYDERABAD BENCH