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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD BENCH

R.A.No.61/97 in
O.A.No.237/94.

Dt. of Decision : 22-08-97.

R.Nagaraja

.. Applicant.
(3rd respondent in
the OA)

Vs

1. P.Mohan
2. The Union of India rep. by
the Postmaster General, Southern
Region, Kurnool.
3. The Superintendent of Post offices,
Tirupathi. .. Respondents.

COUNSEL FOR THE APPLICANT : Mr.A.SUDARSHAN REDDY

COUNSEL FOR THE RESPONDENTS : Mr.K.S.R.ANJANEYULU for R-1
Mr.N.V.Raghava Reddy for R-2&3.

CORAM:-

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

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

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ORDER

ORAL ORDER (PER HON. SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

Heard Mr.K.Srinivasa Reddy for Mr.A.Sudarshan Reddy, learned counsel for the applicant in the RA and Mr.K.S.R.Anjaneyulu, learned counsel for R-1 and Mr.N.V.Raghava Reddy, learned counsel for R-2 and R-3 in the MA.

2. The respondent No.3 in the OA is the applicant in the RA. He was the selected candidate.

3. The respondent No.3 was absent when we heard and decided the OA. After hearing learned counsel for the parties in the OA, we found that the selection and appointment of R-3 as the EDBPM, Kuraparthys BO, in account with Vayalpad SO was not according to the rules. Hence while setting aside his selection and appointment we directed the appointing authority to select the most suitable candidate from among those who applied in response to the notification dated 29-9-93 following the observations made by us in the order.

4. Now he has filed this Review Application praying this Tribunal to review the judgement dated 19-06-97 with an application (MA.751/97) for staying the operation of the same in the mean while.

5. We directed the appointment of the respondent No.3, the applicant in the RA to be a provisional one till a regular candidate is posted.

6. The main contention in the RA is that the applicant had suppressed certain facts that the applicant is a graduate in B.A., B.Ed., that he has secured an appointment in the State Government School and that his selection may not be done.

7. During the process of reselection the appointing authority has to consider the candidature of all those who responded to the notification dt. 29-9-93. It is for the appointing authority to take into consideration all the factors

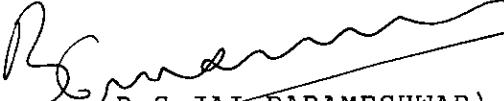
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and take a decision. The appointing authority has to select a suitable candidate as per rules.

----- the applicant in the OA has not been able to state whether his earlier selection was according to rules or not. Mere suppression of facts by the applicant in the OA even if it is true, is not a sufficient ground to set aside or review the order dated 19-6-97. He has not placed any material to come to any other conclusion than the one reached by us. He has not placed any material to establish any apparent error on record.

9. We find no reasons to review the judgement dt.19-6-97.

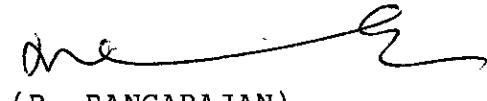
10. Hence the RA is dismissed. No order as to costs.

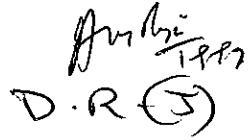

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

22.8.97

Dated : The 22nd August, 1997.
(Dictated in the Open Court)

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(R. RANGARAJAN)
MEMBER (ADMN.)


D.R. (S)