

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD
BENCH AT HYDERABAD.

R.A.S.R.No. 3833 of 1997

in

O.A.No.1287/1994.

BETWEEN:

Marri Venkata Narayana

.... Applicant in
RA/R-4 in O.A.

AND

1. The Senior Superintendent of
Post Office, Nellore Division,
Nellore.

2. The Postmaster General,
Vijayavada Region,
Vijayavada Region, 2.

3. The Director General,
Department of Posts,
New Delhi-1.

.... Respondents/
Respondents

4. Tirumalasetty Ramesh.

Respondent/Applicant in O.A

Reply statement filed by R-4-I, Tirumalasetty Ramesh,
S/o T.Venkata Subbaiah, Aged 28 years, Ex-Provisional EDBPM,
Talluru EDBO., Under Bitragunta S.O., in Nellore Division,
having temporarily come to Hyderabad, do hereby solemnly
affirm and sincerely state as follows:-

1. I submit that I am the applicant in O.A.No.1287/94,
and Respondent No.4 in RASR No.3833/97. I am filing this
reply statement with reference to the RASR No.3833/97, as I
am well acquainted with the facts of the case. I deny all
the allegations in the R.A except those that are specifically
admitted hereunder. The Applicant in the R.A may be put to
strict proof of all such averments in the R.A. as are not
admitted hereunder.

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T. Ramesh

2. I submit that the O.A.No.1287/94 was disposed of with directions on 31-07-1997 and not on 30-11-1997, as stated in the last para 2 at Page No.1 of the R.A. The absence of R-4 notwithstanding that of the counsel for R-4 in O.A. No.1287/94 when the O.A. came up for hearing on 31-07-1997. is not a valid ground for reviewing the order dated 31-07-97 and his request is to be rejected on this ground alone.

3. I submit that the applicant in the R.A has not filed the Xerox copies of the original sale agreements purported to have been entered into on 12-04-1993 with Shri Amirisetty Lakshmi Narayana and on 10-12-1992 with Sri Neerukattu Venkateswarlu, with the R.A., and English translations are enclosed. In the absence of the copies of the originals, the authenticity of these agreements can not be accepted. I submit that the copies of the so called agreements have not been enclosed to the application submitted by Sri M.W.Narayana (Applicant) with reference to the notification dated 20-11-1993 of R-1 as is evident from the reply statement of the official respondents in the O.A.No.1287/94. It is therefore to be inferred that the so-called sale agreements are created at a later date to cover up the failure of the applicant to submit xerox copies of the registered documents in respect of the property held in his own name, which are required to be submitted by him on or before 22-12-1993 as stipulated in the notification dated 20-11-1993 of R-1 (Annexure A-1 at P.13 of the O.A.).

4. I submit that according to the sale agreement dated 10-12-1992, executed by Shri Neerukattu Venkateswarlu, the kist due on the land with patta No.131 has to be paid by the Review applicant, after 10-12-1992. But as seen from the enclosed kist receipt No.129263, (Annexure R-1 at

dated 26-04-1993, it would be seen that Sri Neerukattu Venkateswarlu paid the kist and the Review applicant has not paid any kist. Hence the genuineness of the sale agreement as on 10-12-1992 is doubtful.

5. I submit that Shri Amirisetty Laxminarayana who is purported to have executed the sale agreement dated 12-04-1992 is the owner of ancestral property and his major son Shri N. Madhava Rao who is a coparcener has informed that that the purported sale agreement deed was invalid in law as it was done by his father without his consent.

6. I further submit that the purported sale agreements which acknowledge the receipt or payment of any consideration on account of the creation, declaration assignment, limitation for extinction of any such right title or interest of the value of Rs.100/- and upwards, to or in immovable property has to be compulsorily registered under section 17 of the Registration Act, 1908. The purported sale agreements were not registered. An unregistered document which comes within Sec. 17 cannot be used in any legal proceeding to bring out indirectly the effect which it would have if registered vide AIR 1929 PC 269. Hence the property certificate and income certificate purported to have been issued by the M.R.O., without verification of genuineness and legal validity of such documents cannot be accepted, particularly when the genuineness of documents is questioned by the applicant in the O.A. Considering the loose way in which such certificates are issued by the M.R.O., the postal Department prescribed submission of property documents along with the applications and the verification of their genuineness. Hence the settin

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J. Ramesh

aside of the selection of the applicant by R-1 by this Hon'ble Tribunal in its order, dated 31-07-1997 and it is not an error requiring review.

7. I submit that I passed S.S.C in one sitting. The applicant in the R.A. Passed S.S.C compartmentally. I also passed P.U.C. as stated in para 4.4 of the O.A. as per instructions of D.G. Posts in letter No.19-9/95-ED&Trg. dated 08-03-1995 as conveyed in the PMG, Kurnool letter No.ST-III/EDA/Rlgs, dated 29-08-1997 it was observed as follows:- "It is observed that candidates who passed SSC compartmentally in second or third attempt is being considered meritorious. It is not correct. A person who has passed the examination which made him eligible for appointment as EDA in the first attempt should be placed above in the merit list than the person who has secured higher marks in the second or third attempt compartmentally" Hence the selection of the applicant in the R.A has ~~also~~ to be set aside on this ground also.

8. I further submit that the official respondents have correctly admitted in para 15 of the reply statement that there is ~~reco~~rded proof to show that the character of the selected candidate is doubtful. Hence on this ground also the Review applicant is not entitled for selection.

9. I submit that without considering all these contentions as they are unconsidered unnecessary, this Hon'ble Tribunal has correctly set aside the selection of the Review applicant, as he failed to submit ^{the} required property documents in time.

P R A Y E R

10. I therefore pray that this Hon'ble

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T. Ramesh



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Tribunal may be pleased to dismiss the R.A filed by the Review applicant for reasons stated above and to cancel the notification No.B3/BPM/Talluru, dated 28-10-1997 of R-1 and to direct the official Respondents to make the selection from amongst those who responded to the notification dated 20-11-93 barring the Review applicant, Shri M.V.Narayana, and pass such other order or orders as deemed fit and proper in the circumstances of the case.

VERIFICATION

I, T.Ramesh, S/o T.Venkata Subbaiah, Aged 28 years, Ex-provisional EDBPM, Talluru EDBO under Bitragunta S.O., having temporarily come to Hyderabad do hereby verify that the contents of the above paras are true to my personal knowledge and belief and as per legal advice of my counsel and that I have not suppressed any material facts.

D.A. Annexure-R1

Solemnly affirmed and signed in my presence at Hyderabad on the 18th January, 1998.

Before me.


ADVOCATE,
HYDERABAD


T. Ramesh
DEPONENT.

Fair List Case

20/1/98 (Adopted
21/1/98)

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL HYDERABAD BENCH AT
HYDERABAD

R.A.SR.No.3833 of 1997

in

O.A.No.1287/1994

Reply Statement filed by R-4
in R.A.SR.3833/97
(and applicant in
O.A.No.1287/1994)

Filed by:-

T.V.V.S.Murthy,

Counsel for the Applicant
in O.A.No.1287/1994

H.No.B-361,

Phase-II,

Vanasthalipuram,

HYDERABAD-500 070.



Received
~ N. Nagabhauer Taddy
ACBSC
20/1/98

I undertake to place the copy
on the counsel for Review
Applicant, who is not present
today.

T.V.V.S.Murthy
Counsel for Applicant
in the O.A.
20/1/98

Copy of Review
on 21/1/98
To/2 T.M. Rangamneni

21/1/98