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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1295/94

Date of Order: 1.8.97

BETWEEN :

N.L.Narasimham

.. Applicant.

AND

1. The Sr. Superintendent of
Post Offices, Ongole,
Division, Ongole,
Prakasam Dist.

2. Sri Chintala Venkateswarlu

.. Respondents.

Counsel for the Applicant

.. Mr. S.V. Subba Rao

Counsel for the Respondents

.. Mr. V. Bhimanna

CORAM:

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

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

JUDGEMENT

X Oral order as per Hon'ble Shri B.S. Jai Parameshwar, (M(J))

None for the applicant. The applicant was also absent when the application was taken up for hearing. None for the respondents. Since the OA is of the year 1994 we are not inclined to adjourn the same. Hence we proposed to decide the OA on the basis of the material available on record in accordance with Rule 15 (1) of C.A.T(Procedure) Rules 1987. The respondent No 2, ~~strongly~~, has remained absent.

2. The post of SPM, Goginenivaripalem SO fell vacant due to the retirement of the incumbent on 3.5.93. One ~~S.~~ Venkateswarlu (applicant in OA.787/94 which is pending) was appointed as SPM

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on provisional basis on 13.5.93. A requisition was made to the Employment Exchange to sponsor the candidates to fill up the said post. There was no response from the Employment Exchange. Hence an open notification was issued on 18.7.93 fixing the last date for receipt of applications as 16.8.93. In response to the said open notification 3 applications were received that of the applicant, R-2 and B.Ventakeswarlu. After verification the Sub Divisional Inspector (^{Posts} ~~Phones~~), Ongole, made enquiries and submitted his report dt. 5.3.94. The SSPOs Ongole selected R-2 and posted him as a regular SPM, Goginenivaripalem; and by letter dt. 29.6.94 the SSPO, Ongole, directed B.Venkateswarlu to handover charge to the selected candidate.

3. The applicant has filed this OA praying to call for records relating to the impugned proceedings dated 29.6.94 (A-4) appointing the R-2 as BPM, Goginenivaripalem and to direct the R-1 to appoint the applicant to the said post in pursuance ~~to~~ of the report of the enquiry submitted by ASPO, Ongole by quashing the said proceedings dt. 29.6.94.

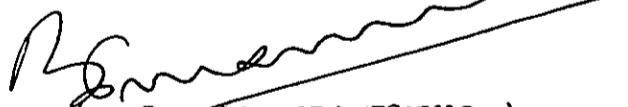
4. The main contention of the applicant is that after verification, the ASPO had recommended his name for selection.

5. A reply has been filed contending that infact the ASPO had recommended Ch.Venkateswarlu (R-2 herein) who had secured higher marks than ^{Since} B.Venkateswarlu who was working as SPM in that post had refused to handover the charge, a parallel post office was opened and handedover to the selected candidate that B.Venkateswarlu had filed OA.787/94 which is pending for consideration. The applicant had secured 296/700, B.Venkateswarlu the provisional appointee had secured 318/600 and Ch.Venkateswarlu (R-2) secured 260/600. It is stated that in the reply that Sri B.Venkateswarlu the provisional appointee had not submitted

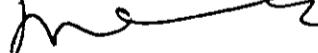
any proof of SSC marks and independent property. Hence R-2 was selected who got more marks than the applicant herein. In any case Sri.B.Venkateswarlu the provisional appointee has filed OA.787/94. In that OA whether the rejection of the candidature of Sri B.Venkateswarlu is in order or not will be considered. But as far as the case of the applicant is concerned, he has got less marks than R-2. It is also seen the contentions made by the applicant are very vague. The applicant presumes that his name had been recommended by ASPO. There is no documentary proof to that effect produced by the applicant. The respondents in the reply statement submits that there was no such report and which is not denied by filing a rejoinder even.

6. Hence it has to be held that the applicant has not selected as he had secured less marks than the R-2 in the selection. In that view the applicant has got no case for setting aside the impugned order dt. 29.6.94.

7. In the result, we find no merit in the OA. Hence the OA is dismissed. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

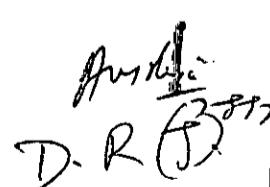
1.8.97


(R.RANGARAJAN)
Member (Admn.)

Dated: 1st August, 1997

(Dictated in Open Court)

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D. R (F) 28/7

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TYPED BY
COMPIRED 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: 1-8-97

~~ORDER/JUDGEMENT~~

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

in

D.A. NO. 1295/96

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

Central Administrative Tribunal
Order / DUE PATCH

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Hyderabad - 500001
HYDERABAD BENCH