

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1433/94

DATE OF ORDER : 10-09-1997.

Between :-

D.Appalaswamy Reddy

.. Applicant

And

1. The Director of Postal Services,
P & T Department, DPS,
Visakhapatnam.
2. The Sr.Superintendent of Post
Offices, Srikakulam Division,
Srikakulam.
3. B.Parasuramayya

.. Respondents.

Counsel for the Applicant : Shri J.V.Prasad

Counsel for the Respondents : Shri V.Bhimanna, CGSC

CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).


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Heard Sri V.Bhimanna for the respondents. None for the applicant.

2. The applicant in this C.A. applied for the post of EDBPM, Lakkivalasa village, Santhabommali Mandal, Srikakulam District in response to the notification dt.22-11-93. The Respondent No.3 was selected and the applicant's candidature was not considered fit for selection for that post.

3. This O.A. is filed to declare that the action of the second respondent in not declaring the result of the selection pursuant to the interviews held on 18-1-94 and the appointment of the 3rd respondent as mala fide, arbitrary, illegal and opposed to the principles of natural justice and violative of Articles 14 and 16 of the Constitution of India and to set aside the same and to direct the respondents 1 and 2 to act in accordance with law while considering the case of the applicant for appointment to the post of BPM, Lakkivalasa village.

4. Earlier the applicant in this ^{had} OA ~~also~~ filed OA 361/89 when his case was not considered for selection on the basis of notification dt. ~~27-11-88~~ ²⁷⁻¹¹⁻⁸⁹. Earlier his name was not considered because of the fact that he was a Member of the Panchayat. Finally, OA 361/89 was allowed directing the respondents to consider the applications received in response to the notification dt.27-11-88 (including the application dt.20-12-88 of the applicant) afresh and ^{order} ~~made~~ the selection in accordance with the rules.



- 3 -

5. In pursuance of the above direction five candidates were considered including applicant and Respondent No.3. Respondent No.3 in the present O.A. was selected. The contentions of the applicant in this OA ~~are~~ against the selection of Respondent No.3 are :-

- (i) Interview was held on 18-1-94. No select list was issued till now. Respondent No.3 is continued as if he has been selected regularly.
- (ii) Rejection of his candidature on the basis of non production of income certificate is not warranted as he has produced his father's income certificate.
- (iii) The selected candidate i.e. Respondent No.3 was involved in Criminal case and hence his selection is ~~not correct~~. *irregular*.

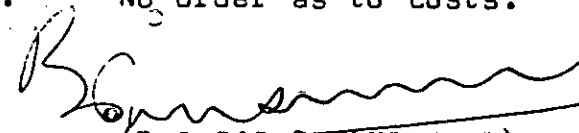
6. A reply has been filed in this O.A. The contentions raised by the applicant have been answered in the reply. The Respondents submit that there is no procedure to issue a select list for the BPM post. The selected candidate is ~~posted and~~ appointed. There is no need to inform the applicant in regard to his ^{non} selection to that post.

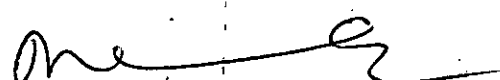
7. The above submission in our opinion is a proper ^{me} reply to ~~consider his prayer~~. The applicant himself requested for setting aside selection of Respondent No.3. Hence it cannot be stated that the applicant is not aware of selection of Respondent No.3. Hence this contention has no legs to stand. // The ~~second~~ ^{of the respondent} contention is that the applicant is not ~~xx~~ having the independent source of income, which is the main ^{requirement} ~~requisition~~ for the appointment of BPM according to D.G.Lr.No.17-104/93-ED & Trg. dt.6-12-93

The aspirant candidates for the post of BPM should have own income. ~~and the~~ income in the name of their guardian will not make them eligible for consideration. As the applicant has not produced income any/certificate and had produced income certificate of his father, his case was not considered. This has not been controverted by the applicant by filing a rejoinder. Hence it is to be held that the applicant has not filed his income certificate along with his application. Hence rejection of his candidature on that score is valid in view of the DGs letter dt.6-12-93. ~~Final~~

|| The applicant
~~contention of the applicant~~ that the Respondent No.3 was involved in a Criminal case *of hence his case cannot be* ~~has been~~ considered by the respondents. The respondents submitted that the allegations against Respondent No.3 were not ^{of} severe nature. Further there was difference in the name of Respondent No.3 and the name of the accused in CC 175/95. Hence the said allegation is not found to be realistic one. As this averment of the respondents is also not controverted by the applicant, we have no other go except to sail ~~along~~ with the reply of the respondents. Hence the ⁴ ~~3rd~~ contention also fails. *|| Hence* Considering the above, we find that the applicant has not made out a case for challenging the selection of Respondent No.3. Hence the O.A. fails. Accordingly it is dismissed.

8. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
10.9.97


(R. RANGARAJAN)
Member (A)

Dated: 10th September, 1997.
Dictated in Open Court.

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Ambr
10.9.97
D.R.(S)

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DA.1433/94

1. The Director of Postal Services, P & T Department, DPS, Visakhapatnam.
2. The Sr. Superintendent of Post Offices, Srikakulam Division, Srikakulam.
3. One copy to Mr. J. V. Prasad, Advocate, CAT., Hyd.
4. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
5. One copy to D. R. (A), CAT., Hyd.
6. One duplicate copy.

SPB
29/9/97

(6)

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
(M) (3)

Dated: 10/8/92

ORDER/JUDGEMENT

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

in

C.A.NO. 1433/94

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

