

31

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD.

O.A.No.1508 of 1994.

Date of Order- 21-8-1997.

Between :

K. Gopal Rao, aged 32 years,
S/o K. Venkateshwarlu,
Narapanenipalli village B.O.
A/w Wyra, District-Khammam.

.... Applicant.

And

1. The Superintendent of Post Offices,
Khammam Division.
2. The Director of Postal Services,
Vijayawada Region, Vijayawada.
(Selected candidate),
Narapanenipally B.O.
A/w Wyra, District-Khammam.

.... Respondents.

Counsel for the Applicant - Mr. S. Ramakrishna Rao.

Counsel for the Respondents- Mr. V. Bhimanna, ACGSC.

Coram :

The Honourable Mr. R. Rangarajan, Member (Admn.)

The Honourable Mr. B.S.Jai Parameshwar, Member (Judl.)

(As per Hon. Mr. B.S.Jai
Parameshwar, Member (J)).

ORDER (ORAL)

1. Heard Mr. S. Ramakrishna Rao, learned counsel

the respondents. Though notice has been served on

the respondent No. 2 he has not appeared.

2. The post of E.D.B.P.M. Narapanenipally B.O.

Account with Wyra, fell vacant due to retirement of

requested the local Employment Exchange to sponsor

candidates to fill the said post. There was no
response from the Employment Exchange. Hence the

respondents issued an open notification dated 2.6.94

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fixing 1.7.94 as the last date for receipt of the applications. In response to the said notification, eight applications were received. During verification, the respondents found the applications of the applicant, the respondent No.3 and another by name, S.Venkata Reddy to be in order.

3. The respondents, after considering the applications of the applicant, the respondent No.3 and S. Venkata Reddy, have selected the respondent No.3 to the post. The applicant being aggrieved by the said selection and appointment, has filed this O.A. challenging the appointment of the respondent No.3 to the post of E.D.B.P.M.

The main ground for challenging the selection and appointment of the respondent No.3 is that the respondent No.3 had not possessed any landed property ; that the respondent No.3 had produced a false certificate from the M.R.O.; that after expiry of the last date for receipt of the application, the respondent No.3 had produced the ^{Registered property} document and that he is more meritorious than the respondent No.3 in the S.S.C. Examination .

4. A counter has been filed stating that the respondent No.3 had secured 258 marks out of 600; the applicant had secured 240 marks and another ^{Candidate} namely S.Venkata Reddy had secured 248 marks in the S.S.C. Examination; that the respondent No.3 was the meritorious candidate; that he had furnished the income and the property certificates; and that therefore, he was found suitable and selected.

3

5. Since the applicant has categorically challenged the selection and appointment of the respondent No.3 on the ground that he had not possessed any property and had produced a document after the last date prescribed for receipt of the applications, we have asked the respondents to produce the selection proceedings. On going through the selection proceedings we noticed that the respondent No.3 had submitted his application on 29.6.94. He had enclosed a certificate dated 25.6.94 indicating that he had a land bearing No.234 AA in Gantikapadu village. He had not produced any registered document along with his application. In similar cases the respondents have not submitted before this Bench that they

place reliance on the certificate issued by M.R.O. and insisted upon the candidates to produce a registered document in support of their claim that they had sufficient property. When that was not done, the Bench considered the candidature of respondent No.3 for the simple reason that the respondent had not been able to produce any

support of his claim. Gantikapadu

No.244 AA in Gantikapadu

it appears that

registered document

That document

Registrar's office

document was produced on 28.7.94. It appears that the respondent No.3 produced the said document only after receipt of the letter of appointment.

The M.R.O. certificate produced by him is thereby found to be a false one. As on the last date, i.e., 1.7.94, respondent No.3 had not held any landed property.

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5. Since the applicant has categorically challenged the selection and appointment of the respondent No.3 on the ground that he had not possessed any property and had produced a document after the last date prescribed for receipt of the applications, we have asked the respondents to produce the selection proceedings. On going through the selection proceedings we noticed that the respondent No.3 had submitted his application on 29.6.94. He had enclosed the M.R.O. certificate dated 25.6.94 which indicated that he had ~~not~~ ^{earlier} owned any property bearing Survey No.244 AA in Carikapadu village. He had not produced any registered document along with his application. In similar circumstances, the respondents

did not place reliance on the certificate issued by the M.R.O. and insisted upon the candidates to produce the M.R.O. registered document in support of their claim that they own sufficient property. When that is so, the respondents of the respondent No.3 for the simple reason that the respondent No.3 had not been able to produce any registered document in support of his claim to have owned property bearing Survey No.244 AA in Carikapadu village. From the proceedings, it appears that the respondent No.3 had produced the registered document in respect of his property on 28.7.94. That document was registered on 30.6.94 in the Sub-Registrar's office but was obtained thereafter and a copy of the said document was produced on 28.7.94. It appears that the respondent No.3 produced the said document only after receipt of the letter of appointment.

The M.R.O. certificate produced by him is thereby found to be a false one. As on the ^{last date} date, i.e., 1.7.94, the respondent No.3 had not held any landed property.

34

When the M.R.O. issued the certificate dated 25.6.94 the land was not ^{at all} registered in the name of the respondent No.3 ~~at all~~. Hence, if the respondents have insisted on the registered document, they could have detected the above said error and could have selected the proper candidate. Their own instructions to rely only on the registered document in respect of landed property has been flouted in this case. The registered document relates to the property pertaining to No.234 ~~the~~ certificate issued by the M.R.O. relates to the property pertaining to S. The ~~the~~ not produced any property document relating to Survey No.234-AA. Even after selection ~~the~~ the truthfulness or otherwise of the certificate issued by the M.R.O. dated 25.6.94.

In view of what is stated above, it is clear that the application of the respondent No.3 ~~made~~ on 29.6.94 was not in order in all respects. Hence, we have no other alternative but to set aside the selection

6. Since the respondent No.3 has been selected, his continuance in the post is made provisional till ~~to~~ post of E.D.B.P.M.


7. Hence, we pass the following order :-

(b) The selection of the respondent No.3 and his appointment to the post of E.D.B.P.M. Narapanenipally B.O. are hereby set aside. The respondents are hereby directed to make proper selection between the applicant and S. Venkata Reddy and select a suitable candidate.

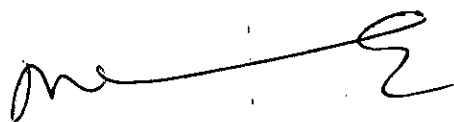
posted, the appointment of the respondent No.3 shall be continued, as provisional.

(d) The respondents shall finalise the selection process within two months from the date of receipt of a copy of this order.; and

(e) No order as to costs.



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



(R. RANGARAJAN)
MEMBER (ADMINISTRATIVE)

Dated the 21st day of August, 1997.

Dictated by

VP 26/8/97
D.R. (5)

DJ/