

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 198/94

Date of Order: 20.3.97

BETWEEN:

Pulugu Kondala Rao.

.. Applicant.

AND

1. Union of India, rep. by
Supdt. of Post Offices,
Narsaraopet Division,
Narsaraopet - 522 601.
2. The Asst. Supdt. of
Post Offices, Satenapalle
Sub Division, Satenapalle.
3. Sri Neelam Gnana Raju,
S/o. Prakasam,
r/o. Kasipadu, (PO&Village),
Peddakurapadu Mandal,
Guntur Dist.

.. Respondents.

- - -

Counsel for the Applicant.

.. Mr.S.Suryaprakash Rao.

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

- - -

CORAM:

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

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

- - -

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

- - -

Heard Mr.S.Suryaprakasa Rao, learned counsel for the applicant and Mr.N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant in this OA responded to the open notification issued by R-1 for the post of EDBPM, Kasipadu Branch Post Office which post fell vacant w.e.f. 30.12.93 due to the retirement of the regular incumbent Sri Malleala Krishna Murthy. The applicant

R

D

submits that he is the adopted son of said Sri Krishna Murthy and he has also worked on an intermitant^{te} basis over 2 years in the said post whenever Sri Krishna Murthy went on leave. In response to that open notification dt. 16.9.93 seven applications were received including that of the applicant and R-3. R-3 was found suitable in all respects and he was selected.

3. This OA is filed challenging the selection of R-3 as EDBPM, Kasipadu village by holding the same as illegal and void and for a consequential direction to R-1 to consider the claim of the applicant herein and appoint him as EDBPM of that postoffice

4. The main contentions of the applicant^{te} are as follows:

(1) The applicant is possessing experience because of his working in the post office for the last 2 years on leave vacancy and hence he is better suited for that post.

(2) The respondents have neither selected him nor selected a candidate who had better educated compared to R-3. The selection was done with a view to employ R-3 on malafide intentions such as caste and other reasons.

(3) R-3 is aged above 50 years and hence he cannot discharge the ~~onerous~~ duties of EDBPM of that post office effectively, where as the applicant being an youngster can do that job more efficiently.

5. There is no doubt that the applicant possesses the requisite property and his income. In the reply statement (in page-4)¹⁴⁻¹⁵ stated that R-3 had^{also} income and property from which he gets an income of Rs.6000-18,100 per year. From the records produced before us we have also seen the registered document of the property in the name of the applicant. Hence there is no doubt that the applicant^{as well as R3} possessed the necessary income and property to consider them for the said post. The contention that the applicant had experience and hence he had to be preferred cannot be a valid point for posting him as EDBPM no as weightage can be given for the experience as per the ED Rules.

.. 3 ..

the applicant also has not produced any rule to that effect. Hence this contention fails.

6. The second contention is that the R-3 was selected and posted for extraneous considerations. It is not known against whom the allegation is made. If an allegation is made against any of the officials who are responsible for the selection then that official should have been impleaded by name. No such impleadment has been done. Further from the material available on record such malafide intentions cannot be proved. Hence this contention also ~~has to~~ fail.

7. The third contention is that R-3 is aged 50 years and hence he cannot discharge the duties of EDBPM satisfactorily. The rules provide for regular selection of EDBPM who are in the age group of 18-65^{years}. Hence even if R-3 is aged 50 years he cannot be excluded ~~for~~^{from} consideration for the said post because of his age. Hence he was correctly considered for that post in accordance with the rules and selected as he was suitable in all respects for posting as EDBPM.

8. The next contention of the applicant is that he is a 10th class whereas the R-3 possessed Matriculation qualification. Hence he cannot be considered for that post. We do not understand this contention. In any case Matriculation is being equ^{Viva}alent to S.S.C., marks obtained in S.S.C. by R-3 is more ^{he was} as all other things being equal. Even if a candidate possessed higher qualification then marks obtained only in S.S.C. should be taken for consideration for purpose of comparison and not higher qualification. The applicant cannot have any grounds to challenge the selection of R-3 when both he and R-3 ^{were equal} ~~are equal~~ in all respects and R-3 selected because of the higher marks in S.S.C.

R



Hence
R-3 is to be considered as a meritorious candidate compared
to the applicant.

9. In view of what is stated above we are fully convinced
that no irregularity^{is} committed in the selection for the post
of EDBPM, Kasipadu Branch Office. Hence the OA is liable only
to be dismissed. Accordingly it is dismissed. No costs.



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



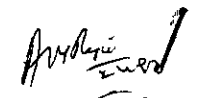
(R. RANGARAJAN)
Member (Admn.)

20.3.97

Dated: 20th March, 1997

(Dictated in Open Court)

sd


D.R. (J)

28/4/97 (6)

TYPED BY
COMPIRED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESWAR:
M(J)

DATED: 20/3/97

ORDER/JUDGEMENT

R.A./C.P/M.A.No.

G.A.No. 198/94ⁱⁿ

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED ✓
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS..

II COURT

YLKR

