

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.237-OF-1994

DATE-OF-ORDER:-19th-June,-1997

BETWEEN:

P.MOHAN

.. APPLICANT

AND

Union of India represented by:

1. The Postmaster General,
Southern Region, Kurnool,
2. The Superintendent of Post Offices,
Tirupathi,
3. Shri R.Nagaraja

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.KSR ANJANEYULU

COUNSEL FOR THE RESPONDENTS:Mr.NV RAGHAVA REDDY, Addl.CGSC
Mr.A.SUDARSHANA RAO for R-3

CORAM:

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

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

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.)

Heard Mr.KSR Anjaneyulu, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.NV Raghava Reddy, learned standing counsel for the respondents. Notice has been served on R-3. But he did not appear today nor his counsel appeared.

2. The post of Branch Post Master, Kuraparthi BO, Vayalpad SO became vacant on account of the resignation of

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the incumbent of the said post. To fill^{up} the said post, the Superintendent of Post Offices, Tirupathi requested the Employment Exchange, Chittoor to sponsor the candidates. Since no reply was received from the Employment Exchange, an open notification was issued on 23.6.93 calling for applications for the said post fixing last date as 26.7.93. In response to the said notification, ~~5 applications~~

received including that of the applicant. When that notification was under scrutiny, there were some anonymous ~~applications~~ ^{Complaints} against the applicant stating that he was involved in a criminal case. In view of that, the competition fell between the two applicants and in view of that the SPO, Tirupathi ~~was~~

give one more chance to the villagers by issuing a renotification. Accordingly a renotification was issued on 29.9.93 duly fixing the last date for receipt of applications by 29.10.93. In response to the renotification, 5 applications were received, including that of the applicant and that of the 3rd respondent. The SPO, Tirupathi had not considered the application of the applicant on the ground that his house ^{was} ~~is~~ not suitable to locate the Post Office and also that he was involved in a criminal case. The SPO selected the 3rd respondent.

3. Now, the applicant has filed this OA challenging the selection of the 3rd respondent on the grounds that the SPO has not followed the procedure and guidelines, that the SPO had not considered all the applications to select the proper candidate, that he had fulfilled all the conditions and he has merit and experience, that the SPO had not considered these aspects, that the selection and the

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appointment of the 3rd respondent was on extraneous considerations.

5. The respondents have filed^a reply affidavit. Their found suitable and that he was involved in a criminal case in CC No.133/91 which was closed on 1.10.93 and was acquitted by the judgement dated 5.10.93 (Annexure A-1 to the reply). ^{The applicant} ~~that he~~ had submitted a copy of the judgment to the SPO along with the application on 16.10.93, that his house ^{was} ~~is~~ centrally situated than the house of the 3rd respondent, that the Post Office was functioning in the same circle since ^{the} ~~the~~ last 25 years, that the certificate issued by the Village Administrative Officer regarding the locality of his house has been furnished as Annexure A-2 to the reply and that he stood meritorious than the selected candidate and also his house is suitable for running the Post Office.

6. The reasons for not considering the candidature of the applicant ^{are} ~~is~~ that his house was not suitable and that he was involved in a criminal case. It is submitted by the learned counsel for the applicant that his house is suitable for running the post office. We do not want to express any opinion as to the suitability of the house. In fact in OA No.393/94 decided on 22.4.97, we directed the Post Master General to issue certain guidelines to the SPOs as to the minimum requirement of accommodation to be provided for keeping the Post Office. If such guidelines have been issued by the PMG, the SPO shall follow the same and if it is not issued the CPMG may arrange to issue

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quickly and on that basis the SPO will decide the suitability of the accommodation for housing the Post Office.

7. As regards the involvement of the applicant in a criminal case, it is submitted that he was reported to have submitted an application before the last date for receipt of applications that the applicant was acquitted and, therefore, that fact could not have taken into consideration by the SPO in rejecting his candidature. If the applicant fulfills^{ed} the minimum required qualifications, he should have been considered along with the others who were responded to that notification. We are of the opinion that R-3 has been selected without adhering to the rules. We have no hesitation to say that the appointment of the 3rd respondent as^{ed} BPM has to be set-aside. But the post of BPM is an important post which cannot be kept vacant. Hence the candidate who is now working as BPM of that Post Office should be continued on^a provisional basis till^{us} a regular selection is finalised and^a regularly selected candidate is posted.

8. In the result, the following directions^{are} are given:-

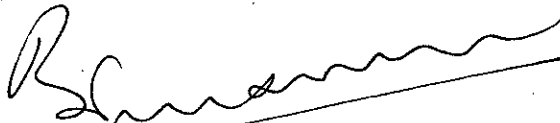
(a) The appointment of the 3rd respondent is set-aside;

(b) The appointing authority should select the most suitable candidate from among those who applied in response to the notification dated 29.9.93 following the observations made above; and

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(c) Till such time a regular candidate is posted,
the present incumbent of the post ^{shall} ~~will~~ be continued as BPM
on provisional basis.

9. The OA is ordered accordingly. No order as to
costs.



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

19.6.97



(R. RANGARAJAN)
MEMBER (ADMN.)

Mykya
D.R. (Secy)

DATED: 19th June, 1997
Dictated in the open court.

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