

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.262/94

Date of Order: 28.11.94

BETWEEN:

K.Srinivasa Rao

.. Applicant.

A N D

1. Union of India, rep. by its
Director of Postal Services,
Abids, Hyderabad.
2. Director of Postal Services,
Abids, Hyderabad.
2. Superintendent of Post Offices
Khammam
3. Sub-Divisional Inspector, (Postal),
Sub-Divn. South, Khammam.
4. Sri V.Upender Rao,
working as EDBPM,
Chennaram Village,
Neelakondapalli Mandal,
Khammam Dist. .. Respondents.

Counsel for the Applicant .. Mr.K.Vasudeva Reddy

Counsel for the Respondents .. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI A.V.HARIDASAN : MEMBER (JUDL.)

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

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O.A.No.262/94

ORDER

Dt.of order:28.11.1994

I As per Hon'ble Shri AV Haridasan, Member(J) I

The applicant, a Matriculate and who was provisionally working as EDBPM, Channaram Village was a candidate along with 12 others for regular appointment to the said post. His grievance is, that though on verification of the records and certificates produced by the various candidates, the 3rd respondent had sent a report to the 2nd respondent, which, according to the applicant, recommending his appointment, but the 1st respondent has issued orders appointing somebody else. The applicant has filed this application praying that the respondent may be directed to appoint him to the post. Since the 4th respondent happened to be appointed after the ~~xxmxx~~ regular selection as EDBPM, the applicant has impleaded him also.

2. The respondents have filed reply statement.

We have heard the learned counsel for the parties and have also perused the pleadings and documents as also the file relating to the selection.

3. The case of the applicant is that, he being possessed of all the requisite qualifications and being eligible to be appointed, has a preferential right to be appointed to the said post. The learned counsel for the applicant argued that the appointment of the 4th person, without considering the applicant's case properly, has vitiated the selection process. The respondents contend that as the 5th respondent had obtained 326 marks in the S.S.C. examination while the applicant had obtained

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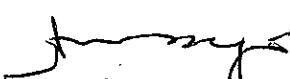
1. Director of Postal Services, Union of India, Abids, Hyd.
2. Director of Postal Services, Abids, Hyd.
- 2¹. Superintendent of Post Offices, Khammam Division, Khammam.
- 3¹. Sub Divisional Inspector, (Postal), Sub Divn, South Khammam.
- 4¹. One copy to Sri. K.Vasudeva Reddy, advocate, CAT, Hyd.
- 5¹. One copy to Sri. N.R.DeVaraj, Sr. CGSC, CAT, Hyd
Library, CAT, Hyd.
- 7¹. One spare copy.

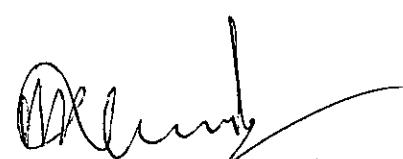
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only 234 marks and as the 4th respondent satisfied all the eligibility criteria, he being the most meritorious among the candidates was properly selected and appointed. The learned counsel for the applicant however submits that the respondents have not considered any experience gained by the applicant. It is true that due weightage has to be given for experience of a provisional employee while being considered for regular selection. But it is settled that experience is not the sole criteria but ~~is~~ ^{was} only one of the consideration in making a regular selection. In this case the selecting authority taking into account the high marks obtained by the 4th respondent has decided that he ~~is~~ ^{was} the most meritorious candidate to be selected. We do not find any arbitrariness or colourable exercise of power in the action of the selecting authority. ~~the~~ ^{the} experience etc. ~~the~~ ^{the} competent authority finds that ~~the~~ ^{the} candidate with ~~the~~ ^{the} very high marks has to be selected, such a decision will not be interfered with by the Tribunal. Therefore, we do not find any reason for interference ~~in~~ ^{with} the selection and appointment of the fourth respondent.

4. In the light of what is stated above as we do not find any merits in this application, the application is dismissed with no order as to costs.


(A.B.GORTHI)
Member (Admn.)


(A.V.HARIDASAN)
Member (Judl.)

Dated: 28th November, 1994

(Dictated in Open Court)


D.Y. Registrar (J)

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On the CAT, Hyd Bench at
Hyd.

From Mr. Attorney
Hon. Mr. A B Gorai Am

Judgement dt. 28/1/95

fn.

OA - 262/94.

OA dismissed.

No order as to
costs.

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