

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.378 of 1994.

Between

Dated: 15.3.1995.

Madiraju Hanumantha Rao

...

Applicant

And

1. The Senior Superintendent of Post Offices, Prakasam Division, Ongole.
2. The Post Master General, Vijayawada.
3. M. Ranganayakulu, Branch Post Master, Bommanampadu under Addanki Head Office, Prakasam District.

... Respondents

Counsel for the Applicant

: Sri. K.Venkateswara Rao

Counsel for the Respondents

: Sri. V.Rhimanna, Addl, CGSC.

CORAM:

Hon'ble Mr. A.V.Haridasan, Judicial Member

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

O.A.No.378/94

Date of Order: 15.3.95

X As per Hon'ble Shri A.V.Haridasan, Member (Judl.) X

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The applicant who was one of the candidates for appointment to the post of EDBPM, Bommannapadu village has filed this application under the Administrative Tribunals Act aggrieved by his nonselection and the selection and appointment of the 3rd respondent. He has alleged in this application that the respondents 1 and 2 have overlooked his superior claim in that, he has got previous experience and had satisfied all the eligibility criteria for selection and appointment, ^{and} the 3rd respondent who had not submitted along with his application the certificate showing income and ownership of property, was selected to the said post.

2. It has been alleged further that the Sub Divisional Inspector who verified the documents, had unduly favoured the 3rd respondent by scrutinising documents which were not submitted along with his application for appointment, and that though he has made ^a the compliant against this action, no reply has been received from the higher authorities. It is further stated that the department had taken action against the Sub Divisional Inspector for showing this undue favour to the 3rd respondent. Under these circumstances, the applicant prays that the action of the respondents 1 and 2 in appointing the 3rd respondent may be declared as illegal and arbitrary and respondents 1 and 2 be directed to appoint him as EDBPM Bommannapadu village.

3. Official respondents in the reply have contended that the case of the applicant that the 3rd respondent did not

submit along with his application certificates showing income and ownership of property is not correct, that the Sub Divisional Inspector has only verified the supporting documents on the date on which he went for verification of the documents, and that, the contention of the applicant that the Sub Divisional Inspector has been kept under suspension for the undue favour shown to the 3rd respondent is put to strict proof. They have further contended that ~~as~~ the applicant who had passed S.S.L.C. examination has been found more meritorious, and therefore the selection and appointment of the 3rd respondent would be faulted.

4. We have perused the pleadings and documents in this case. We have also perused the file relating to the selection which led to the appointment of the 3rd respondent.

5. Having heard learned counsel for the parties and having perused the relevant materials, we find that the action of the respondents 1 and 2 in selecting the 3rd respondent who had passed S.S.L.C. examination cannot be faulted. In accordance with the instructions regarding selection and appointment to the post of EDBPM, a pass in the Matriculation examination is a preferential qualification. Admittedly, the applicant failed ^m the ^{SSC} examination, whereas, 3rd respondent had passed the same and hence the selection and appointment of the 3rd respondent cannot be faulted. The contention of the applicant that the Sub Divisional Inspector has been suspended and proceeded for showing undue favour to the 3rd respondent has not been substantiated even though the respondents 1 and 2 have in their reply categorically denied the allegations. Further going through the file relating to the selection and

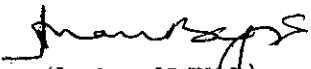
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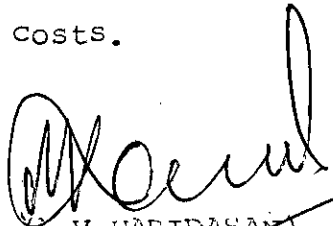
1. The Senior Superintendent of Post Offices, Prakasam Division Ongole.
2. The Post Master General, Vijayawada.
3. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
5. One copy to Sri. M.Panduranga Rao, advocate for R-3, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

we find that the 3rd respondent had produced the certificate in proof of income and ownership of the property and as the Sub Divisional Inspector on the dates on which he verified the certificate ^{has} ~~was~~ also scrutinised, ^{with} The registered documents produced by the 3rd respondent in addition to the certificates of income and ownership of property submitted by ^{him} ~~the applicant~~ along with the application. In the light of what is stated above we did not find any merit in the contention of the applicant that the selection process is vitiated that the respondents 1 and 2 have overlooked his superior claim the fact that the applicant had vitiated as EDBPM for a future days as a substitute does not confer him any better right than the 3rd respondent who was acquired the preferential qualification of Matriculation.

6. In the result, the application fails and the same is dismissed without any order as to costs.



(A.B. GORTHY)
Member (Admn.)


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

Dated: 15th March, 1995

(Dictated in Open Court)

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Dy. Registrar (S)

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COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE SHRI A.V. HARIDASAN: MEMBER

AND

THE HON'BLE SHRI A.B. GORTHY: MEMBER

DATED

15/3/95

ORDER/JUDGMENT

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

O.A. NO.

In

3787ay

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

YLKR

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