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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.393/94

Date of Order: 22.4.97

Between:

Nerella Satyanarayana

.. Applicant.

And

1. Superintendent of Post Offices,
Kakinada Division, Kakinada,
2. K.V.K.Srinivasa Rao,
S/o.Narayana Rao, R/o Pedapudi,
A/w Indrapalem, Kakinada Division.

.. Respondents.

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Counsel for the Applicant

.. Mr.S.Ramakrishna Rao-

Counsel for the Respondent

..Mr.N.V.RaghavaReddy

for R-1

.. Mr.MSR.Subrahmanyam

for R-2

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CORAM:

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

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

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J U D G E M E N T

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

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Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant, Mr.W.Satyanarayana for Respondent No.1 and Mr.M.S.R. Subrahmanyam for Respondent No.2.

✓ Pedapudi B.O.

2. A vacancy of EDBPM/ arose on 2.12.93 on account of the resignation of the permanent incumbent of that post. The applicant was posted provisionally in that post w.e.f. 17.1.94. The Employment Exchange did not sponsor the candidates for filling up that post when a requisition was placed on them. Hence a public notification was issued on 1.2.94 fixing the last date of rece

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of application for filling up that post as 3.3.94. In response to that notification 8 applications were received including that of the applicant as well as R-2. R-2 was selected on 20.3.94 and the same was informed on 22.3.94. to him by letter No.BE/149, dt. 22.3.94 (Page-6 pf the OA). It is seen from the letter that R-2 is in possession of cultivable land of 1 Ac. 39 Cents. But the income certificate was ^{issued in the name of his father,} asked whether R-2 is ~~deriving~~ ^{Hence a clarification was asked whether R-2 is} deriving any income from the land owned by him. The applicant is aggrieved by the selection of R-2.

3. This OA is filed for setting aside the selection of R-2 and for a consequential direction to post the applicant in that post in view of his fulfilling all the conditions and also consider his highest qualification among all the applicants.

4. An interim status-quo order was passed in this OA on 31.3.94. In view of the status-quo order the applicant is still continuing as a provisional EDBPM of that post office.

5. The official respondents in their reply had averred that the applicant did not offer suitable accommodation for purpose of housing the post office and hence he ^{was found} ~~is~~ ineligible.

6. Two main contentions are raised by the applicant's counsel in this OA. They are :

(a) R-2 has not filed his income certificate along with the application and that income certificate was called later by letter dt. 22.3.94. Hence R-2 has failed to furnish the full documents while submitting the application. No further details can be called for, once the applications were received and the final date of receipt of applications is over. As

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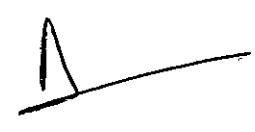
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R-2 filed necessary income certificate after the expiry of the last date R-2 is not eligible to be selected as EDBPM of that post office.

(b) The accomodation provided by the applicant is sufficient and it is in accordance with the rules in this connection. He further amplified by saying that "the persons selected for the post of EDSPM/EDBPM must be able to offer space to serve as the agency premises for postal operations. The premises must be such as will serve as a small postal office with provision for installation of even a PCO (Business premises such as shops, etc., may be preferred)". The learned counsel for the applicant submits that there is no definite guideline in regard to the provision of accomodation and even a thached room ^t ~~may~~ ^{may} be sufficient. The present post office is functioning in that office for the last 4 years and hence it cannot be said that the applicant has not provided any suitable accomodation for purpose of housing the post office.

7. The learned counsel for the Respondent No.2 submits that the income certificate is erroneously given in the name of his father, though the land is in the name of R-2. The erroneous document was sought to be corrected by getting the necessary information from the applicant. Hence it cannot be said that the R-2 had filed fresh income certificate after the expiry of last date for receipt of applications.

8. We have heard all the parties. By now this Bench is consistently taking the view that no new certificate ^{or document} should be entertained to an application for selection to ED posts after the last date of receipt of the applications. The applications should be finalised on the basis of the document received on



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or before the last date of receipt of applications. The present selection has to be finalised on that basis. A view has to be taken by the respondents authorities in regard to the clarification asked for in their letter dt. 22.3.94. We leave it to the appointing authority to decide the issue in accordance with the law.

9. The rule in regard to provision of accomodation for housing the post office has been extracted above. This Tribunal cannot lay down any rule in regard to the type of accomodation to be provided. It is for the department to decide the suitability of the accomodation. In view of that we feel that a suitable guideline has to be issued by the CPMG in regard to the type of accomodation to be provided for housing the post office. On the basis of that guideline to be received, the appointing authority in this case should check the accomodation provided by the candidates who responded to the notification for appointment of EDBPM and decide the suitability of the accomodation provided by the applicant and others and on that basis finally select the suitable and eligible candidates for the post of EDBPM considering all the other facts in this connection.

10. In the result the OA is disposed of as above. Till the regular candidate is posted in this post office the status-quo order as given earlier will continue.

11. No costs.

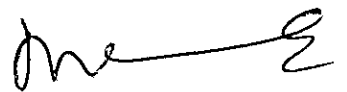


(B.S. JAI PARAMESHWAR)
Member (Judl.)

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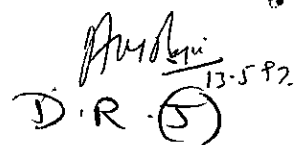
Dated: 22nd April, 1997

(Dictated in OpenCourt)



(R. RANGARAJAN)
Member (Admn.)

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13.5.97

12/6/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED:

22/4/82

ORDER/JUDGEMENT

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

in

O.A.No.

393/84

ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

LI COURT

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
दिल्ली/DESPATCH

10 JUN 1997

हैदराबाद बेंच
HYDERABAD BENCH