

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
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O.A. 459/94.

Dt. of Decision : 25.11.94.

K.C. Suryakala

.. Applicant.

Vs

1. Sup Post Master, Tadipatri,  
PIN 515 411. Anantpur District.
2. The Superintendent of Post  
Offices, Anantpur Division,  
Anantpur.
3. The Post Master General, A.P.  
Southern Region, Kurnool-5.
4. Sri S. Damodararao

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

Counsel for the Respondents : Mr. K. Bhaskara Rao, Addl. CGSC.

CORAM:

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

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

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O.A. 459/94.

Dt. of Decision : 25.11.1994.

ORDER

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

The applicant applied for the post of Extra Departmental Stamp Vendor (EDSV for short), Tadipatri ... ~~on 25.11.1994~~ in the month of May 1993. The competent authority considered the applicant along with the other candidates and one Shri P. Mehboob Peera, who was working on a provisional basis was appointed. Aggrieved by the non-selection of the applicant, the applicant complained to the superior authorities. The said P. Mehboob Peera was also subsequently relieved from the post and the 2nd respondent appointed the 4th respondent's as EDSV, Tadipatri, while the 4th respondent was working on another ED post. The grievance of the applicant is that she being eligible and qualified in all respects, should have been appointed to the post and therefore she prays that the appointment of the 4th respondent may be set aside and the official respondents may be directed to appoint her on the post of EDSV.

2. Though notice has been served to R-4, he did not appear. The respondents 1 to 3 have filed reply statement in which they have contended that on the basis of the complaint received from the applicant and also for the fact that due publicity was not given prior to the selection, the second respondent decided to set aside ~~the selection and appointment of Shri P. Mehboob Peer.~~ and did set aside the selection and appointment of Shri P. Mehboob Peer. It is contended that while the post became vacant the 4th respondent, ~~thrown out~~ ED agent

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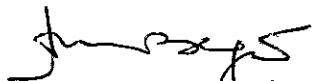
who was temporarily accommodated as EDMC/DA, Kuchavaripalli, was appointed to the post of EDSV Tadipatri, as his request for a posting at Tadipatri was pending. The respondents contended that this action is fully justified and does not call for any interference.


3. We have heard Shri Krishna Devan, learned counsel for the applicant. As the 4th respondent did not appear and Shri K. Bhaskara Rao, learned standing counsel for the respondents 1 to 3 also did not appear, we did not have the privilege of hearing them. On a careful scrutiny of the pleadings, we are of the view that the applicant has no merits of the applicant with that of P. Mehboob Peera, the respondents selected Shri Mehboob Peera and the applicant was not selected. So the grievance of the applicant should be on the basis of his non-selection in comparison with Shri Mehboob Peera. Shri Mehboob Peera was selected and was also appointed. It is true that Shri Mehboob Peera was subsequently relieved from the post as it was found that the selection was not regular owing to various factors including not giving wide publicity before the selection was made. When the selection itself has been set aside the post became free and it was for the department to consider the filling up of this post in accordance with rules. It was at that time that the respondents 1 to 3 considered the fact that the 4th respondent had requested for a posting at Tadipatri. The 4th respondent being a thrown out ED agent who was temporarily accommodated elsewhere was appointed in the post which became vacant. This is

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provided in the instructions and therefore we do not find any vitiating circumstances in the appointment of the 4th respondent. It is true the respondents 1 to 3 could have appointed the fourth respondent in the post before undertaking a selection process. But that does not clothe the applicant who failed to get selected in the selection with any input especially when the selection itself was cancelled.

4. In the result finding no merits in this application we dismiss the same leaving the parties to bear their own costs.

  
(A.B. GORTHI)  
MEMBER (ADMN.)

  
(A.V. HARIDASAN)  
MEMBER (JUDL.)

Dated : The 25th November 1994.  
(Dictated in Open Court)

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DEPUTY REGISTRAR(J)

Copy to:

1. The Sub Post Master, Tadipatri, Pin:515 411  
Ananthapur District.
2. The Superintendent of Post Offices, Ananthapur Division,  
Ananthapur.
3. The Post Master General, A.P., Southern Region, Kurnool-5.
4. One copy to Mr.Krishna Devan, Advocate,CAT,Hyderabad.
5. One copy to Mr.K.Bhaskar Rao, Addl.CGSC,CAT,Hyderabad.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(C)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(A)

DATED: 25-11-94.

ORDER/JUDGMENT.

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

in  
O.A.NO. 459/94.  
T.A.NO.

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with Direction.

Dismissed. ✓

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

No spare copy

