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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.495-OF-1994

DATE-OF-ORDER:-7th-May,-1997

BETWEEN:

A.LAKSHMANA RAO

.. APPLICANT

AND

1. The Superintendent of Post Offices,
Kakinada Division, Kakinada-1,

2. The Sub Divisional Inspector (Postal),
Kakinada North Sub Division,
Kakinada,

3. Shri P.Somaraju.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.M.RAMA RAO

COUNSEL FOR THE RESPONDENTS: Mr.K.BHASKAR RAO for R1 & R2
Mr.S.RAMAKRISHNA RAO for R3

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.)

None appeared for the applicant. The applicant ^{was} ~~is~~
also absent when the application was taken up for hearing.
Heard Mr.K.Bhaskar Rao, learned standing counsel for the
respondents 1 and 2 and Mr.S.Ramakrishna Rao for the 3rd
respondent.

2. The post of Extra Departmental Branch Post Master,
Bhogapuram Branch Post Office fell vacant during February
1993 and in that place the applicant was appointed on

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[Signature]

provisional basis. As the Employment Exchange failed to sponsor the candidates, an open notification was issued on 30.11.93. Five applications were received in response to the said notification. Both the applicant and the 3rd respondent ^{had} ~~were~~ applied for the same. 3rd respondent was selected. The present OA is filed challenging the selection of the 3rd respondent.

3. It is stated for the applicant that the selection of the 3rd respondent was done according to the rules, that the action of the respondents 1 and 2 in selecting the 3rd respondent is illegal, ^{and} that the respondents should have considered the case of the applicant as he had experience of having worked as EDBPM on provisional basis.

4. A reply has been filed stating that the applicant himself had failed to produce the residence certificate ^{and also certificate in support} of his claim to have owned the landed property at Bhogapuram, that he did not produce any registered document substantiating the same, that the applicant had produced a xerox copy of the partition deed executed on a white paper, that the Farmers' Pass Book produced by him did not disclose his name and that the applicant had not produced any proof to show that he owned the residential house at Bhogapuram.

5. The learned counsel for the 3rd respondent submitted that the landed property of the 3rd respondent was divided and he got ^{his} share ^{in the family property under} ~~of his father~~ by way of a deed of partition executed in the year 1986 itself. It is not necessary to register such a deed of partition and

subsequently mutation ^{or revenue records} also had taken place in favour of the 3rd respondent. A xerox copy of the deed of partition was enclosed to the application. Hence he states that the 3rd respondent had fulfilled all the conditions required for appointment as EDBPM of that post office.


6. No rejoinder has been filed to the reply affidavit filed by the respondents. The applicant was not present to argue his case. When the applicant had not submitted the proper documents substantiating his possession of the property at Bhogapuram, he is an ineligible candidate. Hence, he cannot question the selection of 3rd respondent. Any of the other candidates who ^{had} qualified for selection as EDBPM, Bhogapuram BPO, may challenge the selection of the 3rd respondent in accordance with law and if such a challenge is successful, the 3rd respondent can be considered. In that view, we feel that the applicant has no locus standi to challenge the selection and appointment of R-3. On that score itself, the OA is liable to be dismissed.

7. We do not propose to pass any judgement in regard to the eligibility of the 3rd respondent for posting as EDBPM of that post office. We left that question open to be agitated, if necessary, by a proper candidate in future.

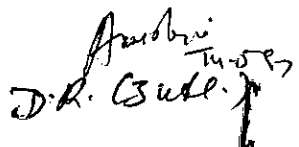
8. In the result, the OA is dismissed as having no merits. No order as to costs.


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

7-5-97


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 7th May, 1997
Dictated in the open court.


D.R. Gullipati

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Copy to:-

1. The Superintendent of Post Offices, Kakinada Division, Kakinada-I.
2. The Sub Divisional Inspector(Postal), Kakinada ~~Division~~ North Sub Division, Kakinada.
3. One copy to Sri. M.Rama Rao, advocate, CAT, Hyd.
4. One copy, -- Chaskar Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Sri. S.Ramakrishna Rao, Addl. ..
6. One copy to Hon'ble B.S.Jai Parameswar, JM, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

Rsm/-

28/6/97

COURT

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE *R. B. Prasad*

and

THE HON'BLE MR. H. RAJENDRA PRASAD M(A)

Dated: 7/5/1997

ORDER/JUDGMENT

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

in

C.A. No.

497/94

T.A. No.

(w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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