

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH;
AT HYDERABAD:

O.A. No. 552 of 1994.

BETWEEN:

G. Jnaneswar S/o B. Rama Rao,
aged about 25 years, (Occ. Selected
Candidate for the Post of Postal Assistant)
10th Ward, T A N U K U.
West Godavari District.

.. APPLICANT

1. Chief Postmaster General,
A.P. Circle, Hyderabad.
2. Postmaster General,
Vijayawada.
3. Senior Superintendent of Post Offices,
Bhimavaram Division, BHIMAVARAM.

.. RESPONDENTS

DETAILS OF THE APPLICANT:

Address for service of summons/
Notices on the applicant:

ADVOCATE, 1-1-230/9,
Andhra Bank Lane, Chikkadpally
Hyderabad. 20.

1. Particulars of the order against which the
application is made:

"This Application is against the
impugned order No. 35/P-A/Redt/11/H-7/93 dated 9-2-94
of the Senior Superintendent of Post Offices,
Bhimavaram Division, Bhimavaram."

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the
order against which he wants redressal is within the jurisdiction
of the Tribunal u/s. 14(1)(b)(ii) of the Administrative Tribunals
Act, 1985.

3. LIMITATION:

The applicant further declares that the application was filed
within the limitation period prescribed in Section 21(1)(a) of the
Administrative Tribunals Act, 1985.

Dr. M. V. R.

4. FACTS OF THE CASE:

It is submitted that the IIIrd Respondent had issued a notification during the month of November, 1993, calling for applications from the eligible candidates for the Post of Time Scale Postal Assistant. The applicant had applied ^{on 27.11.1993} for the same duly enclosing therewith all the relevant documents required for the selection of the said Post. The applicant had passed 10th class during the year 1983. He had passed a Diploma in Civil Engineering (I.C.E.) during April, 1987 conducted by State Board of Technical Education & Training, A.P. Hyderabad and secured 82% in the said diploma in Ist Class with distinction (Annex. ✓ Page (10)). Thereafter the applicant had further prosecuted his education and passed B.Tech. Degree Examination in Civil Engineering from ~~Kakatiya University~~ Regional Engineering College, Warangal under the jurisdiction of Kakatiya University, in May, 1992, in the First Division. (Annexures ✓ Page 11).

(2) It is submitted that as the applicant is fully qualified to apply for the post of Time Scale Postal Assistant, he had applied for the same and was selected by the IIIrd Respondent vide his letter No.B5/PA/Rectt./II H-Y/93 dated 9.2.1994 and was directed to call on the IIIrd Respondent in person on any working day on or before 21.2.1994 for verification of Original Certificates and to obtain ~~application~~ attestation of Police Verification forms. The same letter also indicates that failure on the part of the applicant to attend on the said date will render his name be deleted from the selected list of candidates without giving any further notice. Accordingl the applicant had presented himself before the IIIrd Respondent on 17.2.1994 but the IIIrd Respondent did not verify the ~~an~~ the Original documents/certificates as mentioned in his letter supra but informed that the provisional selection ~~communicated~~ is cancelled on the grounds that the applicant had not passed the Intermediate examination but only technically qualified. Further on the same day, the IIIrd Respondent had issued an

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a telegram dated 17.2.1994 to the effect that "Regretted to inform Provisional Selection communicated in letter No.B-5/PA/Rectt./II H-Y/93 dated 9.2.1994 - Cancelled." A separate confirmation letter confirming the same was also sent subsequently. Immediately the applicant had caused a legal notice issued on 18.2.1994 calling upon the IIIrd Respondent to appoint the applicant. Further aggrieved against the cancellation, the applicant had submitted a Representation dated 1-3-1994 to the Postmaster General, Vijayawada Circle, Vijayawada (i.e., IIInd Respondent herein) praying to interfere and direct the IIIrd Respondent to ~~revoke~~ revoke the cancellation letter and to provide an employment to the applicant.

Hence this application before this Hon'ble Tribunal.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

It is respectfully submitted that the applicant is fully qualified having acquired a B.Tech. Degree in Civil Engineering from Regional Engineering College, Warangal under ~~agats~~ of Kakatiya University. Consequent to the notification, he had applied for the post of Time Sclae Postal Assistant and was duly selected as seen from the letter of the IIIrd Re-spondent No.B5/PA/Rectt./ii-H-Y/93 dated 9.2.1994. The applicant was also specifically asked to appear in person and produce all the original certificates and to give details for the Police Verification on or before 21.2.1994. Having regard to the selection, the applicant had appeared well in advance on 17.2.1994 at 11.00 A.M. with all the relevant certificates and the Police Verification proforma duly filled in with all the enclosures. Instead of verifying the documents on the appointed day, the IIIrd Respondent had explained at length that ~~he has decided to~~ orally inquire by the applicant he was ~~informed~~ informed that as the applicant is technically qualified and not passed 10+2 (intermediate) he is not eligible for the said appointment. On the same day the IIIrd Re spondent had issued a telegram cancelling the aselection of the applicant. The IIIrd Respondent having selected the applicant on regular basis cannot take a stand that since the applicant is

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technically qualified, he is not eligible for the post of Postal Assistant. ~~as per the~~ ~~minimum~~ requirements of the post, he is eligible to be appointed as per the selection made according to the merit. The applicant was selected on merit. ~~the~~ ~~selection~~ with distinction in Diploma in Civil Engineering (L.C.E.). He had also secured 1st Class in B.Tech. Examination.

2. It is further submitted that the IIIrd Respondent having verified the Original Certificates and documents was satisfied with the certificates had intimated the applicant that he is eligible for the post of Postal Assistant, saying so, the applicant was surprised to hear that he has decided to cancel the selection made. In pursuance of this decision he had sent a telegram to the extent that ~~the~~ the selection made is cancelled which is a bald order without assigning the reasons.

~~the~~ the selection by the IIIrd Respondent is unwarranted, capricious and against the provisions enshrined in Article 14 and 16 of the Constitution of India. The cancellation ~~is~~ itself is illegal, void, ab-initio which cannot stand test of law. The cancellations was for extraneous reasons and there is no rationale for such action. Therefore the cancellations is bad in law and the IIIrd Respondent is bound to provide the application with a post of Postal Assistant as notified and selected.

It is therefore prayed that the Hon^{ble} Tribunal may be pleased to set aside (quash) the impugned order and direct the Respondents to appoint the applicant who was duly selected on merit..

6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules:

Aggrieved against the cancellation of the ~~appointment~~ selection made, the applicant had caused a legal notice issue on 18.2.1994 to the IInd Respondent for which there is no res

Deemed

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The applicant had further appealed to the IInd Respondent on 1-3-1994 requesting him to direct the IIIrd Respondent to revoke the cancellation and to appoint the applicant for which also there was no reply as on date.

Hence this application before the Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or suit is pending ~~with~~ before any of them.

8. RELIEF(S) SOUGHT:

In view of the facts mentioned in para (4) above the applicant prays for the following relief(s):

It is respectfully prayed that the Hon'ble Tribunal may be pleased to quash the impugned order cancelling the Respondent to appoint the applicant w.e.f. the date he was selected with all the consequential benefits and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

9. INTERIM ORDERS IF ANY PRAYED FOR:

Pending final decision on the application, the applicant seeks the following interim relief:

It is respectfully ~~subm~~ prayed that the Hon'ble Tribunal may be pleased to direct the Respondents to fix up an early date for final hearing in view of the selections made and the applicant is languishing without job, pending disposal of the O.A. and be pleased to pass such other and appropriate orders as the Hon'ble Tribunal may deem fit and proper.

10. NOT APPLICABLE

11. PARTICULARS OF THE BANK DRAFT/POSTAL ORDER filed in respect of the application fee:

1) P.O./ DD No. 605896070

2) Date: 26-6-94

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3. Fee: Rs.50/-

~~L.P.O./B.C./D.D./Remittance~~

4. Name of the Office of Issue: *K. P. S. Post Office*

5. Name of the Office payable at: G.P.O. Hyderabad.

12. LIST OF ENCLOSURES:

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No. Details of the Documents

Annex. No.

AS per Index.

VERIFICATION.

I, G. Jnaneswar S/o G. Rama Rao, aged about 25 years,
Occ. Selected candidate for the post of Postal Assistant,
r/o Tanuku, District West Godavari, do hereby verify
that the contents of para 1 to 4 are true on
personal knowledge and para 5 believed to be true on
legal advice and that I have not suppressed any material
fact.

Hyderabad.

26.4.1994.

G. Jnaneswar
SIGNATURE OF THE APPLICANT.

K. P. S. Post Office
COUNSEL FOR THE APPLICANT.