

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 581/95.Dt. of Decision : 26-11-97.

P. Lakshmana Rao

.. Applicant.

Vs

1. The Superintendent of Post Offices,
Machilipatnam Division,
Machilipatnam-521 001.
2. The Director of Postal Services,
A.P. Eastern Region, Vijayawada,
Krishna District.

3. W. Nageswara Rao

.. Respondents.

Counsel for the applicant : Mr. M. Pandu Ranga Rao

Counsel for the respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

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

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

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-2-

ORDER

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

Heard Mr.M.Pandu Ranga Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the respondents. R-3 though served has remained absent.

2. The point that arises for our consideration in this OA is whether the R-1 was justified in cancelling the notification dt. 7-6-94 issued inviting applications for filling up the post of EDBPM, Salempalem and issuing a notice.....

3. The above point arises in the following circumstances:-

The post of EDBPM, Salempalem fell vacant on account of the retirement of the regular incumbent of the post. It fell vacant on 30-6-94. The respondents requested the local employment exchange to sponsor the candidates for filling up that post. There was no response from the employment exchange. Hence they issued open notification dated 7-6-94 fixing the last date for receipt of applications as 8-7-94. In response to the said notification four candidates including the applicant and R-3 had applied. The respondents now submit that none of the application of the candidate who had responded to the said notification was found proper. Hence they cancelled the notification dt. 7-6-94.

4. The Respondent No.1 has issued second notification dated 26-10-94 fixing the last date as 10-11-94..In response to the second notification the selected candidate viz., R-3 was an applicant. It is stated that the R-3 had secured higher marks and therefore, he was selected.

5. The applicant is questioning the action of the respondents in cancelling the earlier notification dt. 7-6-94. In order to ascertain whether the R-3 was justified in cancelling the notification dt. 7-6-94 or not and to ascertain whether the candidates who had responded to the earlier notification had submitted all the particulars or not, we perused the selection proceedings. During course of arguments the learned counsel for the respondents fairly

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submitted that the applicant herein who was one of the candidates in response to the earlier notification had furnished the copy of the registered document showing the property in his name.

6. When that was shown they could have ascertained the genuineness of the said document during the course of verification. The only reason for not considering the applicant is when he had applied for the first notification the income certificate produced was not in his name and that income certificate was in the name of his father. When the applicant was in possession of the property, the question of not earning any income from the property may not be correct. Even it may be possible that the income derived in his father's name may be shared among the members of his family. But we do not want to give any ~~xxxxx~~ conclusion to that effect in this OA.

factors the respondents rushed in cancelling the earlier notification dated 7-6-94. We feel that the cancellation of notification dated 7-6-94 may not be in order. Hence, we are of the opinion that the second notification dated 26-10-94 was unwarranted and hence should be set aside.

8. The selection for that post has to be done on the basis of the applications received in response to the notification dated 7-6-94 in accordance with law.

9. Till such time the regular selection is made as directed above the present incumbent should be continued as a provisional EDBPM in order to ensure the proper function of the post office.

10. Time for compliance is three months from the date of receipt of a copy of this order.

11. With the above direction, the OA is disposed of. No order as to costs.

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

(R. RANGARAJAN)
MEMBER (ADM.)

Dated : The 26th Nov. 1997.
(Dictated in the Open Court)

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