

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
 AT HYDERABAD

O.A.No. 745/95

Date of Order : 3.3.98

BETWEEN :

B.John Prasad

v. Applicant.

AND

1. The Postmaster, Ananthapur HO
 Ananthapur Division, Ananthapur.
2. The Supdt. of Post Offices,
 Ananthapur Division, Ananthapur.
3. Sri Srinivasulu

.. Respondents.

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Counsel for the Applicant .. Mr.P.Rathaiah

Counsel for the Respondents .. Mr.N.R.Devraj

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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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O_R_D_E_R_

X As per Hon'ble Shri B.S. Jai Parameshwar, Member (Judl.) X

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Mr.Joseph for Mr.P.Rathaiah, learned counsel for the applicant and Mr.W.Satyamarayana for Mr.N.R.Devraj, learned standing counsel for the respondents. R-3, though notice has been served on him personally, has remained absent.
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2. The post of Extra Departmental Stamp Vender, ^{NPO} A manthapur fell vacant w.e.f. 24.6.94 on account of the removal of the regular incumbent of that post. The Post Master, Ananthapur requested the local employment exchange to sponsor candidates.

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The employment exchange did not give any response to the said requisition. Hence an open notification dated 17.9.94 was issued inviting applications from the eligible candidates to fill up the said post. The last date was fixed as 17.10.94. In response to the said notification 24 candidates submitted their applications. It is stated that the candidature of the applicant was rejected on the following grounds.

- (a) Residential certificate was not produced.
- (b) The applicant was the native of the Atmakur village and was not residing at Ananthapur and that the said village was at the distance of 25 kms. away from Ananthapur.

3. The respondents selected R-3 for the said post as R-3 belonged to S.C. Community and it is submitted that there is shortfall of S.C. Community in the said division.

4. The applicant has filed this OA challenging the selection and appointment of R-3 for the post of EDSV, NPO, Ananthapur. The applicant has challenged the rejection of his candidature and also selection of R-3.

5. The respondents have stated in clear terms in page-3 of the reply the reasons for rejection of the candidature of the applicant. On perusal of all these grounds we feel that the respondents 1 and 3 unjustifiably rejected the candidature of the applicant. It is to be noted that a candidate need not be residing at the place where the Post Office is situated. It is only after his selection he has to reside and run the Post Office in that area. Therefore the rejection of the candidature of the applicant on the ground that he was residing 25 Kms away from Ananthapur was not justified.

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6. Likewise the residential certificate not produced is also taken as a ground for rejecting the candidature of the applicant. When it is not a condition precedent for residing in the area where the Post Office is situated, We feel that production of residential certificate was not ~~satisfactory~~ ^{necessary}.

7. The respondents submit that they selected R-3 on the ground that he belonged to S.C. Community and that there was short fall in the representation of the candidate, belonging to S.C. Community in the division. They have not produced the notification dated 17.9.94 to ascertain whether there was any indication that they were preferring an S.C. Candidate. In view of the decision of the Calcutta Bench of this Tribunal one notification is issued in general terms selection of the reserved candidate will deprive the employment opportunity of the candidates belonging to other community. If the respondents felt that there was short fall of S.C. representation in the division they should have specifically ^{mention} say in the notification. The respondents have not produced the notification. In the absence of the said notification we are only ^{to} go by the records to hold that selection of R-3 only on the basis that he belonged to S.C. community may not be proper. His selection ^{has} deprived the employment opportunity of other candidates belonging to other community.

8. Therefore in our humble opinion the respondents have failed to give proper reasons for rejection of the candidature of the applicant and for selection of R-3. Hence we have no other alternative but to set aside the selection of R-3 for the post of EDSV, NPO, Ananthapur and further direct the respondents to make selection among the eligible candidates who had responded to the notification dated 19.9.94. Till such selection of a regular candidate, the person holding the post of EDSV, NPO, Ananthapur shall be continued as a provisional candidate.

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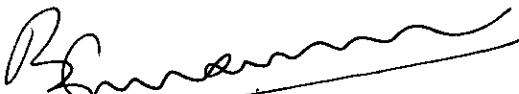
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9. In this view of the matter we issue the following directions :-

- (a) The selection of R-3 for the post of EDSV, NPO, Amanthapur is hereby set aside.
- (b) The respondents 1 and 2 are hereby directed to make selection among the candidates who responded to the notification dated 17.9.94 and finalise the process of selection as expeditiously as possible.
- (c) Till such time the present incumbent of the post of EDSV, NPO, Amanthapur shall be continued as provisional candidate.

10. With the above directions, the OA is disposed of.
No costs.



(B.S. JAI PARAMESHWAR)
Member (Judl.)
3/3/98

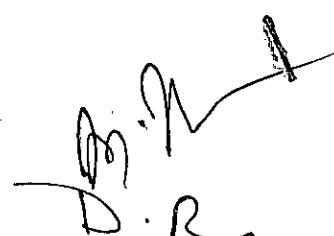


(R.RANGARAJAN)
Member (Admn.)

Dated : 3rd March, 1998

(Dictated in Open Court)

sd


D.R.

OA.745/93

Copy to:-

1. The Postmaster, Ananthapur HO Ananthapur Division, Ananthapur.
2. The Supdt. of Post Offices, Ananthapur Division, Ananthapur.
3. One copy to Mr. P.Rathaiah, Advocate, CAT., Hyd.
4. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
5. One copy to BSJP M(J), AT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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19/3/98

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COMPIRED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

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

DATED: 3/3/98

ORDER/JUDGMENT

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

in

B.A. NO.

745/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

