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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT  
HYDERABAD.

O.A.No: 763 of 1995.

Between:

K. Jaya Prakash son of Narayana,  
aged 25 years, Resident of Chinna  
Kodepaka, Parkal HO Warangal Dist. .. Applicant.

and

Union of India represented by:

1. Chief Post Master General  
Andhra Pradesh Circle, Hyderabad.
2. Post Master General, Hyderabad  
Region, Hyderabad.
3. Superintendent of Post Offices,  
Hanamkonda Division, Hanamkonda.
4. Bandaru Chandra Mouli, son of  
Rajalingam, BPM Chinna Kodepaka  
A/W Parkal HO Warangal District. .. Respondents.

Address for service of notices: K.S.R. ANJANEYULU &  
D. SUBRAHMANYAM, Advocates,  
1-1-365/A, Jawaharnagar,  
Bakaram, Hyderabad.

Details of the application:

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

This application is filed against the selection of  
Respondent No: 4 as Branch Post Master, Chinna Kodepaka B.O.  
A/W Parkal HO in May, 1995.

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 as per Section 14(1) of the  
Administrative Tribunal Act, 1985.

3. Limitation:

The applicant further declares that the application  
is within the period of limitation as per Section 21 of the

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Administrative Tribunals Act, 1985 as the selection and appointment was made only on 7.6.1995 which is arbitrary and unsustainable.

4. Facts of the case:

4.1. The applicant humbly submits that the post of BPM Chinna Kodepaka A/W Parkal HO fell vacant on 17.3.1995 due to retirement of the working BPM.

4.2. The Superintendent of Post Offices, Hanamkonda Division vide his Memo No: B-31/Chinakodepaka dated 8.3.1995 issued Notification (Annexure 1) for filling up of the post of BPM on regular basis fixing 10.4.1995 as the last date for receipt of applications.

4.3. The applicant has fulfilled the conditions for appointment of BPM as:

1. He passed S.S.C. with total marks of 288.

2. He is native of the BO village.

3. He is also having a house and land to the extent of 2 acres and 10 guntas.

4. He is also getting an income of Rs. 11,500/- out of Ration shop Dealership besides from lands.

4.4. The applicant applied for the post of BPM in time enclosing all the required certificates on 6.4.1995. The Superintendent of Post Offices, Hanamkonda vide his Memo No: B-3/CK. Pak/dated 21.4.1995 (Annexure 2) directed the applicant to produce originals to SDIP Parkal on 25.4.1995 at 11.00 a.m. who would be visiting CK Pak B.O.

4.5. The SDIP vide his memo BO/CK Pak/dated 2.4.4.1995 (Annexure 3) intimated the applicant that the date for verification of certificates has been postponed to 3.5.1995

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and the applicant should appear at the B.O. on that date. Accordingly the applicant produced all the original certificates ~~xxxx~~ for verification by S.D.I.P. on 3.5.1995.

4.6. The S.S.C. Certificate of the applicant is Annexure 4, the property certificate is at Annexure 5, the nativity certificate is Annexure 6, the income certificate is filed at Annexure 7, the certificate relating to ownership of the house is at Annexure 8. On 3.5.1995 ~~xxxx~~ Respondent No: 4 along with other candidates appeared before the S.D.I.P. who verified their certificates also. On verification it is known that the applicant secured 288 marks while Respondent No: 4 got only 211 marks in S.S.C. Thus the applicant fulfilled all the conditions and he was hoping that he would be selected on the basis of merit. It is submitted that there are specific instructions to select a candidate who secured highest marks among the candidates.

4.7. The S.D.I.P. submitted his report to the Superintendent of Post Offices who is the competent authority for making appointment to the post of B.P.M. The applicant understood that he alone was due to be selected and appointed on merit.

4.8. As it stood thus, it is reliably learnt that Respondent No: 4 brought pressure by outside influence for his selection and appointment.

4.9. The Post has been filled by appointing Respondent No: 4 as BPM on 7.6.1995. The applicant could not secure a copy of the appointment order.

4.10. It is largely known in the whole town that the appointment of Respondent No: 4 is on extraneous considerations and the S.D.I.P. or the Superintendent of Post Offices are not giving any reasons. The selection and appointment of Respondent No: 4 is therefore arbitrary and unsustainable.

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*K. Jayaram*

4.11. The applicant submits that the post was not declared to be filled up by a Scheduled Caste Candidate. Applications have been called from all the candidates to fill up on merit. The post cannot therefore be filled up ignoring the merit of the applicant. The applicant has also registered his name in the employment exchange, Warangal on 27.8.1988.

4.12. The applicant submits that the selection and appointment of Respondent No: 4 is vitiated on the ground that it is not on merit and tainted with arbitrariness and unsustainable. The applicant is therefore left with no alternative than to approach this Honourable Tribunal for redressal of his grievance.

5. Grounds for relief with legal provisions:

1. The selection and appointment is not based on merit. The applicant secured more marks than Respondent No: 4 and fulfilled all conditions.
2. The post is not declared to be filled by a reserved candidate. The selection and appointment other than on merit is unsustainable.
3. The selection and appointment is based on extraneous consideration and not on merit. The appointment of Respondent No: 4 is vitiated and offends article 14 of the constitution of India.

6. Details of the remedies exhausted:

As the selection and appointment is *ex facie* illegal, there is another speedy, effective and efficacious remedy available to the applicant.

7. Matters not previously filed or pending in any other court:

The applicant declares that no case relating to the matter is filed or pending before any other court.

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10 days prga

8. Relief(s) sought:

In view of the facts mentioned in para 4 above the applicant herein humbly prays that this Honourable Tribunal be pleased to call for the records relating to the selection and appointment of BPM Chinnakodepaka in pursuance of Superintendent of Post Offices, Hanamkonda Memo No: B-3/CK Pak/dated 8.3.1995 (Annexure I) and set aside the selection and appointment of Respondent No: 4 as BPM and to direct the respondent No: 3 to select and appoint the applicant as Branch Post Master on the basis of merit and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

9. Interim relief prayed for:

To fix an early date for hearing.

10. Not applicable.

11. Particulars of fee of Rs. 50/- paid:

No. & date of Postal order: 728.645251, 728.645252 for Rs 20/- each  
434.845009, 434.845010 for Rs 5/- each  
Office of issue : Gaudhi Nagar Hyderabad  
Payable at : Hyderabad GPO

Rs. 50/- A.  
U.P.O. REC'D & REMOVED

12. List of Enclosures:

Vakalat, Postal order and material papers as per index.

VERIFICATION

I, K. Jaya Prakash son of Narayana, aged 25 years, R/o: Chinnakodepaka Warangal District, do hereby verify that the points of paras 1 to 11 are true to my personal knowledge and contents of paras 5 and 8 are believed to be true as per legal advise and that I have not suppressed any material facts in the case.

*Abdul Basir*  
COUNSEL FOR THE APPLICANT.

*K. Jayaprakash*  
SIGNATURE OF THE APPLICANT.