

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 872/95

DATE OF ORDER : 05-01-1998.

Between :-

Smt. Bathula Hemalatha

.... Applicant

And

1. Superintendent of Post Offices,
Tirupathi Division,
Chandragiri (Tq.) Tirupati.
2. Post Master General, Hyderabad Region,
Hyderabad.
3. B. Naga Raju

.... Respondents

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Counsel for the Applicant : Shri P. Harinatha Gupta

Counsel for the Respondents : Shri N.R. Devaraj, Sr. CGSC
Shri D.K. Rami Reddy

CORAM:

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

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

(Order per Hon'ble Shri R. Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri Sastry for Sri P.Harinatha Gupta, counsel for
 the applicant and Sri N.R.Devaraj, standing counsel for the Central
 Government. None for the Respondent No.3. Respondent No.3 called
 absent.

2. The applicant in this O.A. was one of the candidates who
 applied in response to the open notification for the post of EDBPM,
 Ayyavaripalli Village. The Respondent No.3 was also one of the
 candidates who appeared for the selection. Respondent No.3 was selected.

3. This O.A. is filed challenging the selection of Respondent No.3 and for a consequential direction to official respondents
 the applicant
 to appoint/in that post.

4. We have gone through the reply filed in this O.A.

5. Though the applicant do^{es} not hails from that village, her
 application cannot be dismissed on that ground. Hence it is to be
 held that both the applicant and Respondent No.3 are fully eligible
 Consideration for
 for the EDBPM post. When both the candidates fulfill all the
 conditions, the candidates should be selected on the basis of the
 marks obtained in SSC Examination.

6. It is seen from the reply that the applicant has got less
 marks than the Respondent No.3. But the counsel for the applicant
 submits that the applicant had passed the examination in the first
 attempt whereas the Respondent No.3 has passed the examination in
 compartmentally examination. We have considered the above contention.

[Signature]

[Signature]

.....3.

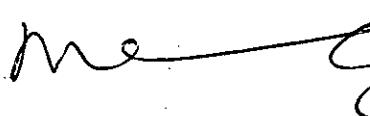
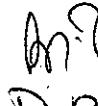
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There are no rules in this regard. The rules only stipulates that the candidates who secures more marks in the SSC Examination has to be preferred. This Tribunal is taking the view that ~~total~~ the candidate who secures higher marks in the SSC Examination should be treated as meritorious candidate whether it is ~~in compartmentally~~ ~~attempt~~ or in the first instance. In view of the above, we cannot up hold the contention of the applicant in this connection to the effect that the applicant is ~~more~~ ^a more meritorious because of the fact that she has passed in the first instance.

7. Hence this contention is rejected. // The applicant further submits that the accommodation provided by ~~Res~~ her is better than the accommodation provided by Respondent No.3 for the post office. In the reply it is stated that the Respondent No.3 has provided suitable accommodation for the post office. No rejoinder is filed. Hence we think that the official respondents have checked the accommoda-
~~tion provided by the Respondents No.3 is~~ ^{with} and satisfied ~~about~~ the accommodation provided by the Respondent No.3.

8. In the result, we find no merits in this case. Hence the O.A. ~~case~~ is dismissed. No order as to costs.


B.S. JAI PARAMESHWAR
Member (J)
S-I-98


(R. RANGARAJAN)
Member (A)

DR

Dated: 5th January, 1998.
Dictated in Open Court.

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Copy to:

1. The Superintendent of Post Offices, Tirupathi Division, Chandragiri Taluk, Tirupathi.
2. Postmaster General, Hyderabad Region, Hyderabad.
3. One copy to Mr. Harinath Gupta, Advocate, CAT, Hyderabad.
4. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to Mr. D.K. Rami Reddy, ~~Address~~ Advocate, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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27/1/98

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED: 5/1/98

ORDER/JUDGMENT

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

in

C.A.NO. 872/95

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

