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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA. 957/95

dt. 21-4-98

Between

B. Balatripura Sundari : Applicant
and
1. Subdt. of Post Offices
Khammam Division
Khammam Dist.
2. Sri S. Srinivasa Rao : Respondents
R/o Chandrugonda vill.
Khammam Dist.

Counsel for the applicant : P. Rathaiyah
Advocate

Counsel for the respondents : V. Bhimanna
CGSC

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HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

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Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Mr. Sitharam for Mr. P. Rathaiah for the applicant, Mr. V. Bhimanna for the respondent.

1. Repeated notices were served on Respondent-2 but notices were returned back unserved. Hence, we do not find it necessary to serve notice once again to Respondent-2.
2. The post of EDBPM, Chandrugonda Village, Julurpahad, had become vacant due to resignation of regular appointee. The applicant ~~who~~ worked as substitute to regular appointee as EDBPM with effect from 19-8-1994. In the meanwhile District Employment Exchange was addressed on 12-7-1994 fixing last date as 11-8-1994 under the usual procedure as per rules to sponsor eligible candidates for the said post. As there was no response ^{an} open notification was issued on 29-8-1994 fixing last date for receipt of applications as 28-9-1994. Four applications including that of the applicant and Respondent-2 were received. On verification of the applications that were received it was found ^{that} none of the four candidates was eligible for consideration for the post. As such the vacancy was renotified on 17-2-1994 fixing last date for receipt of applications as 16-3-1995. Four applications were received for this renotification also which includes the applicant as well as Respondent-2. After verification the SPO selected Respondent-2, who secured more marks than the applicant in ^{Examination} SSC and fulfilled other conditions required for the post of EDBPM as per rules and charge was handed over to

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him on 20-6-1995.

3. This OA is filed challenging the posting of Respondent-2 as EDBPM, Chandrugonda village, and for a consequential direction to post the applicant in that post.

4. There are two contentions raised by the applicant in this OA. They are :

i) Respondent-2 does not even have a house in the village and is staying in a thatched house which is not at all safe to keep a Post Office where thousands of rupees are handled every day. It is further stated that bogus nature of certificate was reported by the ASP after a detailed enquiry in the village and with MRO. Hence, selection of Respondent-2 is irregular.

ii) The second contention of the applicant is that she has been working as Provisional EDBPM right from August, 94 onwards and hence she should be given extra weightage for her working as Provisional EDBPM and that should serve her cause for posting as EDBPM of that post office instead of Respondent-2.

5. As regards the first contention para-9 of the reply is relevant. It is stated that the selected candidate fulfilled the requisite conditions for selection. The copies of pages in Pattadar pass book submitted by Respondent-2 in support of his property certificate along with the application in response to the notification dated 17-2-95 clearly shows that he is the owner of 13.44 acres of land. This has been certified by the competent Revenue authority. Hence, the allegation made by the applicant has been denied as incorrect by the respondents.

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6. Though the applicant submits that the bogus certificate was ~~certified~~ ^{Marked} by the ASP, as per the detailed enquiry of MRO, no documentary evidence was produced. Mere ^{an bogus} assertion that the certificate is reported by ASP, ~~is a~~ ^{an} bogus one is not relevant, for allowing this OA. When we question^{ed} the learned counsel for the applicant to produce documentary evidence he could not produce any documentary evidence. Reply in this connection as stated above has made it clear. The applicant did not file any rejoinder ~~rebutting~~ ^{representing} the facts mentioned in para-9 of the reply. Hence, we have no other alternative except to accept the denial of the allegation of the respondents and on that basis this contention has to be rejected.

7. The applicant has got only 232/ ⁶⁰⁰ marks in SSC examination whereas the selected candidate viz. Respondent-2 had got 286/600 marks in the SSC. Though the applicant submits that she should be given extra weightage for having served the department as Provisional EDBPM, Chandrugonda village, Such extra benefits can be given only when ~~all the other are placed equally~~ ^{are equal} items are equal. In this case the applicant had obtained less marks than Respondent-2 and hence no further weightage can be given to the applicant. This is the view we have taken in other OAs. Hence, the second contention also has to be rejected as having no merit.

8. In view of the foregoing we find the application is devoid of merits and hence it is dismissed as having no merit. No costs.


(B.S. Jai Parameshwar)
Member (Judl)

21/4/98


(R. Rangarajan)
Member (Admn.)

Dated : April 21, 98
Dictated in Open Court

27/3/98
16
II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 21/4/98

ORDER/JUDGMENT

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

in

O.A. NO. 957/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
हैदराबाद भारतीय
HYDERABAD BENCH

10 MAY 1998
Despatched
RECORDED
राज्य विधान/प्रपाल SECTION