

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ; HYDERABAD BENCH
AT HYDERABAD

D.A. No. 1132/95.

Dt. of Decision : 20-11-95.

P. Balakrishna Reddy

.. Applicant.

Vs

The Superintendent of Post Offices,
Wanaparthy.

.. Respondent.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondent : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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O.A.NO.1132/95.

JUDGMENT

Dt:20.11.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri S.Ramakrishna Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. There was a vacancy for the post of Extra Departmental Branch Post Master, Latpalli, Bijinepally S.O., Wanaparthy Division when the regular incumbent ^{who} happened to be father of the applicant herein, retired on 5.1.95 on attaining the age of superannuation. When no candidate was sponsored by the Employment Exchange, the respondent issued the notification dated 4.1.95 calling for applications for the post of EDBPM, Latpalli. The applicant was appointed as EDBPM, Latpalli on provisional basis and he was working in that capacity from 5.1.95. In pursuance of the notification dated 4.1.95, five applications ^{including that of applicant} were received. Then note dated 28.4.95 was placed before the respondent and it is to the effect that none of the candidates who applied for the post comply ^{ed} with the requisite particulars. Thereupon the respondent endorsed on 9.5.95 that the vacancy may be notified again. Then 2nd notification dated 20.5.95 was issued. Then the ~~application~~ application of the applicant alone was received in time. Note dated 15.6.95 was made to the effect that when the ~~min~~ minimum required is three appli-

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cations for selection, only one application was received. Then the respondents endorsed on the same date that it may be again renotified.

3. The 3rd notification was issued on 16-6-1995. Three applications in pursuance of the same including that of the applicant herein were received by 30-6-95, the last date stipulated. But in two applications which were received on 1-7-95 it was mentioned that the vacancy was not notified in the village and tom tom was not made by the sarpanch and hence they were not aware of the vacancy and could not submit them in time. Thereupon, the respondent made endorsement on 7-7-95 directing fresh notification of the vacancy and the ASPD was asked to circulate the notification in the village by taking acquittance from the residents of the village. Thereupon 4th notification dated 7-7-95 was issued. Three applications including that of the applicant were received. Those applications are said to be of the applicant and the other two who applied in pursuance of the 3rd notification.

4. While the last date for receipt of the applications in pursuance of the notification dated 7-7-95, was 6-8-95, the same two individuals who complained on 1-7-95 that the vacancy was not notified in the village ^{again complained} that the vacancy was not notified in the village. Thereupon the respondents noted that every time it was noticed that some of the candidates were complaining about non-

again complained

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publicity to the vacancy in the village and particularly the same two were complaining about the non-circulation of the notification about the vacancy in the village. He ordered on 14-8-95 that the vacancy has to be again notified and the ASPD was asked to go to village and notify the vacancy by tom tom personally and obtain the signature of the villagers on the notification.

5. There upon the impugned notification dated 17-8-95 was issued and the same is challenged in this OA.

6. As there was no challenge in regard to the notification dated 4-1-95 before the later notification was issued, we feel it not necessary to consider correctness of the grounds for renotification especially in holding that the applicants who applied in pursuance of the first notification had not complied with the necessary particulars. For the same reason we are not considering whether there will be any justification for renotification when only one application was received in pursuance of earlier notification.

7. The learned counsel for the applicant is relying upon the DGP&T letter No.43-40/65 per. dated 19-1-1968 referred to at ~~page~~ page 69 of Service Rules for ED staff

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in Postal Department, (5th Edition) to urge that the only way in which the publicity had to be given whenever it is proposed to engage the ED Agent is by displaying notice giving particulars of the payment to be made and allowance and other conditions attached to it at the concerned post office, the police station, the Panchayat office and any other public place considered suitable and that tom-tom is not contemplated as per the above letter of DGP&T and so it is not just and proper to order renotification on the ground that no tom-tom was made earlier.

8. While it was urged for the respondents that the applicant managed to see that sufficient publicity was not given, in regard to the notification for this vacancy, it is contended for the applicant that in order to defeat the interest of the applicant, a candidate who got ^{higher} ~~no~~ marks was prevailed upon to apply for this post and in order to enable him to apply, the notification for the fifth time was ~~also~~ issued.

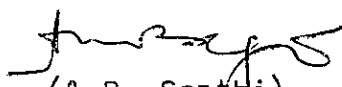
9. The intendment for the publication for the notification ^{in regard to} of the appointment of EDBPM is to give publicity to the villagers to enable the ^{live} desirable eligible candidates to apply for it. If the Appointing authority feels that for one reason or the other, the method contemplated in the DGP&T letter dated 19-1-1968 is not serving the purpose, and if the said authority feels that due publicity can be given by ordering tom-tom also, then it cannot be stated that there is any irregularity ~~in~~ in ordering tom-tom. It does not go against the DGP&T letter dated 19-1-1960.

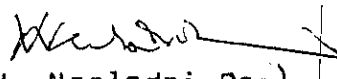
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10, Ofcourse if renotification was ordered for extraneous reasons, it is a matter for consideration in proceedings under Articles 226 of the Constitution. But in view of the tenor of the endorsement made by respondent, we feel that the respondent genuinely felt that the due publicity for notifying the vacancy was not given earlier, and hence, ultimately he felt that the same can be made by tom tom under the personal supervision of ASPD. Hence, we cannot accede to the contention for the applicant that with ulterior or oblique motive, the respondent ordered the impugned notification.

11. Thus, there are no valid ground warranting the interference when the respondent ordered notification of the publication of vacancy in regard to the post of EDBPM, Latpalli, for the fifth time. Accordingly, this OA is dismissed. The interim order dated 25-9-95 stands vacated. No costs. //


(A.B. Gorthi)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated :; Nov 20, 95
Dictated in Open Court


Deputy Registrar(J)CC

To

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1. The Superintendent of Post Offices, Wanaparthi.
2. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
3. One copy to Mr. N.R.Devraj, Sr.CGSC.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

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As per
6/12/95

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

A.B. Gordh

THE HON'BLE MR. ~~R. RANGABAIAN~~ : M(A)

DATED: 20-11-1995

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

1132/95

T.A.No.

(W.P.No.)

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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