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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1149/95

DATE OF ORDER : 22-04-1998.

Between :-

Meesala Appala Naidu

... Applicant

And

1. The Union of India through Secretary,
to the Govt of India, M/o Communications,
New Delhi.
2. The Post Master General,
Visakhapatnam, Region,
Visakhapatnam.
3. The Sr. Superintendent of Post Offices,
Srikakulam.
4. The Sub-Divisional Inspector of Post
Offices, Rajam Sub Division, Rajam,
Srikakulam District.
5. Gullipilli Krishna Murthy

... Respondents

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Counsel for the Applicant : Shri M.R.S. Srinivas

Counsel for the Respondents : Shri V. Rajeshwar Rao, CGSC

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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)).

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

Heard Sri Briz Mohan Singh for Sri M.R.S.Srinivas, counsel for the applicant and Sri V.Rajeshwar Rao, learned standing counsel for the respondents. Notice ^{was} served on Respondent No.5 but not acknowledged. As this OA was filed in the year 1995, we do not think it fit for adjourning the matter. In view of the directions ^{that is} going to be passed ~~and as~~ no harm will be done to respondent No.5 also.

2. The applicant belongs to Backward Class-D community and passed SSC in the year 1982 securing 437 marks out of 600. He submits that he applied for the post of EDMC, Rajam Sub Division, in response to the notification dt.18-4-95 (Annexure-5 page No.12 to the OA). Respondent No.5 ^{was} also a candidate for that post. Respondent No.5 was selected. This OA is filed for setting aside the selection of Respondent No.5 and for a consequential direction to consider the applicant for that post and post him on that basis.

3. A reply has been filed in this O.A. The main contention of the respondents in this O.A. is that the applicant has not filed his application in the prescribed pro-forma fully i.e. page No.2 is not there. Further, the applicant has not enclosed the certificate/documents in proof of his education qualifications and COO. The learned counsel for the applicant submits that he has fully complied with the instructions in filling the application in the prescribed proforma with all pages and annexures. He having obtained more marks in SSC than Respondent No.5 should have been

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selected.

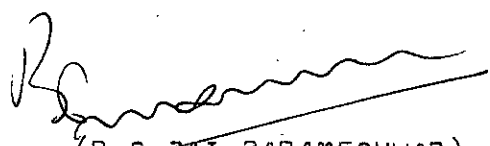
4. The first point to be considered in this case is whether the applicant had submitted the application in the prescribed proforma fully with all the documents. The applicant submits that he did so whereas the respondents deny that. It is a word of the applicant against the word of the respondents. Hence no further direction can be given unless the correctness of the statements are verified. The respondent submit that the applicant's application was incomplete whereas the applicant submits that somebody must have removed the pages from that to derive advantage for them. Hence we are of the opinion that an enquiry should be made in regard to the statement of the applicant as to whether the applicant submitted his application in full with all documents. That enquiry should be done by Respondent No.3 who is head of the Post Office for ~~the~~ which the recruitment was made. While doing the enquiry by respondent No.3, he should ^{also} hear both the applicant as well as Respondent No.5. On the basis of enquiry Respondent No.3 should decide whether the applicant has submitted his application in the prescribed proforma fully with all enclosures. If Respondent No.3 comes to the conclusion that the statement of the applicant in regard to the application is in order, then the appointing authority should review the selection proceedings by considering all the applications received in response to the notification dt. 18-4-95. On that basis the suitable candidate should be selected. If Respondent No.3 comes to the conclusion that the statement of the applicant is not in order on the basis of the enquiry proceedings, then the O.A. stands dismissed.

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5. With the above directions, the Original Application is disposed of. No order as to costs.



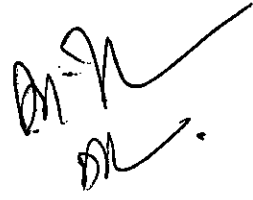
(B.S. JAI PARAMESHWAR)
Member (J)

22498



(R.R. ANGARAJAN)
Member (A)

Dated: 22nd April, 1998.
Dictated in Open Court.



avl/

Copy to:

1. The Secretary to Govt, Min of Communications,
New Delhi.
2. The Postmaster General, Visakhapatnam Region,
Visakhapatnam.
3. The Sr. Superintendent of Post Offices,
Srikakulam.
4. The Sub Divisional Inspector of Post Offices,
Rajam Sub Division, Rajam, Srikakulam District.
5. One copy to Mr. M.R.S. Srinivas, Advocate, CAT, Hyderabad.
6. One copy to Mr. V. Rajeswara Rao, CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

15/5/98
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II COURT

TYPED BY
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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: 22/4/98

ORDER/JUDGMENT

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

in

O.A. NO. 1149/95

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद ब्याचपीठ
HYDERABAD BENCH
5/4 MAY 1998
Despatch N/A
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विभाग / DEPT. SECY. IN