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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1565/95

Date of Order : 31.12.97

BETWEEN :

D.Chandrasekhar

.. Applicant.

AND

1. The Postmaster General,
Vijayawada Region,
Vijayawada.
2. The Supdt. of Post Offices,
Gudur Division, Gudur.
3. The Sub Divisional Inspector (Postal),
Sullurupet Sub Division,
Sullurupet, Nellore Dist.
4. K.Ravi

.. Respondents.

Counsel for the Applicant

.. Mr.S.Rama KrishnaRao

Counsel for the Respondents

.. Mr.K.Bhaskara Rao

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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

O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (Judl.) X

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant
Notice to
None for the Respondents. R-4 though served in person remained
absent on the last occasion also. Even today he has remained
absent.

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2. The applicant herein has filed this OA challenging the selection and appointment of R-4 as EDBPM, Thummur village Naidupeta Mandalam, Nellore District. The post of EDBPM, Thummur became vacant on 15.4.95. On failure of the employment exchange to sponsor the eligible candidates to fill up the said post the respondents issued open notification dated 1.2.95 fixing the last date for receipt of applications as 3.3.95. In response to the said notification 8 applications were received including that of the applicant and R-4. The applicant has got 382/700 marks in SSLC and had fulfilled the other requisite criteria for selection. However R-2 selected R-4 on the ground that there was shortfall of SC candidates in the Gudur Division.

3. The respondents in their counter specifically state that the selected candidate had not fulfilled the conditions of income and property at the time of his application to the post. The appointment of R-4 could not be interfered because of the decision of the Full Bench of this Tribunal in OA.57/91 (Smt. N. Ambujakshi vs. Union of India). This averment clearly indicates that the selection of R-4 was not in order. Even the application submitted by R-4 was not complete in all respects. In that view of the matter we cannot uphold the selection of R-4 as EDBPM.

4. The notification was issued without specifying the post reserved for SC candidates. In case the respondents felt that there was shortfall in the SC category in the Gudur division they should have specifically invited applications from the reserved category. The above observation is in accordance with the directions given in Calcutta Bench of this Tribunal in OA.712/95 dated 15.11.96 (Sri Shubnag Dhara Vs. Union of India and others).

5. In that view of the matter the selection and appointment of R-4 as EDBPM, Thummur, is hereby set aside. The respondents shall complete the process of selection among the candidates

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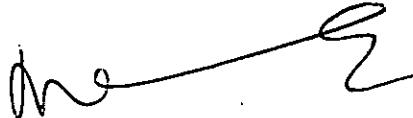
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who responded to the notification dated 1.2.95. Till such time
the present incumbent of the post shall be continued as ^aprovisional
candidate. Time for compliance is 2 months from the date of
receipt of a copy of this order.

6. The OA is disposed of with no costs.


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

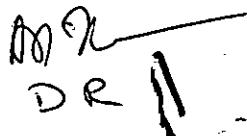
31.12.97


(R. RANGARAJAN)
Member (Admn.)

Dated : 31st December, 1997

(Dictated in Open Court)

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DR

Copy to:

1. The Postmaster General, Vijayawada Region, Vijayawada.
2. The Supdt. of Post Offices, Gudur Division, Gudur.
3. The Sub Divisional Inspector, (Postal). Sullurpet Sub Division, Sullurpet, Nellore District.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. K. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to HBSJP, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

19/1/98
TYPED BY
COMPARED BY

II Court

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND
R. Rangarajan
THE HON'BLE MR. K. RAJENDRA PRASAD, M.A.

And
The Hon'ble Mr. B. S. Jaiparameshwar
M.T.)
DATED: 31 - 12 - 1997

ORDER/JUDGMENT:

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

in
O.A. No. 1565/95 -

T.A. No.

O.W.P

Admitted and Interim directions.
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

