

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD .

OA/TA/RA/CP/MA/.....1321.....of 199 5

.....Sd. Munnikrishna.....Applicant (S)

Versus.

.....The Supt. P.O. Warangal.....Respondent(S)
.....& Anr.....

INDEX SHEET

Serial No.	Description of Documents and Dates.	Pages.
Docket orders.		122
Interim orders		
Orders in MA (S)		
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Orders in (Final orders)	27-3-98	24 to 29
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Certified that the file is Complete
in all respects.

Signature of
Dealing Hand.

(In record Section)

Signature of S.O.

0A B2C(95

2

DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL
27-3-98		<p>0A allowed. Order on separate sheet. No costs.</p> <div><div><p><i>J</i> HBS SP M(S)</p></div><div><p><i>A</i> HRRN M(A)</p></div></div>

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH



O.A. No. 1321 of 1995

Sd. Muneeruddin Applicant (S)

VERSUS

Subst. of Post office, Wanaparthy & another

Respondent (S)

DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL
8.11.95.		<p>List it on 9.11.95.</p> <p>HARN HVNAS MAD VL B.O. AD NOR(S)</p>
14-11-95		<p>Notice Before admission List on 19/11/95. For reply in the meanwhile.</p> <p style="text-align: center;">  HARN HVNAS MAD VL </p>
19.12.95.		<p>Respondent No.2 called absent. Hence heard exparte He is interested Admit. Expedite. List it for final hearing on 13.2.96. For reply in the meanwhile.</p> <p style="text-align: center;">  HARN HVNAS MAD VL </p>

2/3/98

List it on 3/3/98
for
for

Notice
2/15/95
for

CENTRAL ADMINISTRATIVE TRIBUNAL
ANDHRA PRADESH

ORIGINAL APPLICATION NO. 1321 of 1995

Syed Muneeruddin
Shri A. Narsa Reddy Applicant(s)

VERSUS

The Supdt. of Post Offices, Warangal Division
Warangal and another
Respondent(s)

The application has been submitted to the Tribunal by
Shri S. Ramakrishna Rao Advocate/

Party-in-person, under section 19 of the Administrative Tribunal Act, 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the Administrative Tribunal (Procedure) Rules 1987.

The application is in order and may be listed for admission on 11-95

G1
3/11
Scrutiny Asst.

Pruthi
DEPUTY REGISTRAR (JUDL)

10. Has the impugned orders Original/duly attested legible copy been filed ?
11. Have legible copies of the annexures duly attested been filed ?
12. Has the Index of documents been filed and pagination done properly ?
13. Has the applicant exhausted all available remedies ?
14. Has the declaration as required by item No.7 of Form I been made.
15. Have required number of envelopes (file size) bearing full address of the respondents been filed ?
16. (a) Whether the relief sought for, arise out of single cause of action ?

(b) Whether any interim relief is prayed for ?
17. In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant ?
18. Whether this case can be heard by Single Bench ?
19. Any other point ?
20. Result of the scrutiny with initial of the scrutiny clerk ?

Yes

Yes

Yes

Yes

Yes

Yes

Yes

May be filed

Scrutiny Asst.
3/11

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Dairy No. 3202/95

Report on the Scrutiny of Application

Presented by Mr. S. Raimakrishna Rao Date of presentation

Applicant (S) Syed Muneeruddin

Respondent (S) The Supt. of Post office, Warangal branch

Nature of grievance Selection

No. of applicants 1 No. of Respondents 2

CLASSIFICATION

Subject (No.) Department Postal (No)

1. Is the application in the proper form ?
(Three complete sets in paper books form
in two compilations)

Yes

2. Whether name, description and addresses
of all the parties been furnished in the
cause title ?

Yes

3. (a) Has the application been duly signed
and verified ?

Yes

(b) Have the copies been duly signed?

Yes

(c) Have sufficient number of copies of
the application been filed ?

Yes

4. Whether all the necessary parties are
impleaded.

Yes

5. Whether English translation of documents
in a language other than English or Hindi
been filed ?

-

6. Is the application on in time ? (See
Section 21)

Yes

7. Has the Vakalatnama / Memo of Appear-
ance / authorisation been filed ?

Yes

8. Is the application maintainable ? (u/s 2,
14, 18, or U.R. 8 etc)

Yes

9. Is the application accompanied IPO/DD,
for Rs. 50/- ?

Yes

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

I N D E X - S H E E T

O.A.NO. 1321 of 1995

CAUSE TITLE Sd. Muneeruddin

VERSUS

Subst. of P.O.s, Wamaparthi & anoth

Sl. NO.	Description of documents	Page NO.
1.	Original Application	1 to 6
2.	Material papers	7 to 16
3.	Vakalat	1
4.	Objection Sheet	—
5.	Spare Copies 2 (Two)	
6.	Covers 2. A	

T. Reply statement filed by
Mr. N. R. Devaraj on 14/10/96.

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Regl. To declare the action of the Respondent No.1 in taking charge from the applicant and handing over the same to the Respondent No.2 as illegal.

PAGE NO. 8

Selection
Postals (2)

Bench case IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT: HYDERABAD.

O.A. NO: 1321 OF 1995

BETWEEN:

Syed Muneeruddin

A N D

Superintendent of Post Offices,
Wanaparthy Division, Wanaparthy and
another.



CHRONOLOGICAL STATEMENT OF EVENTS

Sl.No: Date:

E V E N T S

1. 10.3.1995 Consequent on superannuation of the earlier incumbent, the applicant was appointed as ED/BPM, Gangaram on provisional basis.
2. 4.1.1995 The Ist Respondent issued notification for filling the post of ED/BPM, Gangaram on regular basis to which the applicant applied.
3. 7.4.1955 The Asst. Supdt. of Post Offices, Jadcherla, verified the documents of the applicant.
4. 9.6.1995 The Ist Respondent selected the applicant and issued appointment order to the applicant as ED/BPM, Gangaram on regular basis and his provisional appointment thus regularised.
5. 9.9.1995 The Ist Respondent had taken the charge of the post from the applicant and handed over the same to IInd Respondent without assigning any reasons therefor.

As the applicant is removed from service the applicant has no other alternative except to approach this Hon'ble Tribunal. Hence this application before the Hon'ble Tribunal.

HYDERABAD
24.10.1995

COUNSEL FOR THE APPLICANT.

30.10.95
Plotted to:

contd.....

APPLICATION FILED UNDER SECTION 19 OF ADMINISTRATIVE TRIBUNALS ACT, 1985.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

O.A. NO: 1321 OF 1995

BETWEEN:

Syed Muneeruddin
Working as EB/BPM
A N D

APPLICANT

Superintendent of Post Offices,
Wanaparthi Division, Wanaparthi and
another.

RESPONDENTS

INDEX

S.No: Documents relied upon: Ann.No: Page No.

1. APPLICATION 1 to 6
2. Charge Report of applicant dated 10.3.1995. I 7
3. Notification No:B2/PF/BPM/Gangaram dt.4.1.1995. II 8 to 10
4. SSC Certificate of applicant III 11
5. Income Certificate IV 12
6. Nativity Certificate V 13
7. Property Certificate VI 14
8. Memo No.B2/PF/BPM/Gangaram dt. 9.6.95 of 1st Respondent. VII 15

HYDERABAD
24.10.1995

SIGNATURE OF THE APPLICANT

COUNSEL FOR THE APPLICANT.

FOR USE IN TRIBUNAL'S OFFICE:

Date of Receipt:

Registration No.

Signature:
for Registrar.

contd....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT: HYDERABAD

O.A. No. 1321 of 1995

BETWEEN:

Syed Muneeruddin S/o Syed Moinuddin,
aged about 20 years, R/o Gangaram, ^{Working as ED/BPM}
Wanaparthi Postal Division,
Mahbubnagar District.

APPLICANT

A N D

1. Superintendent of Post Offices,
Wanaparthi.

2. S. Balaswamy S/o Balachandraiah,
age not known, R/o Gangaram, Wanaparthi
Postal Division, Mahbubnagar District.

RESPONDENTS

DETAILS OF THE APPLICANT:

Address for service of summons/ notices on the applicant: SANKA RAMA KRISHNA RAO
ADVOCATE, 1-1-230/9,
Andhra Bank Lane,
Chikkadpally, HYDERABAD. 50.

1. Particulars of the order against which the application is made:

"This application is against the taking over charge from the applicant who is regularly selected and working candidate as ED/BPM, Gangaram B.O. by the 1st Respondent and handing over the same to the 2nd Respondent, without assigning any reasons and without giving notice."

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal u/s. 14(1)(b)(ii) of the Administrative Tribunals Act, 1985.

3. LIMITATION.

The applicant further declares that the application is within the limitation period prescribed in Section 21(1)(a) of the Administrative Tribunals Act, 1985.

contd.....

Sh. Muneeruddin

4. FACTS OF THE CASE:

(1) It is respectfully submitted that the applicant is a native of Gangaram village in Mahbubnagar district. He has his own residential house, and Landed property from which he derives agricultural income. He is aged about 20 years and passed SSC and so he is eligible to work as Branch Postmaster, Gangaram B.O.

(2) While so, when the previous Branch Postmaster ^{AND-P-7} superannuated on 10.3.1995, the applicant was provisionally appointed as ED/Branch Postmaster, Gangaram, considering his qualifications and eligibility conditions. He was not given any appointment order but was given charge on 10.3.1995 (Annex.I) ^{P-7}. Since then he has been working with utmost sincerity and devotion.

(3) It is humbly submitted that the Superintendent of Post Offices, Wanaparthy, issued notification on 4.1.1995 to fill the post of ED/Branch Postmaster, Gangaram on regular basis calling for the applications from eligible candidates. (Annex.II) ^{P-8}. In response to the said notification, seven candidates have applied for the post. The applicant who is eligible for appointment in all respects submitted his application along with the required certificates viz.,

- (i) Secondary School Certificate (Annexure III) ^{P-11}
- (ii) Income Certificate (Annexure IV) ^{P-12}
- (iii) Nativity Certificate (Annexure V) ^{P-13}
- (iv) Property Certificate (Annexure VI) ^{P-14}

(4) It is further submitted that the applicant understands that six more candidates applied for the post including Sri S. Balaswamy (Respondent 2). All the candidates were called upon to produce the original certificates on 7.4.1995 and the applicant's certificates were verified with satisfactory results. Since the applicant was eligible in all respects and had scored the highest

contd.....

God bless

SSC which is the criterion for selection as ED Agent, Superintendent of Post Offices, Wanaparthy, vide his letter No.B2/PF/BPM/Gangaram dated 9.6.1995 selected him (Annex.VII) and directed the Assistant Superintendent of Post Offices, Jadcherla to obtain the necessary documents which were all submitted in time. Thus the applicant's appointment was regularized also.

(5) It is humbly submitted that the Asst. Superintendent of Post Offices, Jadcherla, visited the office of the applicant on 9.9.1995 and took over charge from him and handed over to Sri Balaswamy without giving any order to that effect and without even assigning any reasons. Hence this humble application before this Hon'ble Tribunal.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

(a) It is respectfully submitted that the applicant was actually selected and appointed as Branch Postmaster, Gangaram in a superannuation vacancy. His provisional appointment was also on the basis of his being eligible and being more meritorious than other applicants. As he was regularly appointed, he can be removed from service only as a measure of disciplinary action. The applicant was not even served with the removal order. His removal from service is arbitrary, contrary to law and rules and without any reasons.

(b) It is further submitted that out of the 7 candidates who applied for the post the applicant scored the highest marks (360 out of 600) in S.S.C. It is a well established norm, and prescribed by the D.G. Posts vide Lr.No.17-497/90 E1 & Trg. dated 10.5.1991 that the deciding factor to select the ED Agent is the marks obtained in the examination making him eligible for the post. In fact, he was selected on that basis and there was no reason to remove the applicant from service. The IInd respondent

contd.....

Spach *scanned* *electronically*

secured much less marks in SSC and he cannot stand in a fair competition with the applicant.

(c) It is humbly submitted that the applicant had put in a provisional service of 6 months and his past experience should be given weightage as observed by the Hon'ble CAT Ernakulam vide 1992 (1) SLJ CAT 541. Even on this score, the applicant is better placed than Respondent 2.

(d) It is humbly submitted that the applicant was working in a superannuation vacancy from 10.1.1995 and should have been treated as a regular appointee from that date as there is no provision to make provisional appointment in such vacancy vide D.G. Posts New Delhi Lr.No.43-4/77-Pen dt.10.5.1979.

(e) It is further submitted that as per rules the applicant should have been treated as a holder of a civil post at least from 9.6.1995 from the date he was regularly appointed, enjoying the protection guaranteed under article 311 of the Constitution of India. The first respondent had removed the applicant from service without following the procedure laid down either in EDAs Service rules or CCS (CCA) Rules. For this reason alone the applicant's removal from service is liable to be set aside.

6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules.

Since the action of the 1st Respondent in transferring the charge to the IIInd Respondent, without assigning any reasons therefor and without notice to the applicant, thereby resulting in the applicant being thrown out of employment unceremoniously, he has no other alternative except to approach this Hon'ble Tribunal seeking redressal of his grievance. Hence this application before the Hon'ble Tribunal.

contd.....

Good night

regular basis pending disposal of the O.A. and be pleased to pass such other and further order or orders as deemed fit and proper.

10. NOT APPLICABLE:

11. PARTICULARS OF THE BANK DRAFT/POSTAL ORDER filed in respect of the application fee:

1. P.O. No. 809589102
2. Date: 20-10-95
3. Fee: Rs.50/-
4. Name of the office of issue: P.C.A Post Office
5. Name of the office payable at: G.P.O. H-7D

12. LIST OF ENCLOSURES:

Sl.No. Details of the documents

Annexure

AS PER INDEX

VERIFICATION

I, Syed Muneeruddin S/o Syed Moinuddin, aged about 20 years, ED/BPM, Gangaram B.O. (Removed), Mahbubnagar District, do hereby verify that the contents of paras 1 to 4 and 6 to 12 are true to my personal knowledge and para 5 believed to be true on legal advice and that I have not suppressed any material facts.

Hyderabad.

Date: 24.10.1995.

SIGNATURE OF THE APPLICANT.

COUNSEL FOR THE APPLICANT.

contd.....

(8)

*प्रमाणित किया जाता है कि जांच के दिन इस कार्यालय के अनेक पुस्तकों का बकाया (स्टॉक पुस्तक रजिस्ट्रों समेत) और लेखाओं की जांच की और उन्हें ठीक पाया।

*Certified that the balances of this date of the several books (including Stock Book and Registers) and accounts of the office have been checked and found correct.

*प्रमाणित किया जाता है कि निम्नलिखित आया मूल्य और मुक्त अधिकारी ने स.प. दिए और मैं इनके लिए जिम्मेदार हूँ।

*Certified that the balances as detailed below were handed over to me by the Relieved Officer and I accept the responsibility for the same.

₹.
Rs

₹.
P.

- (अ) नकदी/Cash
(ब) अपदाय टिकट/Stamp imprest
जिसमें ये शामिल है :-
Made up of :-
(1) टिकट/Stamps
(2) नकदी/Cash

12.35
77.85
13.00
903.20

भारमुक्त अधिकारी
Relieved Officer

Speed. Vengal Rao
भारपही अधिकारी
Relieving Officer

तारीख 19
Dated the 19

Forwarded to.....को भेजा गया।

*जब प्रमाण पत्र की आवश्यकता न हो तो इसे काट दिया जाए।
The Certificate when not actually required may be secured through.

Asst. Supdt. of Police
JADYELA SURESH
STN: JADYELA SURESH

T.C
J

S. Ramakrishna Rao
Counsellor for the Applicant

ए.सी.जी.-61
A. C. G.-61

भारतीय डाक विभाग
DEPARTMENT OF POSTS - INDIA



(देखिए नियम 267, डाक-तार वित्त पुस्तिका का खण्ड 1 वित्तिय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Hand book,
Volume I, Second Edition)

चाज की बदली पर चाज रिपोर्ट और नकदी टिकटों की रसीद
Charge Report and Receipt for cash and stamps on
transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of the office of B P M

चाज... *Assumed by* (नाम) ने *5 years 3 months 10 days*
was made over by (name)

(नाम) को
to (name)

स्थान
at (place) *52-42-100*

तारीख.....को *पूर्वाह्न*
अपराह्न

on the (date) *10-3-95* *10* *A/N*
after noon in accordance with

सं.
No. *PF/13P* Dated

5-8-95
भारमुक्त अधिकारी
Relieved Officer

के अनुसार दे दिया
from

Syed. M. J. H. H.
भारमुक्त अधिकारी
Relieved Officer

3. The following documents should be submitted along with the application (See instructions in the application form).

- I). Certificate regarding date of birth.
- II). Certificate regarding educational qualifications.
- III). Caste certificate from the prescribed authority (in case the applicant belongs to SC/ST).
- IV). Income and property certificate.
- V). Certificate regarding residence.
- VI). Employment certificate and letter of permission from the employer to apply for the ED post. (In case the appointments a part-time/Full time employee of the State or Central Government Department/Organisation or Panchayat raj Department.
- VII). In case the applicant is Ex. serviceman/Ex army postal personal proof of Army service and discharge certificate should be produced.

4. Important instructions to the applicants:

- I). Applications should be submitted Registered post only in the proforma enclosed to this notice and should be submitted in the applicants own hand writing. Full and clear information should be given in all columns of the application otherwise the application will not be considered.
- II). The certificates and other enclosures submitted along with the application should be noted in the application by the applicant himself in the space provided in the application under his/her signature. This should be done without fail.
- III). The applications should be the date of submission without fail.
- IV). All the required documents/certificates should be submitted along with the application. No documents will be accepted later or in piece meal. Applications not accompanied with all the necessary certificates or with incomplete information will not be taken up for consideration and no further correspondence will be ~~consideration~~ entertained.
- V). Applications received after the fixed i.e.
3-2-85 will not be considered.

Supdt. Of Post Offices,
Wanaparthy Division,
Wanaparthy 509103

Department of posts: India
The Supdt. Of Posts Offices, Wanaparthy Division Wanaparthy

Memo. B2/FF/BBM/Gangadamba @ 27.5.75

NOTIFICATION

Notified that.

1. Application in the enclosed form are invited from eligible candidates for selection to the post of Extra departmental Sub Postmaster/Branch Postmaster at Gangadamba EDBO Bijampally Subpostoffice

Head post office. The post carries allowance of Rs. 275+75+25+50 DA

per month.

2. The last date of receipt of application in the office of the undersigned is 3-2-75

3. Following are the conditions attached to the post:-

Age

I):- The applications should have completed 18 years of age on the date of issued of this notification. The maximum age upto which a person appointed to the post can be retained in service will be 65 years.

II). Educational qualification:- S.S.C. passed. or equivalent may be preferred.

III). Income and ownership of property:- The person applying for the post must have adequate means of livelihood. He/She must have adequate source of income and must be able to offer suitable space to locate the post office with provision for installation of even public call office (PCO).

IV). Residence:- The persons to be appointed to the post must be a permanent resident of the village where the post offices is located. Or the candidate selected should shift his residence to be in village.

V). The person selection for appointment to the post will have to furnish the prescribed security.

VI). No person holding an elective office will be considered for appointment to the post.

Proof regarding age, educational qualification and income from other source should accompany with the applications (in cases of SC/ST certificate from the MRO to the effect also be enclosed.

Supdt. Of Post Offices,
Wanaparthy Division,
Wanaparthy 509103.

Contd-2

A copy of this notification is issued to:-

1. ED SPM/ED BPM *Gangadhar B. ahu Birmalay*
2. Postmasters/Subpostmaster they should exhibit this notice as well as proforma of application for prominently on the notice board in their notice.
3. SDI(P) He will please ensure that the ~~xxx~~ notice/applicant on form is exhibit on ~~the~~ n the notice board of the concerned offices.
4. The Mailoverseer He should ensured that wide publicity is given to this notification in the BO village and its has lets if any.
5. The Sarpanch.
6. The Mamdal Revenue Officer.
7. The Block Development Officer.
8. The village assistant.
9. The Headmaster.
10. The Station House Officer.
11. The Employment Officer.

The above mentioned authorities (5 to 11) are requested to exhibit this notices and also the proforma of application enclosed to be notice on the notice boards of ~~the~~ their offices and in the Gram panchayat etc., for the general ~~the~~ information of the public. Wide publicity may be given to the ~~xxx~~ availability of the notified in this notices.

Supdt. Of Post Offices,
Wanaparthi Division,
Wanaparthi 509103.

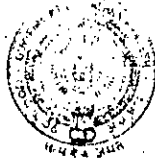
S. Ramakrishna Rao
Counsel for the Applicant

The above mentioned authorities (5 to 11) are requested to exhibit this notices and also the proforma of application enclosed to be notice on the notice boards of ~~the~~ their offices and in the Gram panchayat etc., for the general ~~the~~ information of the public. Wide publicity may be given to the ~~xxx~~ availability of the notified in this notices.

BOARD OF SECONDARY EDUCATION
ANDHRA PRADESH

256956

6843/37
P-110
8253



12

SECONDARY SCHOOL CERTIFICATE

PC/25/0255249/3PRIVATE

Certificate that		MUNEERUDDIN SD		bearing	
R. No.		1111318		Son/Daughter of	
				MOINOODDIN	
and belonging to		Z P P HIGH SCHOOL, GANGARAM		appeared	
at the EXAMINATION held in		MARCH, 1992.		and PASSED the EXAMINATION in	
COMPARTMENTATION with		TELUGU		as the medium of instruction.	
The Date of Birth of the Candidate is					
DATE OF BIRTH	DAY	MONTH	YEAR		
12/04/1975	ONE	TWO	APR	ONE	NINE SEVEN FIVE
The Candidate Secured the following Percentage of marks					
FIRST LANG.	MARKS	THIRD LANG.	MARKS	MATHEMATICS	MARKS
TELUGU	62*	ENGLISH	56	MATHEMATICS	52*
GENERAL SCIENCE	66*	SOCIAL STUDIES	70*	TOTAL (in figures)	306
TOTAL (in words) * THREE HUNDRED AND SIX *					
SECOND LANGUAGE (HINDI)				* FIFTY FOUR *	54*
Marks of Identification		<div>1 A mole on the right arm.</div> <div>2</div>			
Head of Institution		<div>07/05/1992.</div> <div> </div>			
Date of Issue		<div> </div>			
HYDERABAD		<div>SECRETARY</div> <div>BOARD OF SECONDARY EDUCATION</div>			
Any corrections in the Certificate will not be entertained after three years from the date of issue.					
Any unauthorised correction in the certificate will result in cancellation of certificate.					
The marks with the asterisk indicates the marks secured in the Previous Examinations.					

T.C

S. Ramesh Kumar
Counsel for the Applicant

మండల రెవిన్యూ కార్యాలయము

తేది.....
జిల్లా మహబూబ్ నగర్.

ఆదాయ వ్యవస్థ

వెనుకబడిన తరగతులవారికి

జి. ఓ. యం. యన్. నెం. 75 ఎన్ రజిస్ట్రేషన్. యం. కాళి తేది 30-6-1983 లో నిర్దిష్ట జరచిన ప్రకారంగా

కల్లితంద్రులు సందక్షకుడు నివసించు ప్రాంతము మండల రెవెన్యూ అధికారి సంతకము చేయబడును.

నేను భృతపరచడ మేమనగా నా విచారణలో మార్జర్/శ్రీ చయ్య రక్షణి భక్తి
శ్లోకాను/తండ్రి శరణకుడు శ్రీ మున్నె గానము నివాసము గుంగుర.

జిల్లా మహబూబ్ నగర్ గారికి

ఈ దిగువ తెలిపిన వనరులనుండి సంవత్సరమునకు రూ॥

ଶ୍ଳୋକ ୧୩

మాత్రమే

ఆదాయపు వనరులు

- | | | |
|---|--|-----|
| 1 | భూములు | రూ॥ |
| 2 | భవనములు | రూ॥ |
| 3 | వ్యాపారము | రూ॥ |
| 4 | ఉత్పం/వేలనము | రూ॥ |
| 5 | భార్యభర్తలు ఉద్యోగములో ఉన్నచో ఇద్దరికి కలిపి | రూ॥ |
| 6 | కూలి | రూ॥ |
| 7 | ఇతర వనరులు ఏదైన ఉన్నచో | రూ॥ |

మొత్తము

8000/

ॐ श्री गुरुभ्यो नमः

అ. వి. శర్మ

మచిలీ కార్యాలయపు ముద్ర

L. S. Rao
Mandal Revenue Officer
S. P. Rao

1912

తండ్రిగారి ఉండకపోయినచో సంజ్ఞకుని ఆద్యాయం పరిగణలోనికి తీసుకోవడము.

T.C

S. Ramakrishna Rao
COUNSELLOR FOR THE APPLICANT

(14) (16)

५६

no. C/244/95

స్థానిక ధృవపత్రము

2. శ్రీ పంపిణీ అధికారికి
పై చదువుకొరకు ఆధార్ కార్డు
వర్గ అయినందున మొదటిసారిగా
సంవత్సరంలో హాజరు అయినారు

వి. అతడు పై చూపబడిన పరీక్షకు హాజరు అయిన (4) నాల్గు సంవత్సరములు లేక అంతకన్న తక్కువ సంవత్సరములకు పూర్వము ఏ ఇతర విద్యా సంస్థలో చదివినది.

సి. చూపబడిన వర్షికు హాజరు అయిన (4) నాల్గు సంవత్సరములకు పూర్వము
విశ్వవిద్యాలయం యొక్క స్థానిక నిర్వచనములో వచ్చునట్టి ఈ క్రింద చూపబడిన
సంయు/సంములో నిమగ్నమై.

३५

నివసించిన తేది గురింపు

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

20/10/2020

10 වැනි පන්තියේ සිසුවා

అందువలన పై చూపబడిన అభ్యర్థి అంధ్రప్రదేశ్ విద్యానంశ్ఠం రెగ్యులేషన్ ఆఫ్ అడ్మిషన్ సి ఉత్తర్వు 1974 ప్రకారం ప్లానిక అభ్యర్థి అని భవ్యపరచనైనది. జి.టి.ఎం.ఎస్. నెం 628 ఇ.డి. నెం 628 ఇ.డి. ఎస్ తేది 25-7-1974 ప్రభుత్వ మెమో నెం. 265972 74-2 తేది 4-9-1974 ఆమోదించిన ప్రకారము

కార్యాలయ ముద్ర

Handwritten signature
Mandal Revenue Officer
Lijnapally, 19
2006 2850

T.C
✓

S. Ramakrishna Rao 19/11/91
Counsel for the Applicant

ANVI

15 17



నెం. యల్. డిస్. 10/1737/95

తేది: 9-5-95

ల్యాండు హోల్డింగ్ దృవపత్రము

గ్రామ పరిపాలనాధికారి..... గంగారం గ్రామం గాడు జారి చేసిన దృవపత్రము

అదారంగా మరలించు మంగల తెలివినట్లు రికార్డుల పరిశీలన అదారంగా దృవపరుచుట యేమనగా శ్రీ గంగారం మెహనాల్లిక్ గ్రామం

తండ్రి మెహనాల్లిక్ గ్రామం గంగారం

ఈ క్రింది షెడ్యూల్లో చూయించిన భూములు గలవు.

గ్రామం పేరు	సర్వే నం.	మెట్ట/తరి	విస్తీర్ణం	షెడ్యూల్ లు	ఎలాంటి హోదాలో ఉందిదారు స్థాపించినదానిని కలిగియున్నాడు
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గంగారం	315	తె. ట్యు	1-00	రిజిస్ట్రేషన్ నెం. 247/95	తేది 19-1-95
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(ఫిర్యాదు నం)

మండల రెవెన్యూ అధికారి, గంగారం, విజయవాడ.

T.C

[Signature]

S. Ramakrishna Rao
Counsel for the Applicant

भारतीय डाक विभाग / Department of Posts India /Regd/

सेवा में
From

अधीनस्थ डाक कार
वनपत्ती मण्डल, वनपत्ती
Supdt. of Post Offices
Wanaparthy Division
Wanaparthy - 509 103

मेवा में
To
The ANPOs
Jadoherla Sub division
Jadoherla

क्रम संख्या
No.

B2/PT/BPM/Gangaram BO

दिनांक
Dated at Wanaparthy the 9-6-95

विषय
Subject-- Selection to the post of
BPM, Gangaram BO a/w
Bijnapally SO

Bri. Syed Muneeruddin S/o Syed Moinuddin, BPM, Gangaram BO
a/w Bijnapally SO whose date of birth is 12-4-1975 has been
selected for appointment to the post of BPM, Gangaram BO a/w
Bijnapally SO on regular basis.

Therefore you are hereby directed to observe all usual
formalities and obtain the following documents from the
candidate. They may be duly filled in and got attested by you
and submitted to this office early along with your report.
Necessary forms are enclosed.

1. Attestation forms in duplicate.
2. Declaration & Descriptive particulars in duplicate.
3. Health certificate in duplicate.
4. Conduct certificate obtaining from two different Gazetted officers.

DA:--As above

Copy to:--

Supdt. Of Post Offices,
Wanaparthy Division,
Wanaparthy-509103

Regd:--1. Bri. Syed Muneeruddin S/o Syed Moinuddin, Gangaram BO
a/w Bijnapally SO.

Supdt. Of Post Offices,
Wanaparthy Division,
Wanaparthy-509103

TIC

S. Ramasubramanian
Counsel for the Applicant

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
at Hyderabad
O.A. No. 1321/95

Between:

Syed Muneeruddin

... Applicant

And

The Supdt. of Post Offices
Wanaparthi Division and
another.

... Respondents

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, V.S. Krishna Murthy, S/o V. Satyam aged about 55 years, Occupation: Govt. Servant r/o Hyderabad do hereby solemnly affirm and state as follows:

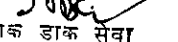
I am the Asst. Director, O/o the PMG (HR) and as such I am fully acquainted with all facts of the case. I am filing this Reply Statement on behalf of all the respondents as I have been authorised to do so. The material averments in the O.A. are denied save those that are specifically admitted hereunder. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder:


The respondent No.1 submit the brief history of the case as follows:

1. The BPM Gangaram BD was to be discharged on 10.3.95 on attaining 65 years of age. The employment exchange was addressed on 16.11.94 to sponsor candidates. There was no response. Open notification was issued on 4.1.95 fixing the last date as 3.2.95. As the selection could not be finalised by 10.3.95, the regular BPM was discharged on 10.3.95 appointing the applicant in a provisional capacity. Of the seven applicants applied, with response to open notification, four fulfilled the prescribed conditions. The applicant,

ATTESTOR

DEPONENT


सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद, HYDERABAD-500 001.

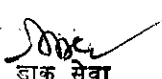

सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद, HYDERABAD-500 001.

who secured highest marks in the qualifying examination, of all the four applicants, was selected. The respondent, later on revised his selection orders in favour of the Sarat Chandra Babu as the selection made earlier, on scrutiny, was found in contravention of the Director General, Department of Post, New Delhi instructions contained in Lr. No.19-9/95-ED.Trig dtd.8.3.95. However, Sri Sarat Chandra Babu in his representation dtd 28.7.95 expressed his unwillingness to take up the job. Therefore, the next eligible candidate Sri S.Balaswamy, respondent No.2, was selected and the charge of the S.O. was get transferred to the selected candidate from the applicant on 9.9.95.


2. In reply to para 4 of the O.A. the respondent No.1 submit as follows:

i) It is submitted that the regular incumbent of the post of BPM, Gangaram BO had to be discharged from service on 10.3.95, on attaining 65 years of age. The employment exchange was addressed on 16.11.94 for sponsoring eligible candidates. There was no response. An open notification was issued on 4.1.95. As the selection could not be finalised by 10.3.95, the regular incumbent was discharged from service on 10.3.95, appointing the applicant in a provisional capacity. The regular selection was finalised in the favour of the applicant, on 8.6.95, as he has secured highest marks in the qualifying examination, among the four eligible candidates. However, later on the selection made was found in contravention of the instruction contained in L.No.19-9/95- ED & Trig. dtd 8.3.95 of the Director General, Department of Post, New Delhi. According to para 2 of this letter "A person passing the qualifying examination in the first

ATTESTOR


सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमास्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद/HYDERABAD-500 001.

DEPONENT


सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमास्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद/HYDERABAD-500 001.

attempt should be placed above in the merit list than the person who has secured highest marks in the second or third attempt by appearing/completing compartmentally in individual subjects."

ii) It is submitted that though the applicant secured highest marks in the qualifying examination, among the eligible candidates, he has passed the examination compartmentally. Therefore, the respondent revised on 17.7.95, the selection made on 8.6.95, in favour of Sri A. Sarath Chandra Babu, who passed the qualifying examination in one attempt securing 336 marks. Sri Sarat Chandra Babu in his letter dtd 28.7.95 has expressed his unwillingness to take up the job. Therefore, the respondent had again to revise his selection order, made on 12.7.95. Accordingly he selected the respondent No.2, on 2.8.95. He has secured 303 marks in one attempt in the qualifying examination, the charge of the BO was got transferred to the respondent No.2 from the applicant on 9.9.95.

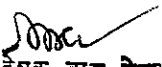
3.

In reply to the grounds taken by the applicant, the respondent No.1 submits as follows:

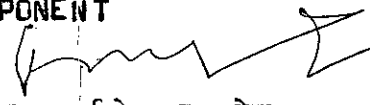
a) It is submitted that the applicant was provisionally appointed on 10.3.95. No regular appointment order was issued to him subsequently. The charge of the BO was transferred from him on 9.9.95 to the regularly selected xx candidate.

b) It is submitted that the applicant has passed the qualifying examination, compartmentally. As submitted in para 4 above, the candidates who have passed the qualifying examination in one attempt were placed above the applicant, in accordance with the instruction issued by the DG Post, New Delhi vide his Lr.19-9/95-ED&Trg. dtd 8.3.95.

ATTESTOR


सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद, HYDERABAD-500 001.

DEPONENT


सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद, HYDERABAD-500 001.

- c) It is submitted that the applicant was not equally placed in the merit list alongwith other eligible candidates. Therefore giving weightage for his past experience does not arise.
- d) It is submitted that the circumstances leading to making a provisional appointment, appointing the applicant, are submitted in para 4 above. The applicant in his application dtd 10.3.85 expresses his willingness to work provisionally, and took an undertaking to relinquish charge after regular selection is over. He himself has admitted in para 5(a) of this OA that his appointment was provisional.
- e) It is submitted that the circumstances leading to the revision of the selection made in favour of the applicant are clearly explained in para 4 above. He was never issued with a regular appointment order either with effect from or subsequently.

For the reasons stated above, the applicant has not made out any case either on fact or on law and there is no merit in the O.A. It is therefore prayed that this Hon'ble Court may be pleased to dismiss the O.A. with costs and pass such further and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed
this 12 day of Nov 1996
and he signed his name in my presence.

DEPONENT

सहायक निदेशक डाक सेवा

Assistant Director of Postal Services,

पोस्टमास्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद/HYDERABAD-500 001.

Before me

ATTESTOR.

सहायक निदेशक डाक सेवा

Assistant Director of Postal Services,

पोस्टमास्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद/HYDERABAD-500 001.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1321/95

Between:

Syed Muneeruddin

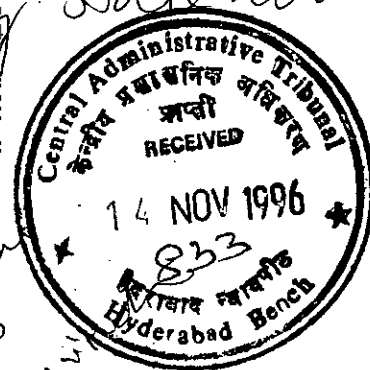
.. Applicant

And

The Supdt. of POs,
Wanaparthi Division
and another.

.. Respondents.

Reply Submitted



*Received
12-11-96*

For S. Revuvela

my 14/11/96

N. R. Devanaray
SV

N.R. DEVARAJ

STANDING COUNCILOR

HYDERABAD BENCH

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1321/95

DATE OF ORDER : 27-03-1998.

Between :-

Syed Munseeruddin

... Applicant

And

1. Superintendent of P_ost Offices,
Wanaparthy.

2. S.Balaswamy

... Respondents

--- -- --
Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents: Shri N.R.Devaraj, SC for R_{lys}

CORAM:

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

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

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

... 2.

D

(Order per Hon'ble Shri B.S.Jai Parameshwar; Member (J)).

Heard Shri S.Ramakrishna Rao, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the Respondents. Though ^{was} notice served on Respondent No.2, he remained absent.

2. The post of EDBPM, Gangaram Village fell vacant on account of retirement of regular incumbent of that post on 10-3-95. On 16-11-94 a letter had been addressed to the Local Employment Exchange to sponsor the candidates. There was no response. Hence an open notification was issued on 4-1-95 fixing the last date as 2-3-95 for receipt of the applications. It is submitted that since selection could not be finalised by 10-3-95, the applicant was appointed in the first instance on the provisional basis to that post. The regular selection was finalised selecting the applicant on 8-6-95. The applicant ~~was~~ in the qualifying examination among the eligible candidates who responded to the notification.

3. Subsequently the respondents noticed that the selection of the applicant was in contravention of instructions contained in Lr.No.19-9/95-ED.Trig dt.8-3-95 of the Director General, Dept. of Posts, New Delhi and he was replaced by one Sri Sarat chandra

Babu, who passed the qualifying examination in one attempt securing 100 marks in the qualifying examination. But Sri Sarat Chandra ~~was~~ his unwillingness to take up the post. There- fore selection order on 12-7-95 was issued and marks in one

(Order per Hon'ble Shri B.S.Jai Parameshwar; Member (J)).

-- -- --

Heard Shri S.Ramakrishna Rao, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the Respondents. Though notice^{was} served on Respondent No.2, he remained absent.

2. The post of EDBPM, Gangaram Village fell vacant on account of retirement of regular incumbent of that post on 10-3-95. On 16-11-94 a letter had been addressed to the Local Employment Exchange to sponsor the candidates. There was no response. Hence an open notification was issued on 4-1-95 fixing the last date as 2-3-95 for receipt of the applications. It is submitted that since selection could not be finalised by 10-3-95, the applicant was appointed in the first instance on the provisional basis to that post. The regular selection was finalised selecting the applicant on 8-6-95. The applicant had secured highest marks in the qualifying examination among the eligible candidates who responded to the notification.

3. Subsequently the respondents noticed that the selection of the applicant was in contravention of instructions contained in Lr.No.19-9/95-ED.Trig dt.8-3-95 of the Director General, Dept. of Posts, New Delhi and he was replaced by one Sri Sarat chandra Babu, who passed the qualifying examination in one attempt securing 342 marks in the qualifying examination. But Sri Sarat Chandra
fore the respondents again revised selection order on 12-7-95 and selected respondent No.2, who had secured 303 marks in one

Je

~~an~~ attempt in the qualifying examination.

4. Thus the selection of the applicant was reviewed by the higher authorities and the applicant was replaced by Respondent No.2.

5. This O.A. is filed for setting aside the selection ~~of the applicant~~ and posting of Respondent No.2 and for a consequential direction to the Respondent No.1 to reinstate the applicant to the post of EDBPM, Gangaram Village, Wanaparthy.

6. In the Full Bench decision of this Tribunal in OA 57/91 it was held that even the appointing authority cannot review the selection made if there is any irregularity in the selection. Hence the question of reviewing the selection of the applicant in the first instance and replacing him by Respondent No.2 does not arise and it is irregular in view of the decision of the full bench in the above referred O.A. If any of the applicants who are considered for selection along with the applicant and if they are aggrieved by the selection of the applicant then the remedy left to them is to approach the judicial forum ^{challenging} ~~for re-consideration of~~ the selection. The appointing authorities or the higher authorities cannot review the selection of the applicant in the instance. Hence the replacement of the applicant by Respondent No.2 as EDBPM, Gangaram Village when the applicant was initially selected and appointed as EDBPM, Gangaram Village is irregular. Hence the selection and appointment of Respondent No.2 is set aside. The applicant should be re-instated as EDBPM, Gangaram Village.

R

15/4/98 (6)

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: 27/3/98

ORDER/JUDGMENT

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

in

O.A.NO. 1321/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

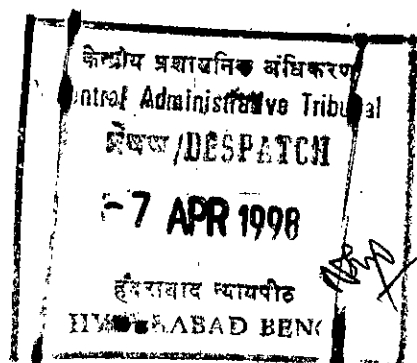
DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO. 622/98 in O.A. 1321/95.

Date of Order: 7-8-98.

Between:

Syed Muneeruddin.

.. Applicant.

and

1. Superintendent of Post Offices,
Wanaparthi, Mahaboobnagar Dist.

2. S. Balaswamy.

.. Respondents.

For the Applicant: Mr. S. Ramakrishna Rao, Advocate.

For the Respondents: Mr. N. R. Devraj, Sr. CGSC.

CORAM:

THE HON'BLE MR. H. RAJENDRA PRASAD : MEMBER (ADMN)

The Tribunal made the following Order:-

and more than 4 months have elapsed since the order was passed on 27-3-98
implementation of the judgment. It is directed that the orders ^{for the imple-} _{may}
be implemented within 4 weeks. No further extensions to be
granted for the same.

[Signature]
Deputy Registrar.

1. The Superintendent,
Wanaparthi, Mahaboobnagar District.

2. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.

to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.

4. One spare copy.

pvm.

I COURT

TYPED BY 20/8/98 CHECKED BY
COMPARED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 7-8-1998.

ORDER/JUDGMENT

M.A./R.A./C.A. No. 622/98
in

O.A. No. 1321/95

T.A. No. (w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

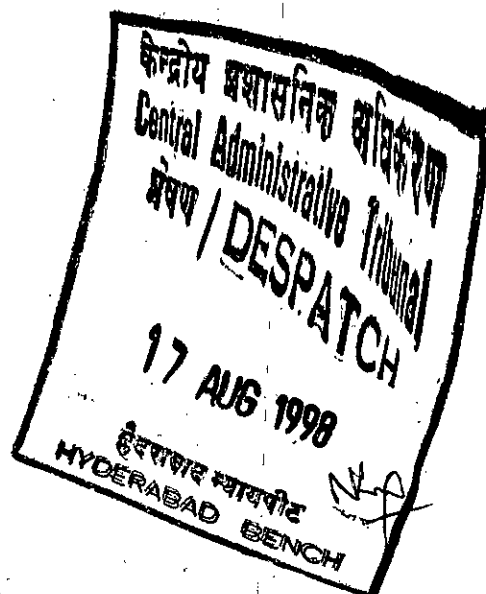
Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



(Order per Hon'ble Shri G.S.Jai Parameshwar, Member (J)).

Heard Shri S.Ramakrishna Rao, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the Respondents. Though notice^{was} served on Respondent No.2, he remained absent.

2. The post of SDBPM, Gangaram Village fell vacant on account of retirement of regular incumbent of that post on 10-3-95. On 16-11-94 a letter had been addressed to the Local Employment Exchange to sponsor the candidates. There was no response. Hence an open notification was issued on 4-1-95 fixing the last date as 2-3-95 for receipt of the applications. It is submitted that since selection could not be finalised by 10-3-95, the applicant was appointed in the first instance on the provisional basis to that post. The regular selection was finalised selecting the applicant on 8-6-95. The applicant had secured highest marks in the qualifying examination among the eligible candidates who responded to the notification.

3. Subsequently the respondents noticed that the selection of the applicant was in contravention of instructions contained in Lr.No.19-9/95-ED.lrg dt.8-3-95 of the Director General, Dept. of Posts, New Delhi and he was replaced by one Sri Sarat Chandra Babu, who passed the qualifying examination in one attempt securing 342 marks in the qualifying examination. But Sri Sarat Chandra Babu had expressed his unwillingness to take up the post. Therefore the respondents again revised selection order on 12-7-95 and selected respondent No.2, who had secured 303 marks in one

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1321/95

DATE OF ORDER : 27-03-1998.



Between :-

Syed Muneebuddin

And

... Applicant

1. Superintendent of Post Offices,
Wanaparthy.

2. S. Balaswamy

... Respondents

Counsel for the Applicant : Shri S. Ramakrishna Rao

Counsel for the Respondents : Shri N.R. Devaraj, SC for Rys

CORAM:

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

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

Order per Hon'ble Shri B.S. Jai Parameswar, Member (J).

... 2.

7. Original Application is allowed. There will be no order as to costs.

CONFIRMED TO BE TRUE COPY

प्राप्त किया गया है - न्यायाधीश (न्यायिक)
Court Clerk/Dy. Registrar
केन्द्रिय न्यायिक प्रशासनिक
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

08/1324/RS

27.3.98

6.4.98

- 3 -
~~an~~ attempt in the qualifying examination.

4. Thus the selection of the applicant was reviewed by the higher authorities and the applicant was replaced by Respondent No.2.

5. This U.A. is filed for setting aside the selection ~~of the applicant~~ and posting of Respondent No.2 and for a consequential direction to the Respondent No.1 to reinstate the applicant to the post of EDBPM, Gangaram Village, Wanaparthy.

6. In the Full Bench decision of this Tribunal in UA 57/91 it was held that even the appointing authority cannot review the selection made if there is any irregularity in the selection. Hence the question of reviewing the selection of the applicant in the first instance and replacing him by Respondent No.2 does not arise and it is irregular in view of the decision of the full bench in the above referred U.A. In any of the applicants who are considered for selection along with the applicant and if they are aggrieved by the selection of the applicant then the remedy left to them is to approach the judicial forum ^{challenging} ~~for re-consideration~~ of the selection. The appointing authorities or the higher authorities cannot review the selection of the applicant in the instance. Hence the replacement of the applicant by Respondent No.2 as EDBPM, Gangaram Village when the applicant was initially selected and appointed as EDBPM, Gangaram Village is irregular. Hence the selection and appointment of Respondent No.2 is set aside. The applicant should be re-instated as EDBPM, Gangaram Village.

:PAGE NO. 4 :

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH:
AT: HYDERABAD.

M.A. NO: OF 1997

IN

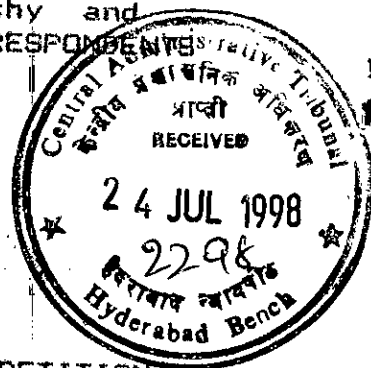
O.A. No. 1321 of 1995

BETWEEN:

Syed Muneeruddin .. APPLICANT

A N D

SFO, Wanaparthi and
another .. RESPONDENTS



IMPLEMENTATION PETITION

PETITION FILED UNDER RULE 8(3)
OF CAT (PROC.) RULES, 1987.

FILED FOR: APPLICANT.

FILED ON: 4.7.1998

FILED BY:

SANKA RAMA KRISHNA RAO,
ADVOCATE,
1-8-549/C, IIInd Floor
CHIKKADAPALLY, HYDERABAD-20.
COUNSEL FOR THE APPLICANT

दुसरी प्रति DUPLICATE

बेंच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A.No. 622 of 1998

IN

O.A. No. 1321 of 1995

Implementation Petition

Mr. S. Ramakrishna Rao

COUNSEL FOR THE APPLICANT.

AND

Mr. N. R. Deva Raj

Sr.ADDL. STANDING COUNSEL FOR C.G.S
C.G.RLY.

HIGH COURT FILE NO 145, 1998

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

WRIT PETITION NO 28029/200 of 1998
W.P.M.P. No. — /200

A Writ Petition was filed in the High Court of Andhra Pradesh
by Mr Supdt. of Polt Office, Wanaparthy
VS. Syed Muneeruddin & others
against the Order/Judgment of this Hon'ble Tribunal dated 27-3-1998
and made in O.A.No... 1321/95

The High Court was pleased to Order "that they do not find any
merit in the W.P. which is accordingly dismissed. The Inter-
spondent shall be taken back into service" on 9-1-2003.
Dismiss/Allow/Dispose of the W.P.
under Interim Suspension/Stay/Notice the operation of judgement at.

The Judgment of the Tribunal in OA.No. 1321/95
and the order Notice of the High Court of Andhra Pradesh is enclosed
herewith for perusal.

Submitted

13/2/03
DEPUTY REGISTRAR(J)

HON'BLE VICE-CHAIRMAN

HON'BLE MEMBER (ADMIN) -I

HON'BLE MEMBER (ADMIN) -II

HON'BLE MEMBER (JUDL)

13/2/03
REGISTRAR

HON'BLE MR. JUSTICE BILAL NAZKI
AND
HON'BLE MR. JUSTICE V.ESWARAIAH

W.P.No. 28029 OF 1998

ORDER: (Per Hon'ble Mr. Justice Bilal Nazki)

Heard learned counsel for petitioner as well as learned counsel for 1st respondent. Nobody appears for 2nd respondent. A short controversy is involved in this writ petition. 1st respondent was appointed as Extra Departmental Branch Post Master after the process of selection on 8.6.1995. However, the writ petitioner noticed that the selection of the 1st respondent was in contravention of the instructions contained in a letter being Lr.No. 19-9/95-ED, Trg. dt. 8.3.1995 of the Director General, Department of Posts, New Delhi. Therefore, he was simply replaced by 2nd respondent. It is not disputed that the 1st respondent had been selected in the process of selection and appointed. It is also not disputed that before his appointment was cancelled and before another person was appointed, no notice was ever given to the 1st respondent, but it is contended that since a mistake had occurred, therefore the mistake would have been corrected under review powers by the writ petitioner and the mistake, according to the writ petitioner, committed was that the 1st respondent had passed his SSC in third ^{attempt} time compartmentally, whereas the 2nd respondent passed in first attempt and in terms of the letter being Lr.No. 19-9/95-ED, Trg. dt.

HC-145/98

DRG
Fng
Stilos

Judl
522003

BETWEEN

..Petitioner

1. Syed Muneeruddin
2. S.Balaswamy
3. Central Administrative Tribunal, Hyderabad Bench, Hyderabad rep. by Its Registrar.

..Respondents.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling for the records in OA.NO. 1321 of 9 on the file of the Central Administrative Tribunal, Hyderabad and quash the order dated 27/3/1998 in the said O.A.

For the Respondent No.1: Mr.Mr. Ch.Ravinder, advocate and
Mr. M.Tirumala Rao, advocate.

For the Respondent No.2: None appeared.
For the respondent nO. 3: Mr. P.Raghavender Reddy, Standing Counsel for
Central Administrative Tribunal.

The Court made the following Order:



8.3.1995 of the Director General, Department of Posts, New Delhi the 1st respondent was not eligible, although he had secured more marks than the 2nd respondent. We do not find any illegality in the order of the Tribunal that termination of the 1st respondent could not have been made even without giving a chance of hearing to him. Additionally it was pointed out by the learned counsel for the 1st respondent that the notification calling for applications for the post was issued on 4.1.1995 and there was no such condition that the candidates who had passed SSC in one attempt are only eligible on that date. This condition had been imposed by the letter being Lr.No. 19-9/95-ED, Trg. dt. 8.3.1995 of the Director General, Department of Posts, New Delhi which was after the notification had been issued. Though this condition was operative on the date of selection, but this condition was not operative on the date when the notification was issued. It is settled law that after the notification is issued for recruitment, the conditions for appointment and eligibility cannot be changed. For this additional reason also, we do not find any merit in this writ petition which is accordingly dismissed. The 1st respondent shall be taken back into service.

//true copy//

Sd/- D.Lakshminarayana,
Asst. Registrar.

Section Officer.

To,

1. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad
2. The Superintendent of post offices, Wanaparthy..Mahaboobnagar dist.
3. 2 CD copies.
4. 1 cc to Mr. Ch.Ravinder, Advocate [opuc].
5. 1 cc to Mr. T.Suryakaran Reddy, advocate.[opuc].
G;H.B.

6 copies
C Deekter

High court- File No. 145/98

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

WPMP. NO. 34128 of 1998 and

WRIT PETITION NO. 28029 of 1998.

Petition was filed in the High Court of Andhra Pradesh
by ~~supdt.~~ supdt. of Post Offices, Wanaparthy vs Syed Muneerud
& 2 ors.
against the Order/Judgment of this Hon'ble Tribunal dt. 27-3-1998
and made in O.A.No. 1321/95.

The High Court was pleased to ~~order~~ order ~~to~~ order ~~Interim Suspension,~~
~~stay the operation of judgment on~~ and notice on 8-10-98.

The Judgment of the Tribunal in O.A.No. 1321/95
and the letter/order of the High Court of Andhra Pradesh enclosed
herewith for perusal.

Submitted.

Deputy Registrar

~~Registrar~~

Hon'ble Vice-Chairman

Hon'ble Member (A) I

Hon'ble Member (A) II

Hon'ble Member (A)

H.C. 145/98

IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH AT HYDERABAD

W.P.M.P.No.34128 of 1998

in

W.P.No.28029 of 1998

Between:

Superintendent of Post Offices,
Wanaparthi.

and

..Petitioner
(Petitioner in WP.28029/98 on
the file of the High Court)

1. Syed Muneeruddin S/o. Syed Moineuddin,
R/o.Gangaram, Wanaparthi Postal Division,
Mahabubnagar District.
2. S.Balaswamy S/o.Balachandraiah, R/o.Gangaram,
Wanaparthi Postal Division, Mahabubnagar District.
3. Central Administrative Tribunal, Hyderabad Bench,
Hyderabad rep. by its Registrar.

..Respondents
(Respondents in do)

COUNSEL FOR PETITIONER : MR.B.ADINARAYANA RAO

THURSDAY THE EIGHTH DAY OF OCTOBER 1998

THE HONOURABLE SRI JUSTICE B.SUBHASHAN REDDY

AND

THE HONOURABLE SRI JUSTICE VAMAN RAO

Petition filed under section 151 of O.P.C. praying the High Court to suspend the operation of the order in O.A.No.1321/95 dt.27-3-1998 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, pending writ Petition No.28029 of 1998 on the file of the High Court.

The court, while directing issue of notice to the respondents herein to show cause why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

"Interim suspension. Notice."

Sd/-B.ETHARY RAO
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. Syed Muneeruddin S/o.Syed Moineuddin, R/o.Gangaram,
Wanaparthi Postal Division, Mahabubnagar Dist. (RPAD)
2. S.Balaswamy S/o.Balachandraiah, R/o.Gangaram, Wanaparthi
Postal Division, Mahabubnagar District. (RPAD)
3. The Registrar, Central Administrative Tribunal, Hyderabad
Bench, Hyderabad (RPAD)
4. One C.D. copy.
5. One CC to MR.B.ADINARAYANA RAO ADVOCATE (OPUC)
6. One spare copy.

T.BY: VNRK

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH
23 OCT 1998
RECEIVED
REGISTRAR/SECTION

Hearing Date

RETURN OF THE WRIT OF CERTIORARI ORDER : NISI

(To be endorsed on writ to appear)

The process of the writ of Certiorari where of mention is within made was served on respondent
this day of one thousand nine hundred and ninety

This should be served urgently on the respondent
No. _____ and returned to the High Court
(Sd)

Writ and Rule Nisi

W P.No. of 199

Certified that the required conveyance charges and the process for the service of the process
have been collected it is requested that English Translation of the process Service Report it is in
Vernacular, may be sent along with the Rule Nisi returned.
FORM NO. 8

FORM-NO. 8

RETURN OF THE WRIT OF CERTIORARI ORDER NISI

(To be endorsed on writ to produce)

The process of the writ of certiorari where of mention is within made with all things touching
the same in the several papers here to annexed as within commanded.

The Answer of

The respondent herein

Date day of 199
(Sd)

HC. 145/98

H. Ct F. No. 699 (A)

(Writ of court Orders-Order List (To produce and or to appear))

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

Thursday day the 28 day of October

One Thousand nine hundred and ninety eight

WRIT PETITION No. 28029 of 1998

Superintendent of Post Offices, Wanaparthy.

BETWEEN :

Petitioners

1. Syed Muneebuddin, S/o. Syed Moideen, aged about 20 yrs.,
R/o. Gangaram, Wanaparthy Postal Divn., Mahabubnagar Dist.

2. S. Balaswamy, S/o. Ramachandraseiah, R/o. Gangaram, Wanaparthy Postal Division, Mahabubnagar District.

Respondents

3. Central Administrative Tribunal, Hyderabad Bench,
Hyderabad rep. by its Registrar.

Judl
27/11/98

Respondent No. 3

B. ADINARAYANA FAO

Mr. -upon motion this day made in to this Court by bring of opinion that the record relating to and touching upon all the matter and contentions raised in the memorandum of Representation Petition, a copy of which is annexed here to, together with the decision therein should be called for and pursued : IT IS HEREBY COMMADER

(1) That you, the aforesaid Respondent No. 3 do sent for our use in High Court of Judicature of Andhra Pradesh Hyderabad, all and singulor the siad record and other with all things touching the same as fully and perfectly as they have been made by you, and now remain in your custody or power together with this, Rule Nisi before the day of 17/12/1998 and

That you Intend to oppose the petition you the aforesiad Respondnt. No. 3 do appear personally OR by Advocate on the 17th day of DEC 1998 at 10-30 a.m. before the Court show cause why this petition should not be complied with and that we may cause further to be done there on what of right and according to law we shall see fit to be done.

WITNESS the Hon, ble Mr. J C Brinje Chief Justice of High Court of Judicature, Andhra Pradesh at Hyderabad, this day of Nov 1998 the year one thousand nine hundred ninty. ent 1998

Assistant Registrar
(P. T. O.)

27 NOV 1998

765
27/11/98

SE. SC. J.
27/11/98

time to time to suit the new situations and exigencies. According to the Director General, Department of Posts, New Delhi Ir.No. 19-9/95-ED/Trg. dated 8.3.95. "A person passing the qualifying examination in the first attempt should be placed above in the merit list than the persons who secured highest marks in the second and third attempt by appearing/completing compartmentally in individual subjects."

4. I submit that the regular incumbent of the post of BPM, Ganganagar BO had to be discharged from service on 10.3.1995 on attaining the age of 65 years. The Employment Exchange was addressed on 16.11.94 for sponsoring eligible candidates. There was no response from the Employment Exchange. An open notification was issued on 4.1.1995. As the selection could not be finalised by 10.3.95, the first respondent was appointed on provisional basis. The regular selection was finalised in favour of the first respondent on 8.6.95 as he secured highest marks in the qualifying examination among the four eligible candidates.

5. I submit that later on the selection made was found to be in contravention of the instructions contained in Director General, Department of Posts, New Delhi Ir.No.19-9/95-ED & Trg. dated 8.3.95. According to para "2" of the said letter. "A person passing in the qualifying examination in the first

2nd page
Corrections

Attestor

Deponent

सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o The Postmaster-General,
हयराबाद क्षेत्र/Hyderabad Region,
हयराबाद/HYDERABAD-500 001.

सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o The Postmaster-General,
हयराबाद क्षेत्र/Hyderabad Region,
हयराबाद/HYDERABAD-500 001.

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH: AT HYDERABAD

W.P. NO. 28029 OF 1998

Between:

Superintendent of Post Offices,
Manaparthi.

....Petitioners

AND

Syed Muneeruddin

...Respondents

AFFIDAVIT OF THE PETITIONERS

I, Mohd. Hussain Son of Late Sri. Shaik Imam, aged 51 years, resident of Hyderabad, do hereby solemnly affirm and sincere state as follows:

1. I am working as Assistant Director in the Office of the Postmaster-General, Hyderabad Region, Hyderabad and as such I am well acquainted with the facts and circumstances of the case. I am duly authorised to give this affidavit on behalf of the petitioners.

2. I submit that this writ petition is being filed questioning the judgement of the Central Administrative Tribunal, Hyderabad Bench in OA No. 1321/95 dated 27.3.1998 for being illegal, arbitrary, unconstitutional and contrary to the service rules of the Extra Departmental Agents of the Department of Posts.

3. I submit that the Extra Departmental Agents (Conduct and Service) Rules 1964 herein after referred to as EDA rules consist of 27 Rules and it is a skeletal frame work, the gaps being filled up by the instructions of the Directorate from 1st page

Corrections

Attestor

Deponent

सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमास्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद, HYDERABAD-500 001.

सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमास्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद, HYDERABAD-500 001.

Tribunal held that even the appointing authorities cannot review the selection made and that if any of the applicants who were considered for selection along with the selected person are aggrieved by the selection then the remedy left for them is to approach the judicial forum challenging the selection. The appointing authorities of the higher authorities cannot review the selection of the selected person.

8) I submit that the instructions with regard to power of review of appointment of ED agents are contained in Director General Department of Posts, New Delhi Lr.No.19-23/97-ED & Trg dtd.13.11.97. These instructions clearly state that in the event of the appointment of EDA being made in contravention of the executive & administrative instructions, there is no need to invoke ED Agents (Conduct and Service) Rules 1964. When there is a clerical mistake there is nothing wrong in modifying the orders in order to comply with the instructions contained in the Directorate letter. The question whether the appointment of a particular ED Agent to a post was erroneous or not is to be decided by the next higher authority to the appointing authority in accordance with the established principles governing
relied itself on a judgement in OA No.57/91 dtd.22.2.95 which was prior to the Directorate letter 13.11.97.

9) I submit that the respondent secured highest marks in the qualifying examination among the other eligible candidates but he had however passed the examination compartmentally. Therefore the petitioner revised the earlier selection made on 8.6.95 in favour of Shri. Balaswamy who passed the examination in one attempt and fulfilled all the 4th page corrections;
Attestor

Deponent

सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र (Hyderabad Region),
हैदराबाद/HYDERABAD-500 001.

सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o. The Postmaster-General,
हैदराबाद क्षेत्र (Hyderabad Region),
हैदराबाद/HYDERABAD-500 001.

attempt should be placed above in the merit list than the person who has secured highest marks in the second or third attempt by appearing/completing compartmentally in individual subjects". I submit that the 1st respondent had secured highest marks in the qualifying examination, among the eligible candidates but he passed the examination compartmentally. As such there is prima facie irregularity in selection of the first respondent. Therefore, the selection was reviewed and revised on 17.7.95 in favour of Sri.A.Sarat Chandra Babu who passed the qualifying examination in one attempt securing 336 marks. Sri.Sarat Chandra Babu in his letter dated 26.7.95 expressed his unwillingness to take up the job. Therefore the selection was once again reviewed and selected Sri.Balowsamy, the present incumbent, as he secured 303 marks in the qualifying examination. The charge of the EO was transferred to by Sri.Balowsamy from the first respondent on 9.9.95. Aggrieved by this the 1st respondent filed O.A No.1221/95 and the Central Administrative Tribunal, Hyderabad, by order dated 27.3.1998 directed the petitioners to reinstate the first respondent as ED BPH, Gangaroh Village.

7) I submit that the Tribunal has erroneously held that the selection of the EEDPH relying on an earlier order passed in O.A No. 57 of 91 dated 22.5.95. In the said orders the

3rd page
Corrections.

Attestor

सहायक निदेशक-पत्र सेवा
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद/HYDERABAD-500 001.

Deponent

100
Assistant Director of Postal Services,
पोस्टमस्टर जनरल का कार्यालय
O/o The Postmaster-General,
हैदराबाद क्षेत्र Hyderabad Region,
हैदराबाद/HYDERABAD-500 001.

the required conditions.

10) I submit the petitioners herein have no other alternative remedy except to approach this Hon'ble court under Article 226/227 of the constitution of India. The petitioners have not filed any other writ petition or initiated any other proceedings for grant of relief as prayed for in this writ petition.

For the aforesaid reasons and others to be urged at the time of hearing the petitioners humbly pray that this Hon'ble Court may be pleased to issue a writ, direction or order more particularly one in the nature of Certiorari calling for record in O.A No. 1321/95 on the file of the Central Administrative Tribunal, Hyderabad and quash the order dated 27.3.98 in said the OA and pass such other order or orders deemed fit in the facts and circumstances of the case.

Pending suspension of the petitioners humbly pray that, this Hon'ble court may be pleased to suspend the operation of order in O.A No.1321/95 dtd.27.3.98 and pass such other orders or orders deemed fit in the interest of justice.

Solemnly affirmed and signed before
me this day of September, 1998.

Last page corrections:

Deponent

Attestor
Before me: Hyderabad

सहायक निदेशक डाक सेवा
Assistant Director of Postal Services,
O/o The Postmaster-General,
Hyderabad Region,
Hyderabad, HYDERABAD-500 001.

सहायक निदेशक डाक सेवा
पोस्टमैटर जनरल का कार्यालय
O/o The Postmaster-General,
Hyderabad Region,
Hyderabad, HYDERABAD-500 001.

Memorandum of Writ Petition
(Under Art. 226 of the Constitution of India)

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

M.P.No.

OF 1998

BETWEEN:

Superintendent of Post Offices,
Wanaparthy.

... PETITIONER

And

1. Syed Muneebuddin S/o. Syed Moineuddin,
aged about 20 years, R/o. Gangaram,
Wanaparthy Postal Division, Mahabubnagar District.
2. S. Balaswamy S/o. Balachandraseiah, aged
R/o. Gangaram, Wanaparthy Postal Division,
Mahabubnagar District.
3. Central Administrative Tribunal,
Hyderabad Bench, Hyderabad Rep. by
its Registrar.

... RESPONDENTS.

...

The address for service of all notices and processes on the abovesaid Petitioner is that of his Counsel Mr. E. Adinarayana Rao, Advocate, Sr. Central Government Standing Counsel, 208, Pavani Lingampet Estate, Road No. 8, Himayethnagar, Hyderabad - 500 029.

For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ, direction or order more particularly one in the nature of Certiorari calling for record in O.A.No.1321/95 on the file of the Central Administrative Tribunal, Hyderabad and quash the order dated 27.3.1998 in the said O.A. and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Hyderabad - A.P.,

Date: 25.09.1998.

for Shamsingh
COUNSEL FOR THE PETITIONER

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Heard Shri S.Ramakrishna Rao, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the Respondents. Though notice^{was} served on Respondent No.2, he remained absent.

2. The post of EDBPM, Gangaram Village fell vacant on account of retirement of regular incumbent of that post on 10-3-95. On 16-11-94 a letter had been addressed to the Local Employment Exchange to sponsor the candidates. There was no response. Hence an open notification was issued on 4-1-95 fixing the last date as 2-3-95 for receipt of the applications. It is submitted that since selection could not be finalised by 10-3-95, the applicant was appointed in the first instance on the provisional basis to that post. The regular selection was finalised selecting the applicant on 8-6-95. The applicant had secured highest marks in the qualifying examination among the eligible candidates who responded to the notification.

3. Subsequently the respondents noticed that the selection of the applicant was in contravention of instructions contained in Lr.No.19-9/95-ED.Trig dt.8-3-95 of the Director General, Dept. of Posts, New Delhi and he was replaced by one Sri Sarat chandra Babu, who passed the qualifying examination in one attempt securing 342 marks in the qualifying examination. But Sri Sarat Chandra Babu had expressed his unwillingness to take up the post. Therefore the respondents again revised selection order on 12-7-95 and selected respondent No.2, who had secured 303 marks in one

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1321/95

DATE OF ORDER : 27-03-1998.



Between :-

Syed Muneeeruddin

... Applicant

And

1. Superintendent of Post Offices,
Manaparthi.

2. S.Balaswamy

... Respondents

Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri N.R.Devaraj, SC for Nys

CORAM:

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

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

(Order per Hon'ble Shri B.S.Jai Parameswar, Member (J)).

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~~an~~ attempt in the qualifying examination.

4. Thus the selection of the applicant was reviewed by the higher authorities and the applicant was replaced by Respondent No.2.

5. This U.A. is filed for setting aside the selection ~~of the applicant~~ and posting of Respondent No.2 and for a consequential direction to the Respondent No.1 to reinstate the applicant to the post of EDBPM, Gangaram Village, Wanaparthy.

6. In the Full Bench decision of this Tribunal in UA 57/91 it was held that even the appointing authority cannot review the selection made if there is any irregularity in the selection. Hence the question of reviewing the selection of the applicant in the first instance and replacing him by Respondent No.2 does not arise and it is irregular in view of the decision of the full bench in the above referred U.A. If any of the applicants who are considered for selection along with the applicant and if they are aggrieved by the selection of the applicant then the remedy left to them is to approach the judicial forum ^{challenging} ~~for re-consideration~~ of the selection. The appointing authorities or the higher authorities cannot review the selection of the applicant in the instance. Hence the replacement of the applicant by Respondent No.2 as EDBPM, Gangaram Village when the applicant was initially selected and appointed as EDBPM, Gangaram Village is irregular. Hence the selection and appointment of Respondent No.2 is set aside. The applicant should be re-instated as EDBPM, Gangaram Village.

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