

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1327/95

DATE OF ORDER : 27-03-1998.

Between :-

A.Narsi Reddy

... Applicant

And

1. The Supdt. of Post Offices,
Wanaparthi Division,
Wanaparthi,
Mahaboobnagar District.

2. Rashika Yadaiah

... Respondents

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Counsel for the Applicant : Mr.S.Ramakrishna Rao

Counsel for the Respondents : Mr.N.R.Devaraj, SC for Rlys

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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)).

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

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Heard Sri S. Ramakrishna Rao, counsel for the applicant and Shri N.R. Devaraj, standing counsel for the respondents. Though notice was served on Respondent No.2, Respondent No.2 called absent.

2. The post of EDBPM, Mudhwin Village ^{had} fallen vacant due to the dismissal of the permanent incumbent. When the permanent incumbent was kept on 'put off-duty', the applicant was appointed on provisional basis in his place with effect from 25-3-94. After the dismissal of the permanent incumbent on 26-4-95 employment exchange was addressed on 9-6-95 to sponsor the candidates for appointment as BPM, Mudhwin, ^{As} there was no ~~xxx~~ response from the employment exchange, an open notification was issued on (Annexure A-III to the OA). Five applications were received in response to the open notification and on verification two applications were found eligible for consideration i.e. the application of the applicant and Respondent No.2.

3. The Respondent No.2 was selected. This O.A. is filed for setting aside the selection of Respondent No.2 and for a consequential direction to the Respondent No.2 to appoint the applicant as EDBPM, Mudhwin as he has secured more marks than the Respondent No.2 in the qualifying examination.

4. In the instructions contained in the Director General(Posts), New Delhi, letter No.19-9/95-ED&Trg. dt.8-3-95 amongst those who passed the qualifying examination in the first instance and

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possess higher marks should be treated as meritorious candidate and has to be selected. Thus the applicant though he obtained more marks in the qualifying examination cannot be treated as meritorious candidate as he had not passed in the first instance. The ^{official} respondent submit, that though the Respondent No.2 secured less marks than the applicant, he passed the qualifying examination in the first instance. Hence Respondent No.2 was preferred.

5. Learned counsel for the applicant submits that in the notification dt.11-7-95 there is no mention that only those who obtain maximum marks in the qualifying examination in the first instance will be considered and those who obtain more marks in the compartmental attempt will not be considered. The letter of DG(Posts), New Delhi dt.8-3-95 was not incorporated in the notification dt.11-7-95. Hence rejection of the case of the applicant on the basis of the letter dt.8-3-95 is not in order.// The letter of the DG (posts) dt.8-3-95 is not challenged. The reply was received by the applicant's counsel on 18-11-96 as can be seen from the endorsement in the reply copy. If the applicant is aggrieved by the letter of the DGs, he could have challenged that letter by amending the prayer but he has not resorted to that. So ^{long as} ~~far~~ the letter of the DG (Posts) dt.8-3-95 is on record, the applicant cannot get the relief as prayed for in this OA. Hence ~~no relief~~ for in this application.

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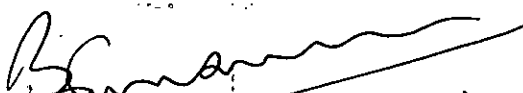
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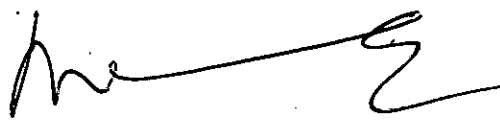
6. The learned counsel for the applicant submits that liberty may be given to challenge the letter dt.8-3-95 of the DG(Posts). The applicant is at liberty to do so in accordance with the law.

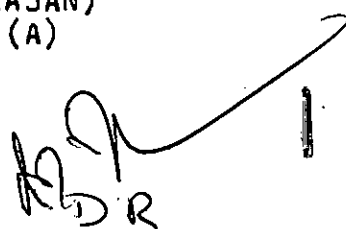
7. In view of what is stated above, the O.A. is dismissed.

No order as to costs.


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

27.3.98


(R. RANGARAJAN)
Member (A)


R. R.

Dated: 27th March, 1998.
Dictated in Open Court.

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DA.1327/98

Copy to:-

1. The Supdt. of Post Offices, Wanaparthy, Division, Wanaparthy, Mahabubnagar District.
2. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
3. One copy to Mr. N.R. Deveraj, Sr. CGSC., CAT., Hyd.
4. One copy to D.R. (A), CAT., Hyd.
5. One duplicate.

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17/4/98
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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: 27/3/98

ORDER/JUDGMENT

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

in

O.A.NO. 1827/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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