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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

O.A.No.1396 OF 1995.

Date of Order:5-3-1998.

Between:

Md.Mohiuddin.

.. Applicant

and

1. The Sr.Superintendent of Post Offices,
Nizamabad Division, Nizamabad.
2. Sathuri Yellam, s/o Ramaiah,
age not known, r/o Malla Reddy Kalan,
Nizamabad District.

.. Respondents

COUNSEL FOR APPLICANT :: Mr.S.Ramakrishna Rao

COUNSEL FOR RESPONDENTS : Mr.K.Bhaskara Rao

CORAM:

THE HON'BLE SRI A.V.HARIDASAN, VICE CHAIRMAN

AND

THE HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

: O R D E R :

(AS PER HON'BLE SRI A.V.HARIDASAN, VICE CHAIRMAN)

Heard Mr.S.Ramakrishna Rao for the Applicant and
Mr.K.Bhaskara Rao for the Respondents.

2. The applicant along with the 2nd respondent was a candidate for appointment to the post of Extra Departmental Branch Post Master, Mallareddy Kalan Village pursuant to the Notification dt:19-8-1994. It appears that during the pendency of selection one Mr.Narahari who was working as ED/Delivery Agent elsewhere was brought and made to work on the post on provisional basis. However, this Narahari has been relieved and the 2nd respondent has been selected and appointed. The grievance of the applicant is that, while he had

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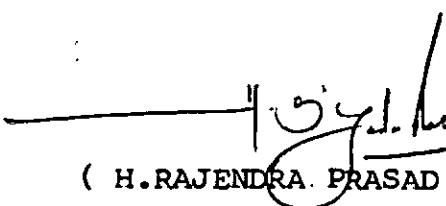
secured more marks than the Respondent No.2 in Metriculation Examination, he had a better claim for appointment and the action of the first respondent in appointing the respondent no.2 is arbitrary. With these allegations the applicant has filed this OA praying for setting aside the Order of the first respondent appointing the 2nd respondent on the post. The 1st respondent has in his reply statement stated that there was a proposal for redeployment of Narahari for the post of EDBPM, that he was posted on provisional basis pending selection pursuant to the notification dt 19-8-1994, as the proposal for redeployment was dropped. The 2nd respondent who belongs to S.C.reserved category was selected and appointed as there was a short fall in the percentage of S.C. in the EDBPM post of the Sub Division, the 1st respondent, therefore, contend that the selection and appointment of the 2nd respondent was perfectly in order.

3. The learned Counsel for the applicant with considerable tenacity argued that if the selection was to be confined to the members of the reserved category, the respondents should have mentioned that in the notification itself in view of what is contained in the Letter No.17-366-91-ED & Trg, dated:26-5-1995 of Department of Posts and that this having been not done, the first respondent cannot be heard to contend that the 2nd respondent was selected and appointed though with less marks than the applicant and as he was a member of the reserved category. This argument would appear to have considerable force at the first flash. But, a closer scrutiny of the case would reveal that as recruitment action in this case having commenced by notification dated:19-8-1994, the instructions contained in the letter dated:26-5-1995 had no application at all. The selection of the second respondent, a member of the Scheduled Caste though he has secured only a few marks less than the applicant

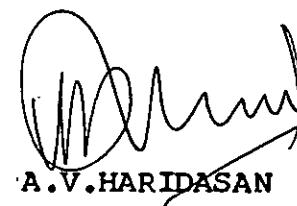
at the metriculation examination cannot under these circumstances be faulted.

4. We, therefore, do not consider it proper to interfere with the selection and appointment of Respondent no.2. While dismissing the application for the above reasons, we would like to observe that the Post Master General may like to look into whether the deployment of Mr.Narahari was done bonafide in public interest or not.

5. No order as to costs.


(H. RAJENDRA PRASAD)

MEMBER (A)


(A.V. HARIDASAN)

VICE CHAIRMAN

Dated: this the 5th day of March, 1998

Dictated in the Open Court


Deputy Registrar

26/3/98
I Court

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE AV Hariprasan
VICE-CHAIRMAN

AND

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

DATED: 5 - 3 - 1998

ORDER/JUDGMENT:

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

O.A.No. 1396/95 in

T.A.NO.

(Q.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

