

(54)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

Original Application No.1492/95

Dt. of judgement: 26-3-1996

Between:

D. Venkatesh ... Applicant

and

1. The Post-master General,  
Kurnool Region, Kurnool.
2. The Superintendent of Post Offices,  
Tirupati Dvn., Tirupati.
3. The Sub-Divisional Inspector (Postal),  
Piler Sub-Division, Piler.
4. Sri V.Govindarajulu,  
Kavetigaripalli village, & BO  
a/w Manglampet so,  
Chittoor Dist.

COUNSEL FOR THE APPLICANT : Mr. Y.Appala Raju

COUNSEL FOR THE RESPONDENTS: Mr. N.R. Devaraj  
Smt. C Guse.

CORAM:

HON'BLE SHRI JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (A)

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OA No.1492/95

JUDGEMENT

( As per Hon'ble Sri H.Rajendra Prasad, Member (A) )

The applicant was a candidate for the post of EDBPM, Kavetigaripalle B.O., in Tirupati Postal Division for a vacancy which arose in October, 1994. The applicant was, however, provisionally appointed from 18-10-94 and was continuing in the post till 5-12-95 when this application filed.

2. The vacancy was notified to be filled up on a regular basis in August, 1995. Nine candidates applied for the post. Respondent 4 (Sri V.Govindarajulu) was selected for appointment as EDBPM.

3. According to the applicant the said respondent did not possess immoveable property in his name, nor a house of his own, in the village; also, he is only a Matriculate. As against this, the applicant belongs to the village, possess own property, and also has a higher educational qualification than the said respondent. It is additionally mentioned that two members of the family of the selected candidate (R-4) are already employed in the Railways.

4. Based on the above grounds, the selection of Sri Govindarajulu is assailed in this O.A. and it is prayed that the same be set aside.

5. The respondents in their counter-affidavit submit that the vacancy was initially notified to the Employment Exchange in November, 1994. Since, however, no candidate was sponsored by the Employment Exchange for the said post, an open notification was issued in

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August, 1995, as per the prescribed procedure. From the information contained in the tabulation sheet of the candidates it is noticed that Respondent No.4, (Govindarajulu) secured the highest marks in Matriculation Examination (280/600) whereas the present petitioner secured only 267/600. The relevant papers concerning the property said to be owned by Sri Govindarajulu was also produced by the learned Senior Standing Counsel at the time of the hearing. The petitioner's allegation that Govindarajulu did not possess any property <sup>on the date of his selection</sup> in his own name is found to be incorrect on a perusal of the said document. As regards the higher qualification possessed by the applicant, the same is not considered relevant for the purpose of selection since the sole permissible criterion is the number of marks obtained by the candidates at Matriculation. Likewise, the fact that two brothers of the said respondent are already employed in the Railways is also not relevant since no rule prohibits the selection of an eligible candidate under these circumstances.

6. It was urged by Sri V. Appala Raju, learned counsel for the applicant, that the experience gained by the applicant in the capacity of provisional BPM of the EDBO should have been taken into consideration. He also drew attention to certain instructions said to have been issued by the Department in the matter of according preference to casual mazdoor for filling up certain Group C/D appointments in the Department. The

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said instructions were, however, entirely different and unconnected to the context and facts of the present case. The selection of EDBPM is governed by an entirely different set of rules and no executive instructions issued for a different situation or purpose can possibly be imported into in the matter of appointment of EDBPMs. As regards the question of affording credit and weightage to the past experience of a candidate, it was submitted by the learned Sr. Standing Counsel that the same is not envisaged by rules governing the selection of EDAs.

7. On a perusal of the record and after taking into consideration the submissions made by the learned counsels, we are satisfied that no irregularity was committed in the matter of selection of EDBPM, Kavetigaripalle B.O. under Mangalampet S.P.O.

8. The O.A. is therefore disallowed and disposed of accordingly. No costs.

H. Rajendra Prasad  
(H. Rajendra Prasad)  
Member (A)

M.G. Chaudhari  
(M.G. Chaudhari)  
Vice Chairman

Dated 26th March 96

Arbitrator  
DR. C. S. Rao

kmv

To

1. The Postmaster General,  
Kurnool Region, Kurnool.
2. The Superintendent of Post Offices  
Tirupati Division, Tirupati.
3. The Sub Divisional Inspector (Postal)  
Piler Sub Division, Piler.
4. One copy to Mr.Y.Appala Raju, Advocate, plot No.132  
Indraprashta Town Ship, Phase-I Vinaynagar, Saidabad, Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

M.G. Chaudhari  
THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND  
H. Rajendra Prasad  
THE HON'BLE MR. R. RANGARAJAN : M(A)

Dated: 26-3-1996

ORDER/JUDGMENT

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

in

O.A.No. 1692/95.

T.A.No.

(w.p.No. )

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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केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

प्रेषण/DESPATCH

- 4 APR 1996

हैदराबाद न्यायालयीठ  
HYDERABAD BENCH