

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No.1543/95.
- - - - -

Date of decision: 9th June, 1998.
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Between:

Vemali Mohana Kymar. .. Applicant.

and

1. The Superintendent of Post offices,
Vizianagaram District 535002.
2. Pasala Umamaheswara Rao.
3. Ganivada Srirama Murthy. .. Respondents.

Counsel for the applicant: Sri K.V.Subrahmanyam Narsu.

Counsel for Respondents: Sri V.Rajeswara Rao.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Gai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri R.Rangarajan, Member (A))

Heard Sri K.S.R.Murthy for Sri K.V.Subrahmanyam Narsu for the applicant and Sri V.Rajeswara Rao for official the/respondent No.1. Notice served ~~not~~ on Respondents 2 and 3. Respondents 2 and 3 were called absent.

The applicant in this O.A., had applied for the post of EDBPM in Kothapalem Village when the Notification dated 21-4-1995 was issued. It is stated that the applicant is the son of the earlier incumbent of the post. Whenever

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the earlier permanent incumbent went on leave the applicant worked in the capacity of EDBPM having been nominated by his father. ~~In response to~~ The first notification dated 11.11.1994 was cancelled as none of the candidates fulfilled the conditions for appointment to the post of EBPM as those candidates did not possess the required property and independent source of income etc. In response to the Notification dated 21.4.1995, 5 applications were received but none of the applications were considered as there were irregularities in the applications. The applicant also applied for the post in response to the Notification dated 21.4.1995 but failed to submit the documents relating to the property before the due date. Hence his case was also rejected. A third notification was issued on 26.7.1995 for filling up that post. Three applications were found in order including that of the applicant for selection to the said post. Respondent No.2 was selected as he was found to be a meritorious candidate.

This O.A., is filed challenging the impugned Memorandum dated 22/29.11.1995 whereby Notice was issued to the applicant for terminating his services and posting Respondent No.2 as regular incumbent and for a consequential direction to Respondent No.1 to appoint him in the said post.

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The main contention of the applicant in this O.A., is that higher marks obtained in the 10th Class should not be the criteria for selection of Respondent No.2 as the applicant has got experience in that post having worked as a substitute and that experience shall stand to his benefit in discharging the duties of EDBPM. He further submits that the selection of Respondent No.2 on the basis of the marks obtained by ~~him~~ him in the 10th Class is unwarranted and he should be appointed instead of Respondent No.2.

The applicant applied for the post in response to the Notification dated 26.7.1995. He also applied for the post of EDBPM in response to the notification dated 21.4.1995. If the latter notification was not warranted he should have challenged the Notification dated 26-7-1995 and should not have responded to that notification. But the applicant responded to the notification dated 26-7-1995 and submitted himself for selection. Having submitted himself for selection, he cannot now question or challenge that notification. No rule was shown by him to give preference to his experience as substitute EDBPM and give ~~him~~ him advantage of ranking him above the meritorious candidates. In the absence of any rule his contention that he should be selected in view of his experience as EDBPM in substitute be capacity cannot be accepted to post him as EDBPM.

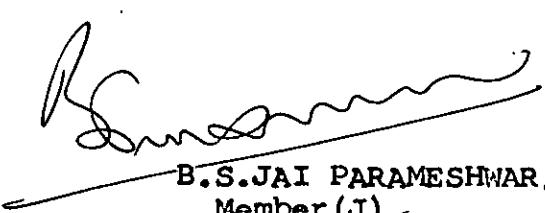
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The learned counsel for the respondents produced a letter dated 12-10-1988 wherein it is stated that no undue weightage should be given to the experience in the provisional capacity of the candidate. Hence the question of giving any advantage to the applicant when he worked only in substitute capacity does not arise.

No other contention has been made in this O.A. for the selection of Respondent No.2. Hence the application is liable to be rejected.

The O.A., is dismissed. No costs.


B.S.JAI PARAMESHWAR,
Member (J)

9.6.98


R.RANGARAJAN,
Member (A)


D.R.

Date: 9-6-1998.

Dictated in open Court.

sss.

DA.1543/95

Copy to:-

1. The Superintendent of Post Offices, Vizianagaram Dist.
2. The copy to Mr. K.V.Subrahmanya Narsu, Advocate, CAT., Hyd.
3. One copy to Mr. V.Rajeswara Rao, Addl.CGSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

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23/6/98

II COURT

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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 : 9/6/98

ORDER/JUDGMENT

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

in

O.A.NO. 1543/95

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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केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
शेषण / DESPATCH

17 JUN 1998

हैदराबाद न्यायालय
HYDERABAD BENCH