

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.155/95.

Dt. of Decision : 19-11-97.

Gogada Siva

.. Applicant.

Vs

1. The Superintendent of Post Offices, Parvathipuram Division, Parvathipuram, Vizianagaram District.
2. ~~@@~~ Balivada Saibaba
3. The Director of Postal Services,

Counsel for the applicant : Mr.V.V.Sarma

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:

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

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

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ORDER

ORAL ORDER (PERHON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

Heard Mr. V. Suryanarayana Sastri for Mr. V. V. Sarma, learned counsel for the applicant and Mr. V. Bhimanna, learned counsel for the respondent.

2. The post of BPM, Panukuvalasa Branch office fell vacant effective from 30-6-94 consequent on the retirement of the regular incumbent of the said post. An open notification was issued on 5-4-94 fixing the last date for receipt of application as ~~none~~ applicant and R-2. It is stated that ~~none~~ of the candidates were the residents of the said village. Hence the second notification was issued on 11-7-94 fixing the last date for receipt of application as 23-7-94, in response to which 3 applications were received ^{from those who had} who ~~were~~ responded to the earlier notification. No application from the residents of the village ^{was} ~~were~~ received even after the issue of the second notification. Hence they considered the applications received in response to the first notification and after processing and verification they ~~were~~ selected R-2 as BPM of the said post office.

3. The applicant has filed this OA challenging the selection and appointment of R-2 to the said post. It is his case that even though he secured higher marks in the SSC and sufficient property and also R.C.C. Building, his candidature was not considered.

4. The respondents have filed their counter stating that the applicant was a resident of Syamala Gouripuram Village at a distance of about 3 to 4 Kms, that the selected candidate ^{which is} was a resident of Viswanadhapuram Village, that the selected candidate

had secured 189 marks in the SSC and the applicant had secured 370 marks in the SSC examination. They submit that the applicant had not produced any proof to show that he was having 2½ acres of wet land and one R.C.C. Building. The certificate issued by the MRO, Pachipenta ^{showed that} he had income of Rs.6,000/- on lands and immovable property worth of Rs.60,000/-.

5. The fact that the applicant had secured higher marks than R-2 is not disputed. The residents ^{ce} in the village is not a condition ~~president~~ for selection. It is only the selected candidate after selection must make necessary arrangements to run the post office at the village. Therefore the contention of the respondents that the applicant was a resident of Syamala Gouripuram at a distance of about 3 to 4 Kms cannot be accepted. Even R-2 ~~was~~ ^{as} was also a resident of ^a different village. Therefore the respondents cannot contend that the applicant was not selected on the ground he was not a resident of that village.

6. The respondents have not given sufficient details as to how they consider ^{ed} the candidature of R-2 when he secured less marks in the SSC. When everything was equal then they should have considered the marks obtained in the SSC. They ^{have} are not placed anything to show that the applicant had not possessed any property or any income.

7. It is stated in the reply that complaints were received against the applicant to the effect that he was having 2 wives and residing at Kandirivalasa with his 2nd wife. Though the respondents in their reply submit that the applicant himself admitted the above alleged fact at the time of verification of certificate no concrete materials have been produced in this connection. Hence such ^{such} a un-substantiated allegations should not have been taken into account

without proper verification and ascertaining the full facts, to reject the candidature of the applicant.
Hence this contention cannot be taken in the face ~~of~~ value to reject the candidature of the applicant.

8. In that view of the matter the selection and appointment of R-2 is set aside. The respondents shall select ~~the~~ suitable ^a ~~who~~ ~~submitted their applications~~ in response to the notification dated 11-7-94.

9. Till such time the present incumbent of the said post ^{as a provisional appointee.} shall continue. Time for compliance is three months from the date of receipt of a copy of this order. No costs.

RS
(B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)

19.11.97

Dated : The 19th Nov. 1997.
(Dictated in the Open Court)

M
(R. RANGARAJAN)
MEMBER(ADMN.)

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D.R

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OA.155/95

Copy to:-

1. The Superintendent of Post Offices, Parvathipuram Division, Parvathipuram, Vizianagaram District.
2. The Director of Postal Services, Visakhapatnam.
3. One copy to Mr. V.V.Sarma, Advocate, CAT., Hyd.
4. One copy to Mr. V. Bhimanna, Addl.CGSC., CAT., Hyd.
5. One copy to BSJP M(J), CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

6.12.97
1-12-97

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TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 19/11/97

ORDER/JUDGMENT

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

in
O.A.NO. 155/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

