

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1552/95

Date of Order : 6.1.98

BETWEEN:

Sankireddy Adiraju

.. Applicant.

AND

1. The Superintendent of Post Offices,  
Anakapalli Division, Anakapalli  
Visakhapatnam.

2. The Sub Divisional Inspector (P),  
Yelamanchili Sub Division,  
Yelamanchili,  
Visakhapatnam Dist.

3. Ch.Chella Rao

.. Respondents.

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Counsel for the Applicant

.. Mr.G.Dhananjai

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

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CORAM:

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

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

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.V.Sastry for Mr.G.Dhananjai, learned counsel for  
the applicant and Mr.W.Satyanarayana for Mr.N.V.Raghava Reddy,  
learned standing counsel for the respondents.

2. The post of EDBPM, Donkada was filled by the applicant  
on provisional basis. The vacancy was notified to the employment  
exchange, Visakhapatnam on 25.10.93 to sponsor suitable candidates.  
As no candidates were sponsored by the employment exchange,  
Visakhapatnam upto 25.11.93 being the last date, the vacancy

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was notified in the B.O. village on 30.11.93 fixing the last date for receipt of applications as 30.12.93. In response to the notification dated 30.11.93 applications from 5 candidates were received including the applications of <sup>the</sup> applicant and R-3. R-3 was selected as BPM.

3. This OA is filed to set aside the appointment of R-3 and post the applicant in his place.

4. We have gone through the reply filed in this OA. The applicant is a meritorious candidate as he had secured more marks in S.S.C. compared to R-3 and that too in the first attempt. There are lot of discrepancies in the selection of R-3. R-2 had selected him without considering the case fully in accordance with the law. Hence it is not necessary for us to go into this as the respondents themselves have accepted that the selection of R-3 is irregular. Hence the selection of R-3 has to be set aside.

5. R-2 is a Sub-Divisional Inspector of Visakhapatnam District. Under no stretch of imagination it can be presumed that R-2 is unaware of the rules. Being a Sub-Divisional Inspector he is fully aware of the rules and for reasons best known to him he has selected R-3 without following the rules. Hence we feel that the irregularity committed by R-2 cannot be condoned saying that it is a case of mistake. It is not a case of mistake but it is a wanton deviation from the rules prescribed for the selection. Hence we are of the opinion that the department should inquire the reasons for selecting R-3 by R-2 and the responsibility be fixed for the lapses noticed in the enquiry. On that basis it may be necessary for the department to take suitable action against R-2 if he is found responsible for the lapses to avoid such improper selection in future. This Tribunal is getting complaints, every now and then, in regard to the selection of ED staff. If these irregularities are not corrected it will be difficult for the department to perform the duties assigned to it strictly

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in accordance with the rules and to the satisfaction of the users.

6. In view of what is stated above, this OA is allowed and the respondents are directed to finalise the selection in accordance with the rules, considering all the applications received in response to the notification dated 30.11.93. Till such time the final selection is made, the present incumbent of the post should be allowed to continue as a provisional candidate.


7. The action taken against R-2 should be informed to the Tribunal within 2 months from the date of receipt of a copy of this order.

8. Time for compliance is 2 months from the date of receipt of a copy of this order.

9. The OA is allowed. No costs.


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

6-1-98

  
( R. RANGARAJAN )  
Member (Admn.)

Dated : 6th January, 1998

(Dictated in Open Court)

  
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Copy to:

1. The Superintendent of Post Offices, Anakapalli Division, Anakapalli Division, Anakapalli, Visakhapatnam.
2. The Sub Divisional Inspector (P), Yalamanchili Sub Division, Yalamanchili, Visakhapatnam.
3. One copy to Mr.G.Dhananjai, Advocate,CAT,Hyderabad.
4. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A),CAT,Hyderabad.
6. One duplicate copy.

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27/1/98  
TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED: 6/1/98

ORDER/JUDGMENT

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

in

C.A.NO. 1552/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED.

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT.

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