

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1040/95

DATE OF ORDER : 25-02-1998.

Between :-

P.V.S.Shivaprasad

... Applicant

And

The Senior Superintendent of
Post Offices, Nellore
Division,
Nellore - 524 001.

... Respondent

Counsel for the Applicant : Shri Ch.Ganesh

Counsel for the Respondent : Shri N.R.Devaraj, Sr.CGSC

CORAM:

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

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

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

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

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None for the applicant. Sri W.Satyanarayana for Sri N.R.Deva Raj, standing counsel for the respondents.

2. The facts in this case are as follows :-

The regular Branch Post Master, Timmayapalem Village, Nandipaadu Mandal, Nellore District was due for discharge on his attaining the age of 65 years. The vacancy was therefore notified to the Employment Exchange on 17-2-95 well in time before the date of discharge of the regular BPM. Since none was sponsored by the Employment Exchange to fill up the post of EDBPM an open notification was issued on 30-3-95 fixing the last date for receipt of applications as 1-5-95. Six applications were received in response to that notification. However, the respondents on the alleged^d reasons that none of them fulfill^e the conditions cancelled the^{said} notification dt.30-3-95 and issued a fresh notification dt.19-7-95 fixing the last date for receipt of applications as 25-8-95. It is stated that five applications were received in response to the second notification including that of the applicant.

3. This O.A. is filed for setting aside the second notification dt.19-7-95 and for a consequential direction to the respondents to finalise the selection proceedings on the basis of the notification dt.30-3-95 by considering the candidature of the applicant to the post of EDBPM, Timmayapalem Village, Naidupet Mandal, Nellore District.

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4. A draft reply ^{was produced} ~~has been~~ given to us for perusal. It is seen from the draft reply that all the six candidates who had applied in response to the first notification dt.30-3-95 with the last date of receipt of applications ^{had} ~~did~~ not possess ^{-ed} any property and income certificates in their own names. The applicant had produced a mere property certificate in his name from Mandal Revenue Officer without any supporting proof of certified ^{document of the} property. It is also stated that no proper income certificate was produced by the applicant ^{or} by the other candidates who applied in response to the first notification. Hence the applications received in response to the notification dt.30-3-95 ^{were} ~~is~~ not in order and hence his candidature was also rejected ^{along with others}.

5. As all the applications received in response to the notification dt.30-3-95 were found to be deficient in enclosing property and income certificate, the department had no other alternative except to cancel the first notification dt.30-3-95 and the second notification dt.19.7.95 was ^{therefore} issued.

6. The applicant filed this O.A. even though he had applied in response to the second notification. Though we may consider that he is not eligible to challenge the second notification as he has submitted his application in response to the second notification we thought it fit to dispose of this OA on merits.

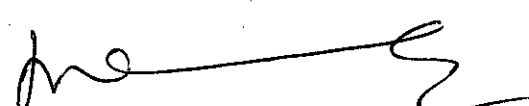
7. An interim order was passed in this OA on 4-9-95 whereby "until further orders, the selection on the basis of the applications received in pursuance of the notification dt. ¹⁹ 20-7-95 for the post of EDBPM, Timmayapalem Village, Nandipadu sub Division

of Nellore District, shall not be finalised". In view of the interim order, the selection is not finalised yet and the applicant, who is posted as a provisional EDBPM immediately after retirement of the regular BPM is continued still as ^aprovisional EDBPM in that post office.

8. The first notification was cancelled as all the applications ^{were} received in incomplete form. There is no use in considering the incomplete applications as nobody ^{can} be selected on the basis of that applications. Hence we do not find any irregularity in issuing second notification. It is stated that in response to the second notification five applications had been received and one of which is that of the applicant herein. Hence the respondents are to finalise the selection on the basis of the second notification after checking the applications received for that notification. Till such time, the second notification is finalised and a selected candidate is posted, the applicant should be continued as a provisional EDBPM.

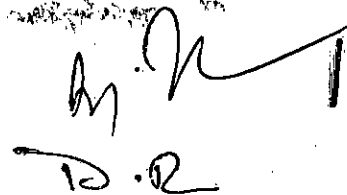
9. With the above directions, the O.A. is disposed of. No costs.


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


(R. RANGARAJAN)
Member (A)

Dated: 25th February, 1998.
Dictated in Open court.

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D.R.

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Copy to:

1. The Senior Superintendent of Post Offices,
Nellore Division, Nellore.
2. One copy to Mr. Gh. Ganesh, Advocate, CAT, Hyderabad.
3. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
4. One copy to D. R (A), CAT, Hyderabad.
5. One duplicate copy.

YLKR

G. K. S.
17/3/98

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TYPED BY
COMPARED 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:

25/2/98

ORDER/JUDGMENT

~~M.A./R.A./G.A.NO.~~

in

B.A.NO.

1040/95

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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