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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

Date of decision: 3rd November, 1997.

Between:

B. Venkatesam. .. Applicant.

1. Superintendent of Post Offices,
Medak Division, Medak.
2. The Director of Postal Services,
Hyderabad Division, Hyderabad.
3. The Inspector of Post Offices,
Medak East, Medak.
4. Smt. K. Vijaya. .. Respondents.

Counsel for the applicant: Sri D. Linga Rao.

Counsel for the official respdts: Sri N.V. Raghava Reddy.

Counsel for private Respondent No. 4: Sri S. Ramakrishna Rao.

CORAM:

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

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

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

None for the applicant. Sri G.Satyarayana for Sri N.R.Devaraj for official respondents. Sri S.Rama Krishna Rao for private Respondent No.4.

As the O.A., was filed in 1995, it is being disposed of under Rule 15(1) of the Central Administrative (Procedure) Rules, 1987.

The applicant in this O.A., was an aspirant for the post of EDBPM of Chellapur Branch Office in Dubbik Mandal. This O.A., is filed challenging the selection of Respondent No.4 and for quashing the said selection of Respondent No.4 by holding that the applicant is entitled for the post in preference to Respondent No.4.

A reply has been filed by the official respondents in this O.A. The learned counsel for the official respondents submitted that he has nothing to add in this connection. Sri Ramakrishna Rao, the learned counsel for the Respondent No.4 submitted that the applicant is not entitled to the post as he is not a candidate who applied for the post in response to the Notification dated 8-6-1992 issued by the respondents. Hence the applicant has no locus standi to challenge the posting of the Respondent No.4.

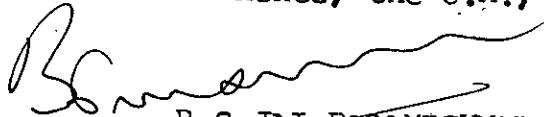
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Due to the discharge of the regular appointee on 25-8-1992
on attaining the age of 65 years, a notification for filling
up the post, Employment Exchange ~~has been~~ addressed on 8.6.1992
to sponsor suitable candidates. A public notification was also
issued on the same day. There was no response from the
Employment Exchange. 19 applications were received in res-
ponse to the public notification. As the selection could
not be completed by 25-8-1992 one Sri B.Nagabhushanam was
posted from 25-8-1992 on provisional basis to discharge the
duties of EDBPM. While the selection process was going
on, O.A.993/92 was filed on the file of this Tribunal
challenging the selection process. By the judgment
dated 21-3-1994 the Superintendent of Post Offices was
directed to select a candidate from among those who filed
their applications in time in pursuance of the notifi-
cation dated 8-6-1992 in accordance with the rules. As
all the 19 applications received in response to the notifi-
cation dated 8-6-1992 were found not in order, a re-notifi-
cation was issued on 31-5-1994. The applicant in O.A.993/92
challenged the renotification by filing C.P.136/94. By an
interim order dated 15-7-1994 ~~staying~~ in that C.P., the selection
proceedings started with reference to Notification issued on
31-5-1994 ~~was~~ stayed. However, that C.P., was finally
disposed of on 23-1-1995 with a direction to finalise the
selection from among the applicants who applied with reference
to notification dated 8-6-1992. The Superintendent of Post

Offices finalised the selection by selecting the Respondent No.4 and issued orders on 22-2-1995 ordering transfer of the charge of the B.O. from the provisionally appointed B.P.M., to the selected candidate. The above facts have been narrated in the ~~seply~~ statement of the official respondents. It is stated in the ~~re~~ply statement that the applicant did not apply for the post of BPM Chellapur Branch Office in pursuance of the notification dated 8-6-1992. When the Tribunal directed to finalise the selection with reference to the notification dated 8.6.1992, only those who have applied in response to the notification dated 8.6.1992 can only be considered for posting. Since the applicant ~~is~~ had not applied in response to the notification dated 8-6-1992, he has no right to be posted as EDBPM of Chellapur Branch Post Office. No rejoinder has been filed by the applicant. Hence, it has to be held that the submissions made by the respondents in the reply are in order. Hence, in view of the facts mentioned above, the applicant has no right to ask for the cancellation of the appointment of the Respondent No.4 and to challenge his appointment and to post him vice Respondent No.4.

Hence, the O.A., is dismissed. No costs.


B.S.JAI PARAMESHWAR,
Member (J)

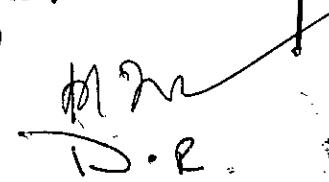
sss.

3.11.97


R.RANGARAJAN,
Member (A)

Date: 3-11-1997.

Dictated in open Court.


D.R.

OA.436/95

Copy to:-

1. The Superintendent of Post Offices, Medak Division, Medak.
2. The Director of Postal Services, Hyderabad Division, Hyderabad.
3. The Inspector of Post Offices, Medak East, Medak.
4. One copy to Mr. D.Linga Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.V.Rayudu, Advocate, CAT., Hyd.
6. One copy to Mr. S.Ramakrishna Rao, for R-4, CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

srr

10/11/97 (8)

TYPED BY
COMPARED BY

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: 3-11-97

ORDER/JUDGMENT

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

in
D.A.NO. 438/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

