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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD.

O.A. NO. 439 OF 1995.

DATE OF ORDER:- 27-3-1998.

BETWEEN :

B. NAGABHUSHANAM,
S/o Venkatesham,
aged about 22 years,
R/o Chellapur, Dubbak Mandal,
Medak District.

.. APPLICANT

A N D

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. Smt. K.Vijaya, W/o K.Dharmaiah,
R/o Chellapur, Mandal Dubbak,
Medak District.

.. RESPONDENTS

Counsel for the applicant : Mr. D. Linga Rao

Counsel for the respondents 1 to 3: Mr. N. V. Raghava Reddy

Counsel for the respondent No. 4: Mr. S. Ramakrishna Rao

CORAM :

Honourable Mr. R. Rangarajan, Member (Admn.)

Honourable Mr. B. S. Jai Parameshwar, Member (Judl.)

O R D E R.

(Per Hon. Mr.B.S.Jai Parameshwar, Member(Judl.))

1. Heard Mr. D.Linga Rao, the learned counsel for the applicant, Mr. N.V. Raghava Reddy, the learned Standing Counsel for the respondents 1 to 3 and Mr. S.Ramakrishna Rao, the learned counsel for the respondent No.4. Though the respondent No.4 has not filed any reply to the O.A., the learned counsel vehemently contended that the application submitted by the applicant was incomplete in all respects and that the authorities were justified in selecting and appointing the respondent No.4 as the EDBPM of Chellapur Branch office.

2. This is an application under Section 19 of the Administrative Tribunals Act. The application was filed on 27.3.1995.

3. The facts giving raise to this O.A. may, in brief, be stated thus :-

(a) The post of EDBPM, Chellapur Account with Dubbak Sub-Post office, in the Medak district fell vacant with effect from 25.8.1992 due to retirement of the regular incumbent of that post.

(b) The applicant herein was appointed as EDBPM on provisional basis with effect from 26.8.1992.

(c) The respondents sent a requisition to the local Employment Exchange for sponsoring the eligible candidates for filling up the said post. There was no response from the local Employment Exchange.

(d) Thereafter an open notification was issued



dated 8.6.1992 inviting applications from the eligible residents in the village.

(e) It is submitted that while the selection was in process, the respondent No.4 and three others filed O.A.No.993 of 1992 before this Tribunal challenging the appointment of the applicant in the post. In the said O.A. the respondents submitted that the appointment of the applicant to the post was only provisional. On 21.3.1994 the said O.A. was disposed of with a direction to the respondent No.2 to select a candidate amongst the applicants who responded to the notification dated 8.6.1992 in accordance with the rules and the selection process should be completed preferably by the end of May, 1994.

(f) As per the directions of this Tribunal, the respondent No.2 commenced the process of selection of the candidates. About 20 candidates had responded to the said notification. On scrutiny, the respondent No.2 came to the conclusion that none of the candidates had produced the Income Certificate in their names and that the Income Certificates produced by them were either in the name of their parents or their husbands. Therefore, he felt that no one was eligible for consideration.

(g) On the basis of the said decision, the respondent No.2 had issued another notification dated 31.5.1994 to fill the said post. The respondent No.4 and others filed a Contempt Petition in C.P.No.39/94 challenging the notification dated 31.5.1994. Then the respondents in the C.P. submitted that on improper verification they had opined that the applications were not in order, that the said applications, on fresh scrutiny, were found to be in order and that the notification dated 31.5.1994 was issued inadvertently.

(h) Therefore on the basis of the said submissions on 23.1.1995 the Tribunal directed the respondents to

finalise the selection for the post as directed in the O.A.

(i) Accordingly, the respondents selected and appointed the respondent No.4 to the post on regular basis.

4. The applicant has filed this O.A. challenging the selection and appointment of the respondent No.4 as EDBPM, Chellapur B.O.

5. The main contention of the applicant is that the respondent No.4 did not possess any house property in the village; that she had no independent income in her name; that the respondent No.4 had secured a certificate dated 29.6.1994 from the Extension Officer(Pts), Dubbak to the effect that she owned a house in the House Revision Sl.No.102 by misrepresenting the facts and that subsequently the said Extension Officer of Dubbak Mandal clarified that the said house bearing Sl.No.102(House No.2-2) was in the name of Sri Akkela Chandra Goud, s/o Dharma Goud and not in the name of the respondent No.4; that the Divisional Panchayat Officer, Siddipet has addressed the Superintendent of Post Offices that he verified the village records and found that the house bearing No.102 stood in the name of Sri Chandra Goud, s/o Dharma Goud and not in the name of the respondent No.4; that the ownership lien issued by the Extension Officer(Pts) Dubbak dated 29.6.1994 was a bogus one and therefore the respondent No.4 was not qualified to be appointed for the post of EDBPM, Chellapur.

6. The respondents have filed the reply wherein they have specifically stated the circumstances under which they were compelled to select the candidate among those who responded to the notification dated 8.6.1992, and further submitted that the respondent No.4

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Copy to:

1. Superintendent of Post Offices, Medak Division, Medak.
2. The Director of Postal Services, Hyderabad Division, Hyd.
3. The Inspector of Post Offices, Medak District, Medak.
4. One copy to Mr.D.Linga Rao, Advocate, CA¹, Hyderabad.
5. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, AT, Hyderabad.
6. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT, Hyderabad.
7. One copy D.R(A),CAT, Hyderabad.
8. One copy ~~to~~ for duplicate.

YLKR

15/4/98
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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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: 27/3/98

ORDERS/JUDGMENT

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

in

O.A.NO. 439/95

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

