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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1389/96.

Dt. of Decision : 3-9-98.

Smt. S. Dhana Lakshmi

.. Applicant.

VS

1. The Union of India rep. by
the Chief Postmaster General,
A.P. Postal Circle, Hyderabad.
2. The Director of Postal Services,
O/o the Postmaster General,
Vijayawada.
3. The Sr. Supdt. of Post Offices,
Vijayawada Division, Vijayawada.
4. S. Venkateswara Rao

.. Respondents.

Counsel for the applicant : Mr. K. S. R. Anjaneyulu

Counsel for the respondents : Mr. N. R. Devaraj, Sr. CGSC.
for R-1 to 3.

Mr. P. Bhaskar for R-4.

CORAM:-

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

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

ORDER

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

Heard Mr.D.Subramanyam, for Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the official respondents and Mr.P.Bhaskar, learned counsel for R-4.

2. The applicant herein was working as a provisional EDBPM, Morusumilli S.O. from 17-06-95. A notification No.BE/250 dt.25-9-95 (Annexure-9) was issued to fill up the said post on regular basis. The applicant, R-4 and others had responded to the said notification. R-3 selected and appointed the R-4 as a regular candidate to the said post.

3. The applicant being aggrieved against the selection and appointment of R-4 has filed this OA contending that she was more meritorious candidate than the selection of R-4 who is an SC candidate ~~without~~ without mentioning in the notification as the reservation of the ^{post} same for the SC candidate is irregular that further she was working as a provisional candidate for more than a year.

4. On perusal of the notification dt. 25-9-95 it is clear that it was open to all. The post was not reserved for any reserved candidate. In view of the decision of the Calcutta Bench of this Tribunal reported in 1997 ATC (36) 41 (Shibnath Dhare Vs. UOI & Other the respondents could not have selected ^a SC candidate when other meritorious candidates were available. Further if they felt that there was short representation of SC candidate in the Division they should have specifically stated so in the notification itself. It is in that context the Calcutta Bench of this Tribunal has specifically stated that ^{when} there was no reservation as such in the notification the respondent authorities could not select a candidate belonging to reserved category ignoring the merits of the regular candidate even there ^{is} a shortage of SC/ST candidate in the Division. On that ground itself the selection of R-4, in the absence of clear indication in the notification has to be held as irregular.

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5. The appointing authority is the Superintendent of Post Offices. But he was directed by the Postmaster General to review the selection to check whether the reservation is complied with in this Division or not. If it is not complied with then the appointing authority should take action in this notification to appoint a reserved community candidate.

6. The above ~~notification~~ interference by the PMG after the selection proceedings are under way is irregular. The above view is in accordance with the Full Bench judgement of this Tribunal in OA.57/95. Hence on that ~~square~~ ^{Score} also the selection is irregular.

7. In view of what is stated above the only direction that can be given is to ~~select~~ ^{appoint} the meritorious candidate on the basis of the applications received in pursuance of the notification dated 25-9-95 and appoint a regular candidate accordingly. If any of the candidate who responded to that notification is aggrieved by that selection they are at liberty to approach the judicial forum for ~~their~~ relief. Till such time, the regular candidate is posted, the EDBPM now working ~~will~~ ^{shall} be continued as ^a provisional candidate.

8. With the above direction the OA is disposed of. No costs.

9. Time for compliance is three months from the date of receipt of a copy of this order.


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

3.9.98

Dated : The 3rd Sept. 1998.
(Dictated in the OpenCourt)


(R. RANGARAJAN)
MEMBER (ADMN.)


D.R.

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OA.1389/96

Copy to:-

1. The Chief Postmaster General, A.P. Postal Circle, Hyderabad.
2. The Director of Postal Services, O/o The Postmaster General, Vijayawada.
3. The Sr. Supdt. of Post Offices, Vijayawada Division, Vijayawada.
4. One copy to Mr. KSR. Anjaneyulu, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Dovaraj, Sr. CGSC., CAT., Hyd.
6. One copy to Mr. P. Bhaskar, Advocate, CAT., Hyd.
7. One copy to HBSJP M(J), CAT., Hyd.
8. One duplicate copy.

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14/9/98 (8)

II COURT

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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: 3/9/98

ORDER/JUDGMENT

M.A/R.A/C.P.NR.

in

C.A.NO. 1389/96

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

