

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1390/96.

Dt. of Decision : 27-8-98.

Smt.G.S.R.Saraswati

..Applicant

Vs

1. The Union of India rep. by
the Chief Postmaster General,
A.P.Circle, Hyderabad.
2. The Postmaster General, Kurnool
Region, Kurnool.
3. The Supdt. of Post Offices,
Nandyal Postal Division,
Nandyal.
4. Mudavat Somla Naik

..Respondents.

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

Counsel for the respondents : Mr.N.R.Devaraj,Sr.CGSC.for R-1toR-3
Mr.Y.Appala Raju for R-4.

CORAM:-

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

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

R

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.Y.Appala Raju, learned counsel for R-4.

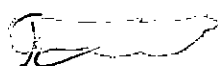
2. The post of EDBPM, Obulapuram Branch office fell vacant on the regular incumbent attaining the age of 65 years. It is stated that the respondents requested the local employment exchange to forward eligible candidates. The employment exchange had forwarded 10 candidates. However, only one candidate submitted his candidature. Hence, an open notification was issued on 8-5-96 fixing the last date as 31-5-96. In response to this notification dated 8-5-96, 7 candidates had submitted their candidature. But that notification was cancelled and another notification bearing No.B-6/BPM/Obulapuram dated 6-6-96 (Annexure-I) was issued. The applicant as well as the Respondent No.4 applied for the same. R-4 was selected and appointed.

3. This OA is filed challenging the selection and appointment of R-4 and for a consequential direction to the respondents to appoint the applicant as EDBPM, Obulapuram Branch office instead of R-4.

4. Two main contentions are raised by the applicant in this OA. They are 1) the R-4 did not possess any property and hence his selection is irregular.

2) Even if the R-4 belonged to the reserved community he cannot be selected treating the post as reserved as no such reservation had been indicated in the notification dt. 6-6-96.

5. When we took up this case for consideration, the learned counsel for the applicant submitted that he is not pressing the second contention as even the first contention itself is sufficient to set aside the selection of R-4 in this connection.



In view of the above submission we are considering only the first contention raised by the applicant.

6. The learned counsel for R-4 produced the property certificate enclosed as Annexure-2 to his reply, wherein it is stated that R-4 is in possession and enjoyment of certain landed property value of which is of the order of Rs.5,500/-. When we questioned him whether the word in "possession and enjoyment" means that the property is in the name of R-4 and he enjoyed that land on the basis of that and that property was registered in his name earlier to the last date notified in the notification dt.6-6-96 which is stated to be on 1-7-96

7. The learned counsel for the R-4 though submits that he will produce ^{document} we feel that the MRO certificate is very clear and from that certificate it cannot be read that the property was in the name of R-4 as stated above. Hence, it has to be held that the R-4 had not possessed the landed property. However, liberty is given to the learned counsel for R-4 to file a review petition in this CA if he can produce the land registered document ^{in his name} of R-4 in an appropriate Registrar's office and that was registered on or earlier to 1-7-96.

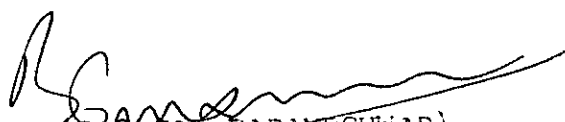
8. In view of what is stated above, it has to be held that the selection of R-4 is irregular.

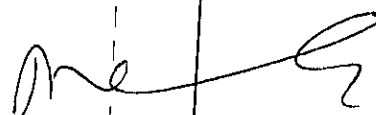
9. Hence, the selection of R-4 is set aside.

10. However, the respondents are directed to fill up the post in accordance with the rules on the basis of the applications received in response to the notification dated 6-6-96.

11. Till such time a regular candidate is posted, R-4 should be continued as a provisional EDBPM of that post office.

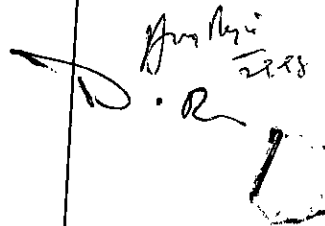
12. Time for compliance is four months from the date of receipt of a copy of this order. No costs.


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


(R. RANGARAJAN)
MEMBER (ADMN.)

27.8.98 Dated : The 27th August, 1998.
(Dictated in the Open Court)

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D.R. 27.8.98

DA.1390/96

Copy to:-

1. The Chief Postmaster General, A.P. Circle, Hyderabad.
2. The Postmaster General, Kurnool Region, Kurnool.
3. The Supdt. of Post Offices, Nandyal Postal Division, Nandyal.
4. One copy to Mr. K.S. Rajaseyulu, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
6. One copy to Mr. Y. Appala Raju, Advocate, CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

srr

14/9/98

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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 PARAMESWAR :
M(J)

DATED: 27/8/98

ORDER/JUDGMENT

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

in

C.A.NO. 1390/96

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

केन्द्रीय प्रशासनिक अपील
Central Administrative Tribunal
प्रेषण / DESPATCH

11 SEP 1998

हैदराबाद न्यायापीठ
HYDERABAD BENCH