

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:
AT HYDERABAD

D.A.No.272 OF 1996.

DATE OF ORDER:10-9-1998.

Between:

P.Ramulu. .. Applicant

and

1. Superintendent of Post Offices,
Hanumakonda Division, Hanumakonda.
2. Director of Postal Services,
Hyderabad Region, Hyderabad.
3. Sri Abdul Kareem,s/o not known,
ED/BPM, Ganugupahad, Mandal Jangaon,
Warangal District.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.S.Rama Krishna Rao

COUNSEL FOR THE RESPONDENTS:: Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER(ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER(JUD)

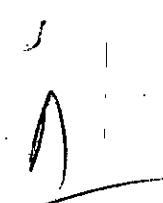
: ORDER :

ORAL ORDER(AS PER HON'BLE SRI R.RANGARAJAN, MEMBER(A))

Heard Mr.S.Ramakrishna Rao for the Applicant and
Mr.V.Bhimanna for the Official Respondents. Notice served
on Respondent No.3. Called absent.



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2. The applicant in this OA worked as substitute BPM, Ganugupahad Branch Office from 1-11-1994 to 23-2-1995 against a leave vacancy. Thereafter, he was posted on provisional basis upto 14-5-1995. In the mean-time as the Employment Exchange failed to sponsor eligible candidates for filling up the post regularly, an open notification was issued on 19-1-1995. But that notification was reported to have been cancelled as the Income Certificate submitted by all the applicants for that notification were in their father's name. Hence, Respondent No.1 re-notified that vacancy on 20-3-1995. Three applications including the ^{were} applicant and Respondent No.3 ~~was~~ received. Respondent No.3 was selected.

3. This OA is filed to set aside the selection of Respondent No.3 and for a consequential direction to the respondents to finalise the selection from among the candidates applied in response to the first notification, declaring the issue of second notification as arbitrary, frivolous, and unwarranted and against the provisions of the Constitution under Articles 14 and 16.

4. The applicant, if he is aggrieved by the re-notification of that post cancelling the first notification, then he should have challenged the issue of the second notification then and there itself and obtained a Stay Order from this Tribunal for selection as per the re-notification. Even otherwise, the applicant could have obtained an Order from this Tribunal to apply for the second notification without prejudice to his contention in the O.A. Unfortunately, the applicant ~~do~~ not take such action. Instead, he submitted himself for the second notification and when he was not

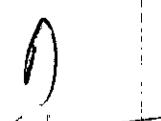
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selected in the second notification and Respondent No.3 was selected, he is challenging the selection of Respondent No.3 and prays for a relief to conclude the selection as per the first ~~selection~~. Once he has submitted himself for the second selection without prejudice to his contentions raised in this OA for appearing for the second re-notification without prejudice to his contention for appearing for the second selection, he cannot now challenge the issue of the re-notification and selection of Respondent No.3. Further the applicant waited till the second selection is over for filing this OA. We also find that the Respondent No.3 was posted on 15-5-1995, the applicant approached this Tribunal on 14-11-1995, Six months after Respondent No.3 had joined the post. Hence the applicant by filing this OA wants to take a chance to get appointed by some means or the other. Such an attitude cannot be accepted.

5. It is stated in the reply that Respondent No.3 was selected because he was a meritorious candidate, though the applicant submits that Respondent No.3 may not possess the necessary Income Certificate. Further it is added by the Counsel for the Applicant that the first notification was cancelled to enable Respondent No.3 to get the necessary Income Certificate from the Competent Authority, so as to show favour to him for selection. This contention is not called for at this stage as the applicant had failed to challenge the second notification in time. Further, this contention) can be considered if any of the other candidates who had responded to second notification and was not selected. In this OA the statement that Respondent No.3 was selected has to be noted.

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Copy to:

1. Superintendent of Post Offices, Hanumakonda Division, Hanumakonda.
2. Director of Postal Services, Hyderabad Region, Hyderabad.
3. One copy to Mr.S.RamakrishnaRao, Advocate, CAT, Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
5. One copy to D.R(A),CAT, Hyderabad.
6. One duplicate copy.

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(b) 10/98
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TYPED BY
COMPARED BY

CHECKED BY
APPR VED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 10/9/98

ORDER/JUDGMENT

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

in
C.A.NO. 272/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED. ✓

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

