

40

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

D.A.No.977/1996.

Date of decision: 25-1-1999.

Between:

J. Venkatesham. .. Applicant.

And

1. The Superintendent of Post Offices,
Medak Division, Medak District 502110

2. The Narasimhulu. Respondents.

Counsel for the Applicant: Sri Krishna Devan.

Counsel for the Respondents: Sri B.Narasimha Sarma.

Corum.

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

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

J

46

O.A.No.977/1996.

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

Heard Sri J.Surya Rao for Sri Krishna Devan, the learned counsel for the Applicant and Sri Jacob for Sri B.Narasimha Sarma, Senior Standing counsel for the Respondents. Though Notice has been personally served on the 2nd Respondent, he has remained absent.

The post of BPM, Meenagipet sub Post Office fell vacant on account of the discharge of a regular incumbent with effect from 23.1.1996. The Applicant was appointed on provisional basis with effect from 23.1.1996 pending appointment of a candidate on regular basis.

A requisition was made to the Employment Exchange for sponsoring suitable candidates for the post of BPM, Meenajipet. There was no response. Hence an open Notification dated 5.2.1996 was issued fixing the last date as 7.3.1996. It is stated that in response to the said Notification 9 applications were received including that of the Applicant. The applications were verified. The Respondent No.2 was selected and was appointed to the said post.

The applicant has filed this O.A., challenging the selection and appointment of the 2nd respondent to the said post.

S

The respondents have filed their reply stating that the 2nd respondent had secured 304 marks in the SSC whereas the applicant has secured 265 marks. Further they submit that there is no provision to give any weightage to the experience gained by the candidate on provisional appointment. They also relied upon the letter of the D.G.(Posts) dated 12.3.1993 stating that the selection should be based on the marks secured in the Matriculation or equivalent examination and thus they submit that the selection was properly made.

During the course of arguments, the learned counsel for the applicant submitted that the 2nd respondent had not produced the property certificate and the Income certificate.

The respondents have produced the selection proceedings. On going through the selection proceedings we find that the Respondent No.2 along with his application -dar had submitted Patta/Pass Book issued by the State of Andhra Pradesh. As per this document the applicant owns agricultural lands to extent of 1-35¹/₂ guntas land in S.No.167/5 and 7 situated at Meemajipet.

On the last date of hearing when this document was brought to the notice of the learned counsel for the Applicant, he wanted to verify whether the Patta/Pass Book could be relied upon or not. On an earlier occasion this Bench had considered the Patta/Pass Book and held having that the said document is issued by the State Authority

B

: 3 :

~~the same~~
~~and that could be relied upon while considering the~~
~~property held by the candidate. The 2nd respondent~~
~~had produced the income certificate dated 31.1.1996~~
~~issued by the M.R.O., Wargal. As per this certifi-~~
~~cate, the applicant has/income of ~~Rs.~~ Rs.10,000/- from~~
~~agricultural~~
~~his/lands.~~

It is stated that the 2nd respondent had secured 304 marks in the SSC whereas the applicant had secured only 265 marks.

Though the applicant has filed a rejoinder, he has/ not disputed as regards the validity of the Patta Pass Book ~~higher~~ and the/marks secured by Respondent No.2 than the applicant ~~has not been disputed~~ in his rejoinder.

The learned counsel for the applicant tried us to convince/that the Pattedar Pass Book is not a valid document stating that it was not enclosed to his Application for the post of B.P.M and hence, it may not be a proper document. The point to be considered is whether the Pattedar Pass Book was enclosed to the application or not before the last date of closure of the Notification. Nowhere it has been mentioned ~~box~~ by the applicant that it was produced ~~date of~~ after the closure of the/notification. Even if there is no date on the Pattedar Pass Book, it has to be treated as a genuine one submitted along with the application before the last date of the Notification.

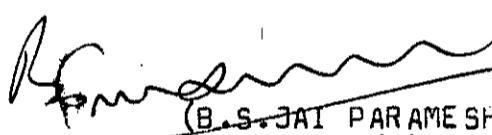
R

: 4 :

The applicant has not made out a case to come to the conclusion that the Pattedar Pass Book is not a genuine one.

In view of the ~~matter~~ circumstances, we do not find any irregularity in the selection and appointment of the 2nd respondent for the said post. Hence, the O.A. has no merits and the same has to be dismissed.

The O.A. is dismissed leaving the parties to bear its costs. The selection proceedings were perused and returned to the respondents.


(B.S. JAI PARAMESHWAR)
Member (J)
25.1.99


(R.R. RANGARAJAN)
Member (A)

Date: 25-1-1999.

Dictated in open Court.

sss.

Copy to:

1. HON. M.
2. HHRD M(A)
3. HSSDP M(J) ✓
4. D.R. (A) ✓
5. SPARE ✓

Typed By
Compared by

Checked by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:HYDERABAD.

THE HON'BLE MR. JUSTICE D.H.NASIR:
VICE CHAIRMAN

THE HON'BLE H.RAJENDRA PRASAD:
MEMBER (A)

THE HON'BLE R.RANGARAJAN
MEMBER (A) ✓

THE HON'BLE MR.B.S.DAI PARAMESHWAR
MEMBER (J) ✓

DATED: 25-1-89

ORDER/JUDGMENT

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

IN

D.A.NO : 977/28

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED.~~

~~ALLEGED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

(6 copies)

