

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

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D.A.No.977/1996.  
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Date of decision: 25-1-1999.  
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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.

Coram.

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

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

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D.A.No.977/1996.  
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(by Hon'ble Sri B.S.Jai Parameshwar, Member(J))  
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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. <sup>There was no response.</sup> 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.

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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 Metriculation 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 had submitted <sup>-dar</sup> Patte/Pass Book issued by the State of Andhra Pradesh. As per this document the applicant owns agricultural lands to extent of 1-35<sup>1</sup>/<sub>2</sub> guntas land in S.No.167/<sup>6</sup>/<sub>9</sub> and 7 situated at Meenajipet.

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 <sup>-dar</sup> Patte/Pass Book could be relied upon or not. On an earlier occasion <sup>-dar</sup> this Bench had considered the Patte/Pass Book and held <sup>having</sup> that the said document ~~is~~ issued by the State Authority

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~~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-  
<sup>A-2</sup>cate, <sup>an</sup>the applicant has/income of ~~10~~ 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/  
<sup>not disputed</sup>  
<sup>-edar</sup>  
 as regards the validity of the Patta Pass Book  
<sup>higher</sup>  
 and the/marks secured by Respondent No.2 than the  
 applicant ~~have not been disputed~~ in his rejoinder.

The learned counsel for the applicant tried  
<sup>us</sup>  
 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 BPM 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  
~~xxxxxx/xxx~~ by the applicant that it was produced  
<sup>date of</sup>  
 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.

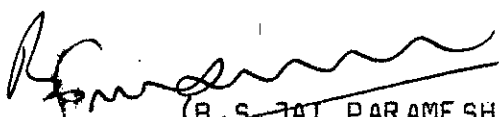
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The applicant has not made out a case to come to the conclusion that the Pattedar Pass Book is not a genuine one.

circumstances,  
In view of the ~~matter~~, 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. RANGARAJAN)  
Member (A)

Date: 25-1-1999.

Dictated in open Court.

  
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sss.

Copy to:

1. HHHND
2. HHRP M(A)
3. HSSP M(J) ✓
4. D.R. (A) ✓
5. SPARE ✓

1st and IInd Court.

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. JAI PARAMESHWAR ✓  
MEMBER (J)

DATED: 25-1-89

ORDER/JUDGMENT

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

IN

O.A.NO : 977/89

~~ADMITTED AND INTERIM DIRECTIONS~~  
~~ISSUED:~~

~~ALLAIED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~ ✓

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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