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IN THE CENTRAL ADMINISTRATIVE CIRKUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 998/96.

Dt. of Decision : 24-11-98.

M.V.V.Satyanarayana Murthy

..Applicant.

vs

1. The Superintendent of Post Offices,
Rajahmundry Postal Division,
Rajahmundry, E.G. District.

2. The Asst. Superintendent of
Post Offices, Rajahmundry
East Sub-Division, Rajahmundry,
E.G. District.

3. B. Lakshmana Rao

..Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

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 R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devaraj, learned ~~and~~ counsel for the respondents. Notice has been served on R-2. He has remained absent.

2. The applicant while working as a provisional EDBPM, Nidigatla Branch Office in Rajahmundry Postal Division w.e.f., 9-7-95 submitted his application for regular appointment of EDBPM of that post office when the notification No.BE/Nidigatla dated 28-9-95 was issued fixing the last date of receipt of application as 27-10-95. In response to that notification 7 applications were

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received including that of applicant as well as R-3. However, R-3 was selected for that post.

3. This OA is filed to set aside the selection of R-3 and for a consequential direction to R-1 to appoint the applicant on a regular basis as EDBPM of that post office in view of his satisfactory service while working on provisional basis w.e.f., 9-7-95.

4. It is stated in the reply that the case of the applicant was rejected as he had not produced original SSC Certificate. He had produced only the ~~zerox~~ copy of the marks list issued by the Head Master of the Z.P.High School, Doskayalapalle. It is also stated that the applicant had not produced property certificate that he owns a house in support of his claim.

5. We have perused the notification dated 28-9-95. In the notification nowhere it has been clearly stated that only the original documents are to be enclosed to the application. It is also seen from other applications that original/attested copies/~~zerox~~ copies were produced. The other candidates also submitted attested copies of the Board of Secondary School Education certificate and that certificate was accepted probably with the intention to check those attested certificates at the time of verification. Hence, if the applicant had submitted his attested copies of the SSC Certificate issued by the Board of Secondary School Education then that will meet the requirement as per the notification/application form. We have checked up the application submitted by the applicant. The applicant has not submitted the Certificate issued by the Board of Secondary School Education either original or attested copies. He has enclosed a mark certificate issued by Zilla Parisad High School,

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Dosakyalapalle signed by the Head Master of that school. That cannot be equated to the original or xerox copy certificate issued by the Board of Secondary School Education. In the mark certificate enclosed to the application the applicant had given in writing that he will produce the original within 10 days time. But it appears that he has not complied with that statement. Even though the learned counsel for the applicant submits that he had produced it at the time of verification, such a submission cannot be accepted at the face value as there is no evidence to that effect. Hence, the rejection of his case for the reason that he had not submitted the Board of Secondary School Education certificate has to be taken as correct and the rejection of that score cannot be faulted. The other contention need not be gone into as the applicant had failed to meet the requirement of the submission of the Secondary School Education certificate either in original or attested. Hence, the application has to be rejected for want of merits. Accordingly, it is dismissed. No costs.

6. On 9-9-96 an order was passed by the Bench for non-production of selection file which was directed to be produced by the earlier order dated 21-8-96. The order of the Bench dated 9-9-96 is reproduced below:-

"Despite our directions dt. 21-8-96, the respondents have not produced the selection file which was directed to be produced. The OA is admitted. Issue notice to the respondents. Respondent No.1 is directed to submit an explanation as to why the record has not been produced today in compliance of the earlier direction. This should be separately filed. Respondent are granted six weeks time to file their reply to the OA."

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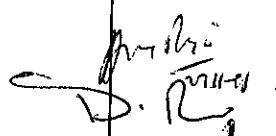
7. As per the direction the explanation of R-1 is to be filed separately for non-compliance of the order for production of record. No separate reply has been filed in this connection. The learned counsel for the respondents submits that the reason has been incorporated in the last para of the reply. This is not a reply filed separately. It is included in the counter which is not contemplated in the order of the Bench dated 9-9-96. The reply should have been filed by R-1 in his individual capacity separately. That was not done. Hence, the order dated 9-9-96 in regard to the submission of the explanation separately is not complied with. R-1 is fully responsible for this irregularity. Hence certain amount of cost has to be paid by R-1 so as to ensure that he will not repeat the irregularity in future. Hence, R-1 who was incharge of the post office on 9-9-96 should pay an amount of Rs.100/- to the A.P. Legal Aid Committee, High Court Building, High Court, Hyderabad within a period of 7 days from the date of receipt of a copy of this order. That amount should be paid by R-1 and not by the government.


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

24.11.98

Dated : The 24th Nov. 1998.
(Dictated in the Open Court)


(R. RANGARAJAN)
MEMBER (ADMN.)


D. R. Rangarajan

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DA. 998/96

Copy to:-

1. The Superintendent of Post Offices, Rajahmundry Postal Division, Rajahmundry.
2. The Asst. Superintendent of Post Offices, Rajahmundry East Sub Division, Rajahmundry.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
4. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

7. one copy to Secretary, J.P. Legal Aid Committee, Mysore Building, Hyd.

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7/12/98

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 C.S. JAI PARAMESHWAR :
M(J)

DATED: 24/11/98

ORDER/JUDGMENT

M.A/2.A/C.P.N.

D.A.NO. 998/98 *in*

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण / DESPATCH

- 3 DEC 1998

हैदराबाद न्यायालय
HYDERABAD BENCH