

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

D.A.NO.193 of 1996.

Between

Dated: 24.4.1996.

M.Mahalaxmi Bai

...
And

Applicant

1. The Superintendent of Post Offices, Wanaparthy Division,
Wanaparthy, Mahabubnagar District.

2. The Asst. Superintendent of Post Offices, Jadcharla,
Mahabubnagar District.

3. G.Jageeshwar.

...

Respondents

Counsel for the Applicant : Sri. D.P.Kali

Counsel for the Respondents : Sri. V.Rajeswara Rao, Addl. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

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O.A. 193/96.

Dt. of Decision : 24-04-96.

ORDER

1. As per Hon'ble Shri R. Rangarajan, Member (Admn.) I

R-3 called absent. Set exparte.

2. None for the applicant. Heard Mr. V. Rajeswara Rao, learned counsel for the respondents.

3. Open notification calling for applications for the post of EDBPM, Gummakonda Branch Post Office was issued on 15-06-1995 fixing the last date for receipt of applications as 14-07-1995. ~~as~~ the employment exchange failed to sponsor the candidate when they were approached earlier. It is stated that four applications were received including the applicant and R-3. After necessary scrutiny of the application R-3 was selected ~~on~~ on a regular basis as EDBPM, Gummakonda Branch Post Office.

4. Aggrieved by the above, the applicant has filed this OA for setting aside the appointment of R-3 and for a consequential direction to R-1 to post her in that capacity.

5. The main contention of the applicant in this OA ~~is~~ to appoint her to the post of EDBPM, Gummakonda is that she had secured higher marks in the SSC than R-3 and also because of the fact that she has passed SSC examination in the first attempt. It is also submitted that she has produced all the certificates required to be produced for considering her case for the post of EDBPM alongwith her application.

6. Mr. V.Rajeswara Rao, learned counsel for the respondents submit that a copy of the reply had been handed over to the applicant's counsel on 15-04-1996 and this fact has been mentioned in the order of this Tribunal and it was ordered to be posted on 17-04-1996. On that day the case was adjourned to to-day as the applicant's counsel was reported to be sick. But even today the applicant's counsel is not present when the case was called out for hearing. Hence the OA is disposed of on the basis of the materials available on record.

7. The main contention of the respondents in rejecting her candidature is two fold:-

1)The Income certificate submitted by her cannot be relied upon as the same is signed by her guardian and not by her, even though the income certificate states that she gets an income of Rs. 6,000/- per annum. It is also submitted for the respondents that this certificate is counter signed by MPDO, Thimmajipet, who is not competent to issue this certificate. Only the MRC is competent to issue the certificate.

2)The second contention is that the property certificate was not attached to the application and she acquired the property certificate on 19-10-95 as can be seen from the endorsement in letter No.D/3493/95 dated 31-10-1995 (Annexure A-6).

8. As she has failed to produce the proper income certificate and property certificate her candidature was rejected even though she has got more marks in SSC compared to R-3 content the standing counsel.

9. No rejoinder has been filed in this connection. I have called for the records in this connection. From the verification tabulation available on record prepared in connection with this selection, I find that her candidature was rejected

for want of proper income and property certificate. I also find that the income certificate dated 14-07-95 wherein it is stated that she has an income of Rs. 6,000/- per annum is signed by her guardian. The income of the applicant has to be certified by her and not by her guardian. It is not understood why the guardian has certified an income. Probably the income may be that of the guardian and not that of the applicant. It is also seen from the income certificate quoted above that is signed by MPDO, Thimmajipet. The learned counsel for the respondents submits that the MPDO, Thimmajipet is not a competent authority to issue the income certificate and only the MRO of the concerned Mandal should issue the certificate. In the absence of any rejoinder to that it has to be held that the income certificate issued by incompetent official and not by the authorised officer.

10. The respondents clearly state that her property certificate was not received alongwith her application. This fact has also been mentioned in the verification statement. Annexure A-6 reported to have been issued by Mandal Revenue Officer in regard to her land holding states that "Danasettlement vide Reg. Dce. No. 2578/95 dated 19-10-95" (Annexure-A-6). From the above it can be inferred that the landed property was acquired only on 19-10-95 and not earlier. The selection had been completed in September 1995 itself. Hence the respondents submit that she did not posses any landed property at the time of finalisation of the recruitment. As no rejoinder has been file it has also to be held that the above assertion of the responde is in order.

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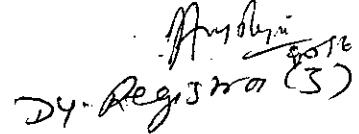
11. In view of the fact that the applicant did not submit a proper income certificate signed by the authorised officer ~~for~~ the revenue district and also because of the fact that the land was registered in her name only on 19-10-1995 later than the finalisation of the recruitment, she cannot claim for selecting her for the post of EDBPM, Gummakonda even though she ~~had secured~~ mere marks than R-3 in the SSC.

12. In the result, I find that there is no merit in this OA. Hence the OA is dismissed at the admission stage itself. No costs.



(R. Rangarajan)
Member(Admn.)

Dated : The 24th April 1996.
(Dictated in Open Court)


D.Y. Registrar (S)

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Copy to:-

1. The Superintendent of Post Offices, Wanaparthy Division, Wanaparthy, Mahabubnagar District.
2. The Asst. Superintendent of Post Offices, Jacharla, Mahabubnagar District.
3. One copy to Sri. D.P.Kali, advocate, CAT, Hyd.
4. One copy to Sri. V.Rajeswara Rao, Addl. CGSC, CAT, Hyd.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 24/4/96

ORDER/JUDGEMENT

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

IN-

R.A. NO.

193/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

No Spare Copy

केन्द्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal

DESPATCH

- 3 JUN 1996

हैदराबाद बैचरी
HYDERABAD BENCH

20