

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD.

O.A. NO. 247/96

Between:

Date of Order: 22.3.96.

Smt. O.Laxmi

...Applicant.

And

1. The Superintendent of Post Offices,
Mahaboobnagar.
2. Ram Mohan Rao,
Karkonda Village,
Mahaboobnagar District,

...Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. N. R. Devraj, Sr. CGSC.

CORAM:

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

contd...

O.A. 247/96.

Dt. of Decision : 22-03-96.

ORDER

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

The applicant in pursuance of the notification dated 17-11-95 applied for the post of EDBPM, Karkonda Village, Mahaboobnagar District and Mahaboobnagar Postal division alongwith two others. It is stated that five others also responded to the notification but three of the applicant who responded to the notification had applied late, after the cut off date. Only three were found eligible for consideration for the above post who applied within the last date of submission of the application. The applicant is one of them. Her case for the post of EDBPM was rejected where as R-2 was selected for that post.

2. This OA is filed for setting aside the appointment of R-2 for the post of EDBPM/Karkonda holding it as arbitrary, unwarrented and violative of Articles 14 and 16 of the Constitution of India and for a consequential direction to consider the case of the applicant strictly according to rules.

3. The main contention of the applicant is that she is the meritorious candidate compared to R-2 as she had obtained 415 marks in the SSLC where as R-2 had obtained only 262 marks. Hence she should be selected and selection of R-2 is arbitrary.

4. In order to ascertain the position the records in connection with the selection of the EDBPM was called for. The record was produced today. As per the record the applicant's statement that she had secured more marks than R-2 is found to be correct. But the comparative statement prepared in the tabulated form for consideration of the candidate who applied in response to the notification indicates that the applicant had not enclosed property certificate and also she has not submitted the income certificate issued by the competent authority. She has enclosed the income certificate issued by VAC who is not the competent authority. The particulars in the tabulation shows that R-2 had fulfilled all the conditions including production of necessary certificates from the competent authority ~~in time~~

5. The learned counsel for the applicant submits that if the income certificate enclosed is not issued by the competent authority the respondents or the Inspector who checked the certificate should have asked the applicant to submit a certificate from the competent authority and on that count her candidature cannot be rejected. He states that ~~precedence~~ there are ~~proceedings~~ in this connection in so many cases decided by this Tribunal.

6. When there are enough candidates who had applied in response to the notification and all of them had fulfilled the conditions there is no reason to ask the applicant who ~~in complaint~~ had submitted the certificate from the ~~incumbent~~ authority to

produce the proper certificate from a competent authority. Such instructions can be given if there is not enough ^{of enough candidates who} candidates who had responded to the notification and fulfilled the necessary conditions. If such a contingency does not arise there is no need ~~to~~ for asking the candidate whose case is considered to produce the certificate from the competent authority. There is no rule or instructions produced before me to show that such course of action by the concerned checking authority should be taken when a certificate from the incompetent authority is produced. In view of what is stated above, this contention of the applicant cannot ~~be~~ hold water.

7. The next contention of the applicant is that she did enclose the property certificate and the statement that the ^{Counsel} property is not enclosed as indicated in the tabulation sheet is incorrect. A copy of the certificate was shown to the Court. But the verification report of the Asst. Superintendent of Post Offices, Mahaboobnagar, East Sub-Division, Mahaboobnagar ^{ed} clearly states that the applicant though possess/property in her name of about one acre, she did not submit the same alongwith her application. The application submitted by her was perused and no property certificate was enclosed. There is no reason to believe that the said certificate was removed by the respondents though enclosed as contended by the counsel. If she has not fulfilled the conditions as ^{per} the notification she cannot produce such certificate later and on that basis as the authorities to consider her case taking into account the certificate submitted by her later. When sufficient number of candidates who fulfil all the conditions are available there

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is no need for the respondents to ask her to submit a certificate afresh to replace a defective certificate or a certificate which is not enclosed at all. In view of the above, non-submission of the relevant property certificate alongwith application disqualifies her for consideration for the post of EDBPM.

8. Though ~~she~~ had obtained more marks than R-2 in the SSLC because of the fact that she has not enclosed the income certificate signed by the competent authority and non-submission of the property certificate she cannot claim any right for appointment to the post of EDBPM.

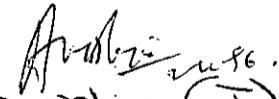
9. In the result, the OA is dismissed at the admission stage itself. No costs.

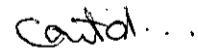


(R. Rangarajan)
Member (Admn.)

Dated : The 22nd March 1996.
(Dictated in Open Court)

spr


A. Balaji
Dy. Registrar (J)


C. A. D.

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Copy to:

1. The Superintendent of Post Offices,
Mahaboobnagar.
2. One copy to Mr. S. Ramakrishna Rao, Advocate,
CAT, Hyderabad.
3. One copy to Mr. N. R. Devraj, Sr. CGSC,
CAT, Hyderabad.
4. One copy to Library, CAT, Hyderabad.
5. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHI : MEMBER(A)

HON'BLE SHRI R.Rangarajan : M(A)

DATED: 22.3.96

ORDER/JUDGMENT

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

IN

O.A.NO. 247/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

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