

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD.

O.A.No.405 of 1996.

Date of Order :- 17.8.1998.

Between :

K. Srinivasulu

...

Applicant

And

1. The Sr. Superintendent of Post Offices, Nellore Division, Nellore.
2. The Sub-Divisional Inspector (Posts) Nellore East Sub-Division, Nellore.
3. Ch. Prasad, s/o Gopalaiah, aged about 27 years, R/o Duvvur, Duvvur village & S.O., Sangam Mandal, Nellore District. ... Respondents

Counsel for Applicant : Mr. Ch.C. Krishna Reddy

Counsel for official respondents : Mr. V. Bhimanna, ASOG

Counsel for Respondent No.3 : Mr. S. Ramakrishna Rao

Coram :

The Honourable Mr. R. Rangarajan, Member (Admn.)

The Honourable Mr. B.S. Jai Parameshwar, Member (Judl.)

ORAL ORDER.

(Per Hon. Mr. B.S. Jai Parameshwar, Member (J))

1. None for the applicant. The applicant was also absent at the time when the O.A. was taken up for hearing. None for the official respondents. Heard Mr. S. Ramakrishna Rao, learned counsel for the respondent No.3.

2. The post of ED Packer, in Duvvur village fell vacant with effect from 28.7.1993. The respondents requested the Employment Exchange to sponsor eligible candidates to fill up the said post. There was no response from the Employment Exchange. Hence an open notification was issued on 22.2.1994. In response to the same, the applicant, the respondent No.3 and 11 others had submitted their candidature.

// Para.3. // The respondent No.3 was selected as ED Packer, Duvvur, by the Sub-Divisional Inspector (Posts) Nellore East Division, Nellore

and provisional order of appointment was issued to him for a period of 3 months vide order No.PF/ED Packer/MC/Duvur, Nellore dated 21.4.1994.

4. Thereafter the applicant herein submitted a representation to the P.M.G., Vijayawada and to the respondent No.1. The respondent authorities interfered with the selection of the respondent No.3 herein and his selection was set aside.

5. The respondent No.3 herein had filed O.A.No.1333 of 1994 before this Bench. Considering the grounds taken in O.A.No.1333/94, this Bench by its order dated 9.2.1996 set aside the selection of the respondent No.3 in that O.A. While doing so, it relied upon the Full Bench decision of this Tribunal in O.A.No.57/91 dated 10.2.1995. In the said O.A. the applicant herein was the respondent No.3.

6. However, the Bench observed that in case the respondent No.3 in that O.A. (the applicant) felt aggrieved by the selection of the applicant in that O.A. (respondent No.3 herein), he may file a separate O.A. challenging the selection and appointment of the respondent No.3 herein.

7. Hence the applicant herein who was respondent No.3 in OA 1333/94 has filed the present O.A. challenging the selection and appointment of the respondent No.3 herein as E.D.Packer.

8. It is stated that the applicant herein has challenged the selection of the respondent No.3 as E.D.Packer on the ground that the respondent No.3 as E.D.Packer on the ground that the respondent No.3 had no right to claim for continuance of his service as E.D.Packer since his appointment was purely provisional; that the respondents had issued an open notification for the post; that the applicant was senior to the respondent No.3 since he had registered his name earlier in the Employment Exchange; and that the respondents ought to have seen that the applicant got more marks in the

S.S.C. Examination that the respondent No.3.

9. The official respondents have filed their counter contending that as per the directions given in O.A.No.1333/94 decided on 9.2.1996, the applicant was replaced and the respondent No.3 was appointed.

10. The applicant herein was respondent No.3 in O.A. No.1333/94. In para-11 of the order in O.A.No.1333/94, it was observed as follows :

" 11. It is stated for the applicant that R-2 obtained from the applicant between 26.7.94 and 30.4.94 i.e. immediately on expiry of 3 months of his appointment some papers required for regularising his appointment, such as, declaration, descriptive particulars, medical certificates and attestation form for verification of character and antecedents. There is no denial by the official respondent that the above mentioned certificates were not called for from the applicant or those documents had been called for from the applicant under some other pretext. In view of the above, it had to be held that the above mentioned documents were asked from the applicant to regularise his provisional appointment in view of his selection on the basis of the open notification issued on 22.2.94. There can be no other reason for calling for the above mentioned documents. Hence, we are satisfied that the applicant has been selected by R-2 following the extant rules, but was provisionally appointed, pending verification of certain related documents quoted above for regularisation. In the meanwhile R-1 ordered by his letter dated 18.10.94 to appoint R-3 replacing the applicant on the basis of the representation dated 16.6.94 submitted by R-3 to him. The learned counsel for the applicant produced a letter at the time of hearing written by R-1 to R-2 stating that the selection of E.D.Packer, Duvvur S.O. was reviewed by him and R-3 has to be appointed regularly to that post."

11. In that para, this Bench has observed that the official respondents had secured the documents and testimonials from the respondent No.3 herein for regularisation of the services of the respondent No.3. The respondent No.3 herein had been selected following the extant rules. The selection of the respondent No.3 herein who was applicant in O.A.No.1333/94 was found to be in order.

12. It is stated that the applicant herein though had secured more marks than that of the respondent No.3 herein, he had not produced any document to show that he was having a

house property in Duvvur village. Hence the present respondent No.3 was selected and appointed.

13. In view of the above, the O.A. has no merits. Hence, the O.A. is dismissed. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]

न्यायाधीश
COURT OFFICER
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

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Section Officer (Sd/-)

Reg: - Review application

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BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL :: AT HYDERABAD.

Rev. No. of 1998

in

O.A.No. 405 of 1996.

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REVIEW PETITION



Received
K. Parvati
16/9/98

for
S. Ramakrishna Rao for R3

CH.C.KRISHNA REDDY
Counsel for the Applicant.

may be filed
17/9/98