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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.No.1257 OF 1996.

DATE OF ORDER:28-8-1998.

Between:

Gangireddy Ramapavana Reddy. .. Applicant

a n d

Union of India, represented by:

1. Chief Post Master General,
Andhra Pradesh Postal Circle, Hyderabad.
2. Superintendent of Post Offices,
Proddatur Postal Division, Proddatur,
Cuddapah District.
3. Pitchapati Chandrasekhar Reddy,
s/o Pedda Chenna Reddy, aged 31 yrs,
Branch Post Master, Chirrajupalli,
Yerraguntla Mandal, Cuddapah District.

.. Respondents

COUNSEL FOR THE APPLICANT :: K.S.R. Anjaneyulu

COUNSEL FOR THE RESPONDENTS: N.R. Devaraj

CORAM:

THE HON'BLE SRI R. RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE B.S. JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI B.S. JAI PARAMESHWAR, MEMBER (J))

Heard Mr. D. Subrahmanyam for Mr. K.S.R. Anjaneyulu for the
applicant and Mr. N.R. Devaraj for the Official Respondents.

Notice to Respondent No.3 served, called absent.

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2. The post of BPM, Chirajjupalli Sub Office fell vacant. A notification dated: 21-3-1996 (Annexure.1, Page.7 to the OA) was issued to fill up the said post on regular basis. The applicant and Respondent No.3 had submitted their candidatures to the said post. On verification of documents and certificates, the respondents 1 and 2 selected and appointed Respondent No.3 to that post.

3. The applicant being aggrieved by the selection and appointment of Respondent No.3 has filed this OA praying for calling for the records relating to the case and to declare the action of the respondents 1 and 2 in appointing Respondent No.3 as Branch Post Master of that post office ignoring the claim of the applicant who ^{was} ~~is~~ most merited among the applicants who had submitted the application with all documents in pursuance to the Notification issued by the Superintendent of Post Office, Proddatur in his letter B3/B/Chirrajupalli, dated: 21-3-1996 as arbitrary and illegal, and set aside the same, and for a consequential direction to the respondents to make selection based on merit and according to rules.

4. The respondents 1 and 2 have filed their counter and they have brought out in the counter the various discrepancies they found with the documents and property certificate produced by the applicant. They submit that the property certificate issued by the M.R.O. and the Pattedar Pass Book produced by the applicant were not tallying with each other. The learned Counsel for the applicant submitted that the Pattedar Pass Book is a reliable document which can be perused even in the absence of the registered documents in respect of the agricultural lands mentioned in the M.R.O. Certificate.

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5. The Pattedar Pass Book is issued by the Government of A.P. and it discloses the title of the person to the lands described therein. Therefore, the respondents can very well rely on the Pattedar Pass Book to come to the conclusion whether the candidate is holding the property or not.

6. The M.R.O. certificate issued in favour of the applicant in this case contained only two Survey Numbers viz., Sy.No.842/2 and 603, whereas the Pattedar Pass Book produced by the applicant contained ten Survey Numbers. In case, the respondents 1 and 2 felt that co-relation with the description of the lands in the Pattedar Pass Book and the M.R.O. certificate, they could have verified and ascertained from the applicant as to the title to the lands held by him as on the date of submission of the application.

7. The respondents state that the M.R.O. certificate contained Survey Nos.842.2 to an extent of ac.4-90, and Survey No.603 to an extent of 1 acre whereas they submit that the Property Certificate produced by the applicant contained Survey No.842.2 but did not disclose its extent. Further they submit that there was variation in extent land in Sy.No.603 and Survey No.842 was not at all entered in the Pattedar Book. However, Survey No.603 measures 0.92 guntas, as per Pattedar Book.

8. Merely going by the certificate issued by the M.R.O., without relying on the Pattedar Book and submitting that there was discrepancy with regard to the certificate issued by the M.R.O. and the Pattedar Book may not be a sufficient ground for rejecting the candidature of the applicant.

9. The respondents 1 and 2 authorities should have verified from the Pattedar Pass Book and ascertained, whether the applicant possessed the lands to the extent mentioned in the

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Pattedar Book. Earlier the department had taken a stand that they were not relying on the M.R.O. Certificate and were insisting upon the copies of registered documents.

10. The Pattedar PassBook can be considered as a document in place of a registered document. The Pattedar Book is issued by the State of Andhra Pradesh and it is clearly stated that the said book contains details of holdings of the person in whose favour the Book is issued. We, therefore, feel that the respondents 1 and 2 have not considered the candidature of the applicant properly. It was not proper on their part to conclude that there was variation without verifying as to the contents of the Pattedar PassBook.

11. It is not their case that the applicant had not submitted any of the required certificates as on the last date fixed for receipt of the applications. During verification the respondents, should have verified and ascertained from the applicant as to the correctness of the certificate issued by the M.R.O. and considered the Pattedar Book also.

12. Hence, we feel that the only course open to us is to set aside the selection and appointment of the Respondent No.3 and to direct the respondents to consider the candidature of the persons who responded to the said notification properly and make suitable selection. Till such time the person presently holding the post of BPM, Chirajjupalli be continued as a provisional appointee.

13. Hence, we issue the following directions:-

- i) The selection and appointment of Respondent No.3 as BPM, Chirajjupalli is hereby set aside;

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- ii) The respondents 1 and 2 shall consider the candidatures of the persons who responded to the notification dated:21-3-1996 including the applicant and Respondent No.3 and take a final decision;
- iii) The respondents 1 and 2 should complete the process of selection within three months from the date of receipt of a copy of this Order;
- iv) Till such time the post of B.P.M. presently ^{presently} shall be treated as provisional.

14. With the above directions, the OA is disposed of.
No order as to costs.

(B.S.JAI PARAMESHWAR)

MEMBER (JUDL)
28/8/98

(R.RANGARAJAN)

MEMBER (ADMN)

Dated: this the 28th day of AUGUST, 1998

Dictated to steno in the Open Court

DSN

Handwritten notes: "D.R." and "G.R." with a signature.

DA.1257/96

Copy to:-

1. The Chief Post Master General Andhra Pradesh Postal Circle, Hyd.
2. The Superintendent of Post Office, Proddatur Postal Division, Proddatur.
3. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT., Hyd.
4. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
5. One copy to HBSJP M(J), CAT., Hyd.
6. One copy to D.R.(A), CAT, Hyd.
7. One duplicate copy.

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14/9/98
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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 B.S. JAI PARAMESHWAR :
M(J)

DATED:

28/8/98

ORDER/JUDGMENT

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

in

C.A.NO.

1257/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

-8 SEP 1998

हैदराबाद ब्याचपीट
HYDERABAD BENCH