

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 588/96

Date of Order : 15.9.98

BETWEEN :

Smt.Ch.Rajyalakshmi

... Applicant.

AND

1. The Senior Superintendent of
Post Offices, Prakasam Dist.
Ongole.

2. K.Balaji

.. Respondents.

Counsel for the Applicant

.. Mr.M.Subba Reddy

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

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

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Mr. Krishna Devan for Mr. M. Subba Reddy, learned counsel for the applicant and Mr. V. Bhimanna, learned standing counsel for the respondents. Notice has been served on R-2-called absent.

2. A vacancy of EDBPM, Kellampally village arose due to resignation of the regular incumbent. The resignation was accepted and the applicant was posted on 18.8.95 as provisional appointee. Employment exchange sponsored 20 candidates on 21.11.95. It is stated that ^{an} open notification was issued simultaneously by fixing the last date as 21.11.95. This open notification is at Annexure-1 to the OA. It is further added that the simultaneous open notification was issued to avoid delay in case there ^{was} ~~is~~ no response from the required ~~n~~ number of candidates to be sponsored by the employment exchange. The applications received by both the sources were examined.

3. 11 applications were received and out of the 11, 3 applicants did not enclosed ~~income~~ income and property certificates to the applications. Hence the remaining 8 applications were taken up for verification on 4.12.95. The application of the applicant as well as R-2 were included amongst the 8 applications ^{which were} ~~are~~ scrutinised. On the basis of the scrutiny, R-2 was selected on the ground that she was the meritorious candidate. It is stated that R-2 had secured 372 marks out of 600 in SSC, whereas the applicant has secured 354 marks out of 600 in SSC.

4. This OA is filed for setting aside the selection of R-2 and for a consequential direction to the respondents to appoint the applicant to the post of EDBPM, Kellampally.

5. A rejoinder has been filed in this OA. // The main contention of the applicant in the rejoinder is that R-2 has no source of income at all. While arguing also the learned counsel for the applicant submitted that the selection of R-2 even if she is meritorious is irregular as R-2 did not possess any property and hence has no income.

6. In order to verify the above contention we have called for the records. The records clearly shows that R-2 had landed property registered in her name earlier to the last date of open notification i.e. earlier to 21.11.95. M.R.O. has also signed the same in her certificate. The learned counsel for the applicant was allowed to peruse the document and after perusal, the learned counsel for the applicant submitted that R-2 is having property. Hence this contention has to be negative.

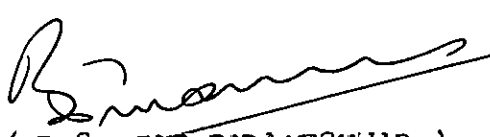
7. The learned counsel for the applicant submitted that the applicant was working as a provisional candidate for over 16 months. Hence weightage has to be given to her provisional appointment as she has gained experience as EDBPM in that post office. He also submits the above is in accordance with the Full Bench Judgement.

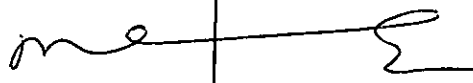


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8. Earlier in ^a number of cases we have perused the Full Bench judgement and came to the conclusion that everything being equal then weightage has to be given to the provisional appointee for his ^{total} experience. The question of ^{of weightage} grant ^{arises} ^{only} when the meritorious candidate who has been selected is also ^{provisional appointee.} having the same marks as that of ~~the~~ in the present case the applicant has secured less marks in SSC compared to R-2. Hence it cannot be said that both the applicant and R-2 are equally placed. Hence the question of giving any weightage to the experience gained due to provisional appointment in the case of applicant does not arise as she has not secured the same marks in SSC as was secured by R-2 in this OA. R-2 has secured more marks and hence meritorious. The appointment of R-2 as EDBPM cannot be questioned.

9. In view of what is stated above we find no merit in this OA and accordingly the OA is dismissed. No costs.

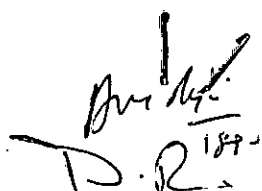

(B.S. JAI PARAMESHWAR)
Member (Judl.)
15.9.98


(R. RANGARAJAN)
Member (Admn.)

Dated : 15th September, 1998

(Dictated in Open Court)

sd


D.R. 18.9.98

9/10/98

(3)

II COURT

TYPED BY
COMPALED 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 S.S. JAI PARAMESHWAR :
M(J)

DATED: 15/9/98

ORDER/JUDGMENT

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

G.A.NO. 588/96 in

ADMITTED AND INTERIM DIRECTIONS
ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक न्यायाधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH
24 SEP 1998
हैदराबाद ब्याचपीठ
HYDERABAD BENCH