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CENTRAL ADMINISTRATIVE TRIBUNAL :HYDERABAD BENCH

AT HYDERABAD

Original Application No.780/96

Dt. of decision:2-7-1996

Between:

Deva Das (Alias Devadanam) .. Applicant

and

1. Union of India, rep. by its Secretary, Dept. of Posts, New Delhi.
2. Director-General, Posts, N.Delhi.
3. Chief Post Master General, A.P.Circle, Hyderabad.
4. Senior Superintendent, Hyderabad Sorting Division, Hyderabad-500027
5. M. Yadagiri, Extra Depl.Employee, Dept. of Posts, Sorting Division, Begumpet, Hyderabad.

.. Respondents

Counsel for the applicant : Sri Pratap Narayan Sanghi

Counsel for the respondents: Sri K.Bhaskar Rao

CORAM

Hon'ble Mr.Justice M.G.Chaudhari : Vice Chairman

Hon'ble Mr.H.Rajendra Prasad : Member (A)

JUDGEMENT

(Oral order as per Hon.Mr.Justice M.G.Chaudhari, V.C.)

Sri Pratap Narayan Sanghi for the applicant and
Sri K. Bhaskara Rao for the respondents.

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[Signature]

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2. There is no merit in this application. The applicant was not selected for the post of Mail Guard at the examination held on 28-4-96 whereas respondent No.5 was selected. The applicant believes that he is superior in every respect to respondent No.5 and ought to have been selected in preference to respondent No.5. The selection of respondent No.5 has led to suspicion in his mind that some foul play has been played. In the representation which according to him he has filed to the Chief Post Master General on 28-6-96 ("Annexure-5) he has stated that he has studied upto SSC, that he is the seniormost Scheduled Caste official who appeared for the test, that he is the better qualified candidate than one who has been declared successful and that in this regard he suspects foul play. An additional strength is purported to be given to this suspicion by ✓ making new allegation in O.A. in Paragraph No.6.4. inter alia, that the 5th respondent is not only a Non-Matriculate but he is so poor in languages that he cannot write even his name properly, that he is not aware of writing of language or reading. And above all the respondent No.5 admitted to the applicant that he had failed to write anything on the paper and was bound to fail, and that therefore it is surprising as to how his name has figured ✓ into amongst the selected candidates. These grounds would ✓ have inspired better confidence as these were found made in the representation which was the earliest occasion when applicant would have naturally projected his grievance. Whatever that might be, we do not find these allegations even *prima facie* sufficient to spell out fraud or admit the O.A. on that ground.

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3. The learned counsel for the applicant drew our attention to the averments made in Paragraph 6.4 that immediately after the applicant learnt the select list inquiries he made in the Department and came to know of the fact that the answer scripts of the 5th respondent were replaced by other answer scripts written by some other candidate mainly not only to favour him but for other extraordinary reasons. This allegation is absolutely vague as it does not set out any particulars as to who gave him that information and what was the nature of that information. Whatever that might be in the representation he has requested the CPMG to call for the answer scripts and ~~check~~ ^{check} the handwriting of the successful candidates with their own writing, check the veracity and the valuation made as foul play was suspected in that respect, that his own answer scripts may be revalued and that till a decision was taken and enquiry made the results declared should be kept in abeyance.

4. We think that when the complaint of this nature has been made to the CPMG, the said authority will apply its mind seriously and take suitable action. ^{in order to} ~~if he feels~~ dispel all ~~mischief~~ ^{for} it is therefore a fit matter to be left for the decision of the CPMG. The applicant did not leave any reasonable time for the said representation to be considered by the CPMG which was filed only in the last week and having rushed to the Tribunal.

5. We may, however, observe that the CPMG may look into the grievance made by the applicant in his representation dt. 28-6-96, particularly as the applicant says that

Sub

entente in which the following are agreed upon:
1. The parties will do their best to maintain a friendly business relationship.
2. The parties will not compete with each other in the same field.
3. The parties will not disclose to each other any information concerning their business operations.
4. The parties will not disclose to each other any information concerning their financial condition.
5. The parties will not disclose to each other any information concerning their personnel.
6. The parties will not disclose to each other any information concerning their products.
7. The parties will not disclose to each other any information concerning their markets.
8. The parties will not disclose to each other any information concerning their advertising.
9. The parties will not disclose to each other any information concerning their research and development programs.
10. The parties will not disclose to each other any information concerning their financial condition.

and, in consideration of the above, the parties agree to do the following:
1. To keep the above information confidential.

At the conclusion of this agreement, the parties will return all copies of the information to each other.

At the conclusion of this agreement, the parties will return all copies of the information to each other.

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At the conclusion of this agreement, the parties will return all copies of the information to each other.

Very truly yours,

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he belongs to Scheduled Caste community and therefore there should remain no grievance that injustice complained by him has not been looked into by the CPMG. It is desirable

✓ that the said authorities looks into the same early and informs the applicant accordingly. It will be entirely ~~within~~ have in the discretion of the CPMG whether to ~~keep~~ keep the selection of respondent No.5 in abeyance pending consideration of the representation of the applicant.

6. Subject to the observations made hereinabove, the O.A. is rejected. No order as to costs.

H. Rajendra Prasad
(H. Rajendra Prasad)
Member (A)

M.G. Chaudhari
(M.G. Chaudhari)
Vice Chairman

Dt. 2-7-96
(Open Court dictation)

Deputy ^{Amritpal} Registrar (D) cc

kmv

O.A.780/96.

To

1. The Secretary, Dept.of Posts,
Union of India, New Delhi.
2. The Director General, Posts, New Delhi.
3. The Chief Postmaster General,
A.P.Circle, Hyderabad.
4. The Senior Superintendent,
Hyderabad Sorting Division, Hyderabad-27.
5. One copy to Mr.Pratap Narayan Sanghi, Advocate, CAT.Hyd.
6. One copy to Mr.K.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm.

1 COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD :M(A)

Dated: 2-7-1996

ORDER/JUDGMENT

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

in

O.A.No. 780/96

T.A.No. (w.p.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered Rejected

No order as to costs.

pvm

