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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1317/96.

Dt. of Decision: 21-11-96.

Saddalapalli Nazurulla

.. Applicant.

Vs

1. The Union of India, Rep. by the Chief Post Master General, A.P.Circle, Hyderabad.
2. The Superintendent of Post Office, Cuddapah Postal Division, Cuddapah.
3. ~~@@~~ Kurni Valakrishnaiah .. Respondents.

Counsel for the Applicant : Mr. K.S.R.Anjaneyulu

Counsel for the Respondents : Mr. V.Vinod Kumar, Addl.CGSC.

CORAM:

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

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

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ORDER

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

Heard Mr.Subramanyam for Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.V.Vined Kumar, learned counsel for the respondents.

2. Only two candidates namely, the applicant and R-3 were considered for appointment to the post of EDBPM, T.Sakibanda B.O in Chinna Mandem Mandal, Cuddapah District from amongst the volunteers who had responded to the notification issued for filling up that above referred post. R-3 was selected for that post by Memo No.B2/B T.Sakibanda dated 14-08-96 (Annexure-I) and the applicant was not selected. Appointment of R-3 is challenged in this OA.

3. The main contention of the applicant in this OA are as follows:-

i) The applicant has got more marks in SSC than R-3 and hence he is to be selected in place of R-3.

ii) The applicant has a share in the family property. The mother of the applicant had agreed to register some property in the name of the applicant. Hence, he fulfills the conditions prescribed in the notification in regard to in-comes.

iii) It is not necessary that he should possess the property in his name earlier to his selection as EDBPM.

4. He relies on the judgement of Ernakulam Bench of this Tribunal reported in 1993 (Vol.2) ATJ 180.

5. We have called for the selection proceedings in this connection which was produced today. From the selection proceedings we find that though the certificate to the effect that "the landed property worth Rs.54,300/- has been issued by the MRO, Chinna Mandam Mandal, it is averred that STI (P) reported that the candidate has produced the agreement which was not registered in his name and that the

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candidate is not having any property with the authorities ^{authorised} ~~authorities~~ deed". The ASP has rejected the candidature of the applicant as he had no property with saleable rights, even though he has got more marks than R-3 in SSC.

6. The only point that arises for consideration is whether the rejection of his candidature on the basis of the fact that there is no property with saleable rights is in order or not. No document has been produced to show that the said agreement between him and his mother to transfer the land in his name is registered under the Transfer of Property Act, the applicant only submits that he will get it registered in his name. We are not satisfied that the transfer will be effected as stated by him in the absence of any tangible evidence. Further, if there is no property in his name at the time of verification of the facts, just earlier to his posting as EDBPM, it is very unlikely that he will get it later also. Hence, we do not agree with the submission of the applicant that he possessed the proper income certificate. It is for the competent authority to consider this case on the basis of the certificate and other materials available and satisfy himself in regard to the income condition. The Court or Tribunal in this connection cannot interfere and pass judgement taking the note of the competent authority. We cannot also compel the authority to decide the case on the basis of his submission that the transfer of the property will be done in his name shortly. Hence, we are satisfied that the rejection of the applicant's candidature on the basis of material available at the relevant time cannot be said to be improper. The mere scoring of marks more than R-3 in SSC does not give him any prescriptive right to be appointed as EDBPM at T.Sakiband B.O. in Chinna Mandam Mandal, Cuddapah District when he had not fulfilled the condition relating to income and property.

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7. In view of what is stated above, we find no merit in this OA and hence the OA is dismissed at the admission stage itself. No costs.

B.S. Jai Parameshwar
(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

27.11.96

R. Rangarajan
(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 21st Nov. 1996.
(Dictated in the Open Court)

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D.R. (J)
27.11.96.

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O.A.NO.1317/96

Copy to:

1. The Chief Post Master General, A.P.Circle, Hyderabad.
2. The Superintendent of Post Offices, Cuddapah Postal Division, Cuddapah.
3. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT, Hyderabad.
4. One copy to Mr.V.Vinod Kumar, Addl.CGSC, CAT, Hyderabad.
5. One copy to Library,CAT,Hyderabad.
6. One duplicate copy.

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02/12/95
08/13/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(H)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWARI:
M(J)

DATED: 21/11/96

ORDER/JUDGEMENT

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

in
O.A.NO. 1317/96

ADMITTED AD INTERIM DIRECTIONS ISSUED
REPLIED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

YLKR

