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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDRABAD

ORIGINAL APPLICATION NO.857 of 1996

DATE OF ORDER: 17th February, 1999

BETWEEN:

J.GUNDAPPA

.. APPLICANT

AND

1. The Senior Superintendent of Post Offices,
Secunderabad,

2. S.Chandramouli.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWARA RAO, Addl.CGSC
for R-1

CORAM:

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

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

JUDGMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.)

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the Respondent No.1. Notice served on R-2. R2 called absent.

2. The post of EDBPM, Kothlapur BO fell vacant on account of the appointment of the regular incumbent as Group 'D' official. The applicant was appointed as a provisional EDBPM of that Branch Post Office. A notification was issued on 31.7.95 to fill up the said post

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on regular basis. Last date fixed for receipt of applications was 30.8.95.

3. In response to the said notification, the applicant, R-2 and others had submitted their candidature. R-2 was selected for that post.

4. Being aggrieved, the applicant has filed this OA challenging the selection and appointment of R-2 to the post of EDBPM, Kothlapur BO.

5. The main contention of the applicant in this OA is that the respondent-authorities while considering the candidature of R-2, had given him an undue advantage of accepting certain documents after the expiry of the last date prescribed in the notification. In fact R-1 in his reply at page 4 submitted that R-2 had submitted with his application property documents standing in the name of his father, that, he being a SC candidate having secured more marks, they felt it necessary to extend the time limit to him to enable him to produce the property documents in his name. Further, the applicant submits that if possession of the property in the name of the candidate is condition precedent, then the action of the R-1 cannot be sustained in view of the decision of the Hon'ble Supreme Court reported in 1993(1) SLJ SC 111 (M.V.Nair v. Union of India).

6. When the last date is prescribed and within that time any application is received with incomplete or lacking in certain particulars, the respondent No.1 has to reject the same. It is not proper for him to extend the time limit.



7. Since the respondent No.1 entertained certain documents from R-2 beyond the last date prescribed and selected R-2 for the said post, we feel that the selection of R-2 is not as per the rules and also not in accordance with the notification. Hence the selection and appointment of R-2 has to be set-aside.

8. The respondent No.1 has to be directed to make proper selection from among the persons who responded to the notification dated 31.7.95 in accordance with the rules.

9. Hence the following directions are given:-

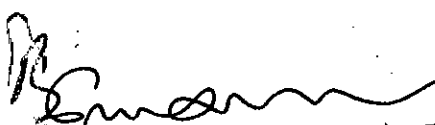
(a) The selection and appointment of R-2 to the post of EDBPM, Kothlapur BO is set-aside;

(b) The respondent-authorities are directed to select a suitable and meritorious candidate from among the persons who responded to the notification dated 31.7.95.

(c) Till a regular candidate is posted, the present incumbent of B.O. shall be continued as a provisional appointee.

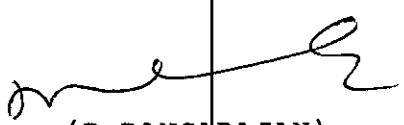
(d) Time for compliance is 3 months from the date of receipt of a copy of this order.

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


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

17.2.99

DATED :17th February, 1999
Dictated in the open court


(R.RANGARAJAN)
MEMBER (ADMN.)

18.2.99

Copy to:

1. HDHND
2. HHRP M(A)
3. ~~RGSDP M(J)~~
4. ~~D.R. (A)~~
5. SPARE

18/99
Ist and IInd Court.

Typed By
Compared by

Checked by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

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

THE HON'BLE R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. S. S. JAI PARAMESHWAR:
MEMBER (J)

DATED: 17.2.99

ORDER/JUDGMENT

M.A./R.A/C.P.NO. —

IN

P.A.NO : 857/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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