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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.865/96

dated : 12/13-8-96

Between

M.V.B. Kutumba Rao : Applicant

and

1. The Sub-Divisional Inspector of  
Post offices, Pamarru Sub Division,  
Pamarru, Machilipatnam Division AP.

2. The Supdt. of Post Offices  
Machilipatnam Division  
Machilipatnam, Krishna Dist.AP

3. Meka Peraiah  
EDMC/DA, Undrapudi BPO,  
Pamarru Sub Division  
Machilipatnam : Respondents

Counsel for the applicant : Krishna Devan  
Advocate

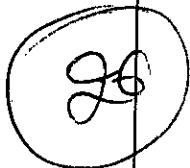
Counsel for the respondents : N.R. Devaraj  
SC for Central Govt.

CORAM

HON. MR. JUSTICE M.G. Chaudhari, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

MP



## Judgement

Oral order (per Hon. Mr. H. Rajendra Prasad, Member (Admn))

The grievance of the applicant in this case is that, although he has been working provisionally as EDMC/DA, and even though he was an applicant for the said post on regular basis, no weightage or preference was accorded to his past service, and that Respondent No.3 was selected, again provisionally, for the post.

2. From the record produced before us, it is seen that Respondent No.3 was selected on a regular basis on account of his higher suitability compared to that of the applicant.

3. Regarding <sup>the</sup> grievance of the applicant relating to weightage for <sup>his</sup> past service, it was explained that all conditions between two candidates are absolutely equal, a certain measure of preference can be given to a candidate with past experience under <sup>given</sup> circumstances. Even the reappointment of a candidate can be considered provided his name figures in the waiting list of EDAs with three years of regular service, provided such an Agent was displaced from his job owing to administrative reasons; it was further added that the validity of such waiting-list is limited to one year from the date of displacement of the Agent. It is seen, however, that this concession is unavailable to the present applicant since he was neither appointed regularly at any time, nor worked for more than three years, nor indeed was he displaced on account of administrative reasons, like, for example, abolition of a post or closure of post office. The plea of the applicant on this score is not covered by any rule and is, therefore, not acceptable.

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4. As regards the other grievance of the applicant that his services were terminated during his absence on leave, it is noticed that the applicant had so arranged his absence that he was unavailable in the village just in order to avoid making over charge to the selected candidate. The action cannot be appreciated or accepted.

5. On 13-8-1996 Sri Krishna Devan, learned counsel for the applicant, who was not present at the time of hearing on the previous day, requested that he may be heard in the case before the case is decided and disposed of. He was, therefore, duly heard. It was urged by Sri Krishna Devan that although the applicant is a graduate, having secured a B.Com. degree from Nagarjuna University, Respondent-3, who was merely matriculate, was selected for the post. We notice that the minimum educational requirement for the post of EDDA/EDMC is 8th standard. Preference, needs, however, to be given to candidates with matriculation qualifications. It is also specifically stated in the Service rules for Extra Departmental staff that no weightage should be given for any qualification higher than matriculation.

i) It was submitted on behalf of the respondents that a comparison was made between the marks secured by the applicant and Respondent-3 at the matriculation examination and, the latter being higher than the applicant, Respondent-3 was duly selected for the post.

ii) It is complained by Sri Krishna Devan that the applicant's provisional appointment was replaced by another provisionally selected candidate, viz. Respondent-3, / ~~which~~ Upon which ~~it~~ it was submitted by the respondents that the selection of Respondent-3 was on regular basis, and not provisional, as contended by the applicant.

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(ii) It was lastly argued by Sri Krishna Devan that the termination of his services was bad in as much as no notice was given to him. It is seen from the provisional appointment order issued infavour of the applicant vide Sub-Divisional Inspector, Postal, Pamaru, No.PF/EDMC/DA/Undrapudi dated 25-3-1996 that the applicant was selected for appointment to the post of EDMC/DA purely provisional until a regular selection was made. Such being the case, the insistence of the applicant on prior notice is not found acceptable since the condition governing his provisional appointment in the first instance was very clearly spelt out even at the time of his provisional appointment.

6. We see ~~see~~ and hold that there was no irregularity in the selection of Respondent No.3.

7. There is no merit in the contentions of the applicant. The OA is, therefore, disallowed. No costs.

H. Rajendra Prasad  
(H. Rajendra Prasad)  
Member (Admn.)

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

Dated : August 12, 1996  
Dictated in Open Court

Deputy Registrar (S) CC :  
Arif Ali 19-8-96

sss/sk

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O.A.865/96.

To

1. The Sub Divisional Inspector of Post Offices,  
Pamaru Sub Division, Pamaru,  
Machilipatnam Division, A.P.
2. The Superintendent of Post Offices,  
Machilipatnam Division, Machilipatnam,  
Krishna Dist. A.P.
3. One copy to Meka Peraiah EDMC/DA,  
Undrapudi BPO, Pamaru Sub Division,  
Machilipatnam.
4. One copy to Mr.Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

8. one copy to Hon'ble Mr. H.Ramendra Prasad : M (A) CAT.Hyd  
p.v.m.

✓  
I COURT

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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: 12/13-8-1996

~~ORDER~~ JUDGMENT

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

in

O.A.No. 865/96

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

