

(33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 204/97

DATE OF ORDER : 18-09-1998.

Between :-

Gouru Bhasker

... Applicant

And

1. The Superintendent of Post Offices, Adilabad Division, Adilabad.
2. The Postmaster General, Hyderabad Region, Hyderabad.
3. K. Satyanarayana

... Respondents

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Counsel for the applicant : Shri S. Ramakrishna Rao

Counsel for the Respondents : Shri N. V. Raghava Reddy, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri B. S. Jai Parameshwar, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J) ).

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Heard Ms.Parvathi for Sri S.Ramakrishna Rao, counsel for the applicant and Sri W.Satyanarayana for Sri N.V.Raghava Reddy, learned standing counsel for the respondents. Notice served on R-3 but called absent.

2. The post of EDBPM, Chanda B.O., Adilabad District fell vacant consequent on the death of regular incumbent. The respondents issued five notifications to fill up the said post on the regular basis. Ultimately, the respondents have issued 6th notification for filling up the said post on regular basis, <sup>in response</sup> to which six applications were received including that of the applicant and Respondent No.3.

3. It is submitted that the applicant had produced only the land enjoyment certificate and therefore his case was not taken into consideration and the Respondent No.3 was selected, who was also meritorious than the applicant. In the meanwhile, the applicant filed OA in this Bench and obtained interim order of status-quo as on 27-2-97. Hence the selected candidate could not be posted and the applicant who was a provisional candidate had been continued in that post. The applicant has filed this OA challenging the selection of Respondent No.3.

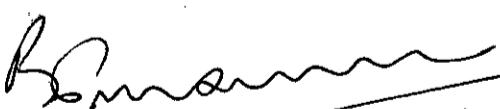
4. It is stated that the respondent No.3 was meritorious than the applicant. Further the respondents submit that the conditions laid down by them in regard to the Income and property of the candidates were not complied with by the applicant properly.

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- 3 -

Even that land enjoyment certificate which was submitted by the applicant in lieu of income and property certificate was also submitted after the last date for receipt of applications ~~is~~ <sup>was</sup> over. Since the applicant's application was not complete in all respects <sup>was complete,</sup> and since the application of Respondent No.3, Respondent No.3 was selected. Moreover the 'land enjoyment certificate' attached to the application by the applicant cannot be accepted as ~~income and~~ <sup>a</sup> property certificate as required under the rules. Therefore the respondents were justified in not taking into consideration the land enjoyment certificate produced by the applicant. Hence the rejection of the applicant's candidature is justified. The applicant does not dispute that the selected candidate ~~is not~~ <sup>was</sup> meritorious than him. The respondents themselves in the reply submit that since the applicant had completed more than 3 years <sup>of</sup> service as a ~~would be~~ provisional candidate, his name <sup>is</sup> included in the waiting list for appointment in future vacancies which will occur.

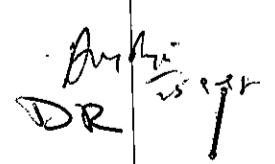
5. In that view of the matter, the OA stands dismissed. However, the applicant's case for consideration for the future ED vacancies has to be kept in the waiting list and the applicant should be informed about the same. No order as to costs.

  
(B.S.JAI PARAMESHWAR)

Member (J)  
1997(98)

  
(R.RANGARAJAN)  
Member (A)

Dated: 18th September, 1998.  
Dictated in Open Court.

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## Copy to:

1. The Superintendent of Post Offices, Adilabad Division, Adilabad.
2. The Postmaster General, Hyderabad Region, Hyderabad.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC, CAT, Hyderabad.
5. One copy to D. R. (A), CAT, Hyderabad.
6. One copy to HSSJP, CAT, Hyderabad.
7. One duplicate copy.

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91/10/98  
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II COURT

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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: 18/9/98

ORDER/JUDGMENT

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

in  
O.A.NO. 204/97

~~ADMITTED AND INTERIM DIRECTIONS  
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

Y LKR

