

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.889/97 Date of Order: 20.8.97

BETWEEN :

Dasabandham Maheswar .. Applicant.

AND

Union of India represented by :

- 1. Chief Post Master General, A.P.  
Postal Circle, Hyderabad.
- 2. Post Master General, Kurnool  
Region, Kurnool.
- 3. Superintendent of Post Offices,  
Cuddapah Division, Cuddapah.

.. Respondents.

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Counsel for the Applicant .. Mr.D.Subrahmanyam

Counsel for the Respondents .. Mr.V.Rajeswara Rao

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CORAM:

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

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

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J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.D.Subrahmanyam, learned counsel for the applicant  
and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA was appointed as EDBPM, Kondavandla-  
palli Branch Office on the basis of the re-notification issued on  
27.3.96 (Page-10). Earlier one Sri K.Padmanabhaiah was selected  
but his selection was set aside as there was an allegation of  
production of bogus marks. The applicant<sup>thereafter</sup> was selected in his

best and posted by office order No.B2/B/Kondavandlapalli, dated 26.9.96 (A-10). The applicant was issued with an impugned notice No. B2/B/Kondavandlapalli, dt. 10.6.97 (A-1) after a lapse of about 9 to 10 months questioning his selection and issuing notice for cancellation of selection.

3. This OA is filed for setting aside the impugned order dt. 10.6.97 (A-1) by holding it as illegal, unlawful and for a consequential direction to continue the applicant as BPM on the basis of his regular selection.

4. An interim order in this OA was issued on 16.7.97 suspending the impugned order dt. 10.6.97 until further orders. The applicant is continuing in view of the interim order. //A reply has been filed in this OA. It is seen from the reply that a compliant was received in regard to the selection of the applicant from various quarters including from <sup>an N.P</sup> ~~one~~ of Rajampet. The applicant had secured less marks compared to other candidate Sri Gangi Reddy. But since Sri Gangi Reddy was not a native in the jurisdiction of that post office, he was not considered and the applicant though secured less marks was selected and posted as EDBPM in that post office as he is a native of the village before the selection. The appointing authority, namely, R-3 <sup>referred</sup> ~~refused~~ his selection on the basis of the instructions received from the Circle Office in regard to the conditions of the nativity laid down in the D.G.'s letter and on that basis the applicant was served with the impugned notice dated 10.6.97 giving 30 days time for his reply.

5. A reading of the reply clearly indicates that there was interference from the Regional Office. However we wanted to make sure whether there was interference in <sup>the selection which resulted in</sup> issuing the impugned notice and interfering <sup>once in</sup> the selection by the higherups other than

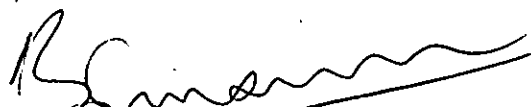
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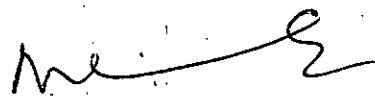
the appointing authority. The learned counsel for the respondents submitted that there was interference in view of the ~~correctness~~ <sup>of the</sup> ~~of the~~ nativity of the selected candidate <sup>to the</sup> and that has been indicated in the impugned letter dt. 10.6.97.

6. When there is interference from the higher authority in regard to the selection of ED staff such an interference cannot be <sup>upheld</sup> ~~done~~ in view of the Full Bench Judgement in OA.57/91 dated 10.2.95 (Ambujakshi v. Union of India). As there was interference in the selection of the applicant by the authorities higher than the appointing authority the impugned notice dated 10.6.97 issued to the applicant cannot be upheld. Hence the impugned notice is liable only to be set aside.

7. Accordingly the impugned notice No. B2/B/Kondavandlapalli dated 10.6.97 is set aside.

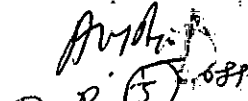
8. The OA is ordered accordingly. No costs.

  
(B.S. JAI PARAMESHWAR )  
Member (Judl.)

  
( R.RANGARAJAN )  
Member (Admn.)

Dated: 20th August, 1997

(Dictated in Open Court)

  
D. R. 5

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Copy to:-

1. The Chief Post Master General , A.P. Postal Circle, Hyderabad.
2. The Post Master General , Kurnool Region ~~ix~~ Kurnool.
3. The Superintendent of Post Offices, Cuddapah Division, Cuddapah.
4. One Copy to Mr. D.Subrahmanyam, Advocate ,CAT. Hyd.
5. One Copy to Mr. V .Rajeswar Rao AddlCGSC.CAT.Hyd.
6. One Copy to The D.R.(A).
7. One Duplicate Copy .

Upr.

22/9/97

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CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

Dated: 20-8-97

ORDER/JUDGEMENT

~~M.A./R.A./C.A.NG.~~

in

C.A.NG. 889/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/~~Rejected~~

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
DESPATCH  
7 SEP 1997  
HYDRABAD BENCH

\* Spoke  
com