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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A.960/97.

Dt. of Decision : 17-2-98.

K.Venkata Subba Rao

.. Applicant.

Vs

1. The Supdt. of Post Offices,  
Tadepalligudem, West Godavari  
District.
2. The Director of Postal Services,  
Vijayawada Region, Vijayawada.
3. Smt. A.Sesharatnam .. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.B.N.Sharma, Sr.CGSC.

CORAM:-

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

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

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ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.M.Jacceeb for Mr.B.N.Sharma, learned counsel for the respondents. Notice served on R-3. Called absent.

2. The applicant applied for the post of BPM, Kommara B.O. which fell vacant due to superannuation of the regular BPM on 30-6-95. As the employment exchange failed to sponsor the suitable candidates for that post an open notification No.B10/42 dated 21-3-95 (Annexure-I) was issued. The applicant and R-3 and some others applied for that post. R-3 was selected.

3. This OA is filed to set aside the selection of R-3 as EDBPM, Kommara and for a consequential direction to the respondents No.1 and 2 to appoint the applicant in view of his merit.

4. In the reply it has been stated that the applicant has not fulfilled the condition of income. The income certificate enclosed to his application is in the name of his father and hence he was not selected even though he had obtained more marks than R-3.

5. We have perused the selection proceedings file. The applicant has submitted a property certificate issued by the Mandal Revenue Officer showing that he is having landed property in R.S.No.259/1 measuring 0.50 guntas. The applicant has not submitted any income certificate possessed by him from that landed property issued by the appropriate M.R.O. The applicant has filed income certificate issued by MRC which income certificate is in the name of his father. On perusal of the income certificate it is seen shows that his father is getting an income of Rs.8000/- per year.

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That certificate was issued in view of the details given by the applicant in regard to the landed property. In the certificate given by him for obtaining the income certificate the applicant stated that he possessed a property in Survey No.158/2 and on that basis the income certificate of his father has been issued. When we checked up ~~the~~ whether land in Survey No.158/2 is also possessed by the applicant, we found no record in this connection enclosed to this application. Hence, it has to be held that the land in Survey No.158/2 is not in the name of the applicant. If it is not in the name of the applicant even if his father <sup>is</sup> getting Rs.8000/- per year <sup>from LN</sup> as income landed property it cannot be said that the applicant can get that income at any point of time. Hence, it has to be held that the applicant has not submitted any income certificate <sup>due to</sup> possessed ~~by~~ him either from landed property or from other sources.

6. The notification dated 21-3-95 clearly stipulates that income and property certificate from M.R.O. should be submitted along with application. From the above appreciation it is evident that the applicant has not submitted his income certificate from M.R.O. as stipulated in the open notification dated 21-3-95. Because of non-compliance of the conditions stipulated in the open notification the respondents have decided that his case cannot be considered for the post of EDBPM of that post office. The decision taken by the respondents cannot be said to be irregular in view of the foregoing reasons.

7. In the result we find no merit in this OA. Hence, the OA is dismissed. No costs.

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

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

17.2.99 Dated : The 17th Feb. 1999.  
(Dictated in the Open Court)

  
A. T. Raja

SPR

Copy to:

1. HDHNO
2. HHRP M(A)
3. HDSJP M(2)

~~4.D.R. (A)~~

~~5. SPARE~~

13/29  
1st and IIInd 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. B.S. JAI PARAMESHWAR:  
MEMBER (J)

DATED: 17.2.99

ORDER/JUDGMENT

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

IN  
O.A.NO: 960/97

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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केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

25 FEB 1999

हैदराबाद आयोगी  
HYDERABAD BENCH