

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.

O.A.No. 1006/97.

Date of decision: March 23, 1999.

Between:

Annapureddy Adinarayyanamma. .. Applicant

and

1. The Union of India represented by the Chief Post Master General, A.P.Circle, Hyderabad - 500 001.
2. The Postmaster General, Vijayawada 520 001.
3. Senior Superintendent of Post Offices, Prakasam Division, Ongole, 523 001.
4. The Assistant Superintendent of P.Os., Kanigiri Postal Sub Division, Kanigiri - 523 230
5. Markapurapu Rajamma, EDBPM, Mangampalli, Peddagollapalli - 523 328.
6. Sri K.Veerabhadram
Senior Superintendent of Post Offices,
Prakasam Division, Ongole 523001. .. Respondents.

Counsel for the Applicant: Sri U.R.S.Gurupadam.

Counsel for the Respondents: Sri V.Rajeswara Rao for Respondents 1 to 4 and 6.

Sri C.V.Malla Reddy for Respondent No.5

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

JUDGMENT.

(by Hon'ble Sri B.S.Jai Parameshwar, Member (J))

Heard, Sri U.R.S. Gurupadam, learned counsel for

the Applicant, Sri V.Rajeswara Rao, learned counsel for the Respondents 1 to 4 ~~and~~ and Sri C.V.Malla Reddy, learned

 counsel for the Respondent No.5, R-6, though notice is served called absent.

QH

The regular incumbent of the post of EDBPM,
retired from service
Mangampalli Branch Post Office/with effect from 30.6.1995.

An open Notification No.BII/Mangampalli dated 9.6.1995 was issued inviting applications from the eligible candidates to fill up the said post on regular basis, as there was no response from the local Employment Exchange. The last date fixed for receipt of the applications was 9.7.1995.

In response to the said Notification, three candidates including the applicant applied for the post.

After ~~the~~ scrutiny of the three applications, the Respondents selected the Respondent No.5 to the post of EDBPM, Mangampalli on regular basis. The Respondent No.5 took charge of the post of EDBPM, Mangampalli.

Being aggrieved, the applicant has filed this O.A., challenging the selection and appointment of the Respondent No.5 to the post of EDBPM, Mangampalli on the ground, that the Respondent No.5 had no residence in the village, that she had not produced ~~marksheets~~/certificates along with her application, that she had not passed SSC Exam. during March, '67 of similar name, that the Respondent No.5 had ~~marksheets~~ the SSC Exam results during the year, 1967, that her cousin of the similar name had passed the SSC Examination during the year, 1967, that the Respondent No.5 had utilised the SSC Marks Certificate of her cousin for securing the appointment, that she had even produced certain documents which were

QH

registered subsequent to the date fixed for receipt of

the applications with all relevant documents, and that R-5 was the Agent of M/s Peerless Insurance Co., Calcutta. Hence she was not at all eligible for the post.

The Respondent Nos., 1 to 4 have filed their reply

stating that the Respondent No.5 was a meritorious candidate among the applications received in response

to the Notification, that they were not aware of the fact that the Respondent No.5 was working as an Agent

Insurance for the Peerless ~~Insurance~~ and General ~~Finance~~ Company,

that the date of birth of the Respondent No.5 is 15.7.1951,

SSC list that they got verified the marks ~~had been checked~~ produced by the Respondent No.5

with the concerned School Authorities along with her application and found them to be genuine,

that the Respondent No.5 is ~~the~~ permanent resident of Mangamapalli Village, that she possessed the property

to the post and income and that her selection is in order. Thus they pray for dismissal of the U.A.

The Respondent No.5 has filed reply stating that she had furnished the requisite documents and

certificates along with her application, that the

averment/allegation that she had utilised the marks

classmate. Cousin? certificate of her ~~cousin~~ (~~classmate~~) is not correct,

that she had furnished ^{the} property certificate in respect

of the Agricultural lands bearing S.Nos., 306 and 315

of Nandanavanam, that her date of birth is 15.7.1951,

that the averment of the applicant that the dates of

birth of Respondent No.5 and her cousin sister with

the same name is 15.7.1952 and 1.7.1952 respectively is

also false and baseless, that the applicant has

(cb)

produced certain certificates of a person of similar to her name to mislead the Tribunal and further Respondent No.5 has stated that by the time of consideration of her applications, ~~she~~ was a fair price dealer of Mangampalli village and as such she (the applicant) ^{was} ~~is~~ not eligible to apply for EDBPM post on 10.7.1995.

common

The applicant has filed a/rejoinder wherein she has stated that the property certificate produced by the applicant in regard to S.Nos. 306 and 315 belong to the joint family of her husband that those properties were the subject matter of a partition suit on the file of the District Munsif, Kanigiri, that the said suit was settled by the order of the Court dated 30.10.1971, that the averment that the Respondent No.5 possessed the property bearing S.Nos., 306 and 315 is not correct and that the selection of Respondent No.5 is not correct. It is also averred by the applicant that the Respondent No.5 produced documents of title in regard to S.Nos., 220 and 221 but not in respect of S.Nos., 306 and 315 at the time of verification.

heard

We have/the counsel for rival parties at length. //On the last date of hearing, the learned official counsel for the/respondents had produced the selection Proceedings. Further, today, at the time of hearing, he has produced the correspondence in regard to the verification of SSC Marks ~~produced~~ ^{produced} by the Respondent No.5.

A

(B)

The fact that the Respondent No.5 had secured more
Examination marks than the applicant's
~~marks~~ marks in the S.S.L.C., is not in dispute.

The applicant contends that the Respondent No.5
had not possessed the property at Mangampalli. Further,
the applicant contends that she had not produced the
documents of title at the time of submission of the
application by R-5, that the property certificate produced
by the Respondent No.5 was with respect to S.Nos., 220 and 221
but not in respect of S.Nos., 306 and 315.

The contention of the applicant that at the
time of her submitting the application, the respondent No.5
had submitted the property certificate with respect to
S.Nos., 220 and 221 and not in respect of S.Nos., ~~306~~ and 315
is not borne out by the records produced by the respondent.

S.Nos. 220 and 221
The property shown by the Respondent No.5 was registered.

in the name of the Respondent No.5 on 12.7.1995. The
Respondent No.5 in her reply/categorically stated that
not at all
those properties were shown in her application and that
she had not produced any certificate with respect to the
property bearing S.Nos., 220 and 221.

The applicant only/conjectures/that the
property certificate in regard to S.Nos., 220 and 221 was
produced at the time of verification ~~but xx xx xx xx xx xx xx xx~~
The said
~~S.Nos., 306 and 315.~~ ~~xx xx xx xx xx~~/averment/allegation
cannot be taken at the face value unless it is so certified
by the Verification Officer. But no Verification Official
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28

has given such a statement.

The next contention of the applicant is that the Respondent No.5 had utilised the marks certificate of her cousin of similar name and that she had failed in March, 1967. If the applicant was so certain that the Respondent No.5 had failed in March, 1967, nothing prevented the applicant to substantiate her contention with convincing proof. Mere oral assertion is not sufficient. The contention of the Respondent No.5 that certain certificates of the person having name similar to her have been produced by the applicant only to mislead the Tribunal cannot be ruled out. The applicant has not brought out any case to hold that the respondent No.5 had either impersonated or produced documents of some other person of similar name to gain employment.

The respondents got the documents produced by the Respondent No.5 verified from the concerned School Authorities. When they are satisfied with the documents produced by the applicant and they are genuine, it is too much for this Tribunal to accept or go deep into the contention of the applicant. The Respondent No.5 in reply to the contention of the applicant that the Respondent No.5 was a full time Agent of M/s Peerless General Insurance Company Limited has stated that it is a private Insurance Company and there is no legal bar for her to apply in response to the impugned notification of Respondent No.3. She further stated that

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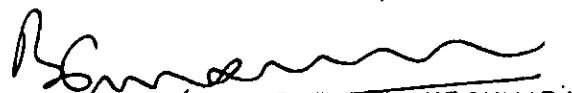
she (Respondent No.5) had resigned the agency much earlier to the date of Notification. The applicant has not shown any evidence that the Respondent No.5 was an Agent of the said Insurance Company on the date of Notification or at the time of her selection and appointment for the post of EDBPM, Mangampalli.

In this view of the matter, having considered all the grounds raised by the applicant, we do not find any irregularity in the selection and appointment of the Respondent No.5 as EDBPM, Mangampalli.

The O.A., has no merits and it is liable to be dismissed.

The O.A., is dismissed. No costs.

The selection Proceedings and the application forms produced by the respondents are returned to the respondents.


(B.S. JAI PARAMESHWAR)
23.3.99 MEMBER (J)


(R. RANGARAJAN)
MEMBER (A)

Date: 23--3--1999

Dictated in open Court.

*Ambedkar
Court*

sss.

Copy to:

1. HON. J.
2. H.H.R.P. M(A)
3. H.O.S.J.P. M(J)
4. D.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

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

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

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

THE HON'BLE MR. B.S. JAI PARAMESWAR
MEMBER (J)

DATED: 23/3/99

ORDER/ JUDGEMENT

MA./RA./CP. No.:

IN

O.A. No. 1006/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

10 copies

