

FORM NO. 21.

( Sec. Rule 114 .)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD .

~~M.A. / C.P.~~

IN

O A / P A . . . . . 1208 . . . . . 1998

..... SK ..... Sandom Bama ..... Applicant(S)

Versus

..... The Sn. Supt. P.O. . . . . Nellore . . . . .

..... S. R. S. . . . . Respondent (S)

INDEX SHEET

Serial No .	Description of documents and dates.	Pages.
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Docket orders.		122
Interim orders		
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Reply statement		11 574
Rejoinder		
Orders in (Final orders)	15-9-97	15 519
M A + O A Final	26-6-98	20 524

Certified that the file is complete  
in all respects.

Signature of  
Dealing Hand.

(In record section)

Signature of S .O.

DA 1208/97

-- 2 --

Date	Office Note	Orders.
9/6/98	<p>Before D.R.</p> <p>None present.</p> <p>Call on 14/7/98</p> <p>for memo and</p> <p>reply.</p> <p><i>[Signature]</i></p> <p>Dy. Regr.</p>	
19.6.98	<p><i>[Signature]</i></p> <p>19.6</p>	<p>This O.A. was posted today in view of the letter written by the learned counsel for the respondents in this O.A. The letter does not indicate in regard to the position of the applicant in the panel. Hence we do not take cognizance of the letter dt. 19.6.98.</p> <p>The letter is disposed of.</p> <p><i>[Signature]</i></p> <p>HBSJP M(J)</p> <p>HRRN M(A)</p> <p>MA Disposed of. MA 458/98 also stands disposed of. Order on separate sheet. No Colls.</p> <p><i>[Signature]</i></p> <p>HBSJP M(J)</p> <p>HRRN M(A)</p>

29-6-98

Central Administrative Tribunal Hyderabad Bench; Hyderabad.

C.A. No. 1208 of 1997.

Sk. Sandani Basha Applicant(s).

V E R S U S.

The Sr. Supt. of Post offices, Nellore & 2<sup>nd</sup>

(Respondents).

Date	Office Note.	ORDER
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15.9.97

~~OA~~

Interim order vide on  
separate sheet.

Admit/Notice

or  
2-19/97

Issued  
30/9/97

H B S P  
H J,

H R N  
H (A)

3/3/98

Before Dy. Regr

None Present. Notice  
served on R2 & R3.  
R1 not yet returned  
served but deemed  
to have been served.  
Call on 7/4/98 for  
memo & reply.

Dy. Regr.

16/4/98

None present Call  
on 5/5/98 for  
memo and reply.

Dy. Regr.

5-5-98

None Present.  
Call on 9-6-98 for  
memo and Reply.

Dy. Regr.

N. R. DEVARAJ

ADVOCATE

Senior Standing Counsel for Central Govt.  
Central Administrative Tribunal,  
Hyderabad.

Phone: Res : 7610506  
Off : 7610600

8, Lalitha Nagar,  
Jamai Osmania,  
Hyderabad - 500 044.

To

Date. 19-5-1998

The Registrar(Judl),  
Central Administrative Tribunal,  
Hyderabad.

Sir,

Sub:- Posting of case for orders -  
O.A.No.1208/97 - Regarding.

..

It is informed that at the time of admission of the above mentioned case the Hon'ble Tribunal directed that the Petitioner in the O.A. be interviewed and that result should not be published until further orders if the applicant is ~~selected~~ selected.

It is further informed that the applicant is selected in the said interview.

I, therefore, request the O.A. may please be posted for orders as during the pendency of the case, the applicant consider for appointment.

Copy to:-

Sri Y. Appala Raju  
Ravi  
19/5

Yours faithfully,

N. R. Devaraj  
( N. R. DEVARAJ )

(I) Informed-

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1208 OF 1997.

Shake Sandani Dasha

(Applicants(s))

VERSUS.

Union of India, Repd. by.

The Senior Superintendent & Post Office

Mulloor & 203

Respondent(s).

The application has been submitted to the Tribunal by  
Shri VSR Murthy Advocate/~~party-in~~  
person Under Section 19 of the Administrative Tribunal  
Act. 1985 and the same has been scrutinised with reference  
to the points mentioned in the check list in the light of  
the provisions in the administrative Tribunal (procedure)  
Rules 1987.

The application is in order and may be listed for  
Admission on -----

Scrutiny Asst.

Praveen  
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. Yes
12. Has the applicant exhausted all available remedies. Yes
13. Has the Index of documents been filed and pagination done properly. Yes
14. Has the declaration as required by item No. 7 of form. I been made. Yes
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. Yes
16. (a) Whether the relief sought for, arise out of single cause of action. Yes
- (b) Whether any interim relief is prayed for. Yes
17. (c) In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant. —
18. Whether this cause be heard by single Bench. —
19. Any other points. —
20. Result of the Scrutiny with initial of the scrutiny clerk.   
 3/9/97   
 Scrutiny Assistant.   
 Maybe numbering PL

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Diary No. 2796/97

Report in the Scrutiny of Application.

Presented by Sh VSR Murthy, Adv Date of Presentation.

Applicant(s) Shankar Sandani Basha 2/9/97

Respondent(s) The Senior Supply of Pos, Nellore & 200

Nature of grievance Appointment

No. of Applicants 1 No. of Respondents 3.....

CLASSIFICATION.

Subject Appointment (PS) (No) Department Postal (No)

1. Is the application in the proper form, (three complete sets in paper books form in two compliations). Yes
2. Whether name description and address of all the parties been furnished in the cause title. Yes
3. (a) Has the application been fully signed and verified. Yes  
(b) Has the copies been duly signed. Yes  
(c) Have sufficient number of copies of the application been filed. Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether English translation of documents in a language other than English or Hindi been filed. Yes
6. Is the application on time, (See Section 21). Yes
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. Yes
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) Yes
9. Is the application accompanied IPO/DD, for Rs.50/- Yes
10. Has the impugned order's original, duly attested legible copy been filed.

no impugned order  
pl.  
P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

INDEX SHEET

O.A. NO. 1208 of 1997.

CAUSE TITLE Sh. S. Basha

VERSUS

The Sr. Supdt. of P.O., Nellore & 20th

SL.NO.	Description of documents	Page No.
1.	Original Application	1 to 5
2.	Material Papers	6 & 7
3.	Vakalat	1
4.	Objection Sheet	—
5.	Spare Copies 3. (Thru).	
6.	Covers 3. A	

7. Reply Statement filed by Mr.  
N.R. Deveret on 12/6/98.



Serving a direction to consider the case of the applicant for the post of ED Packer & Company, along with candidates sponsored by the Employment Exchange.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH  
AT HYDERABAD

Bench

O.A.No. 1208

(of 1997  
ED Staff)

Appointment (15)

Between:

Shaik Sandani Basha

Postal Applicant

And

Postal (11)

The Senior Superintendent of Post  
Offices, Nellore and others.

.. Respondents

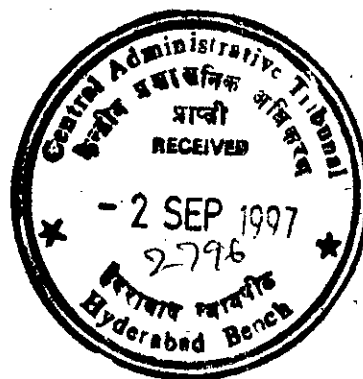
CHRONOLOGICAL STATEMENT OF EVENTS

Sl.No.	Date/Year	E V E N T
1.	1996	Year of registration of the applicant
2.	1996	Judgment of the Hon'ble Supreme Court
3.	1997	Notification of the respondents

Hyderabad,

(COUNSEL FOR THE APPLICANT)

Dt: -8-1997.



For P. N. R. Dey  
SN Counsel for State App

Recd  
10-9-97  
R. N. R. Dey

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1208 of 1997

Between:

Shaik Sandani Basha

.. Applicant

And

The Senior Superintendent of Post Offices,  
Nellore and others.

.. Respondents

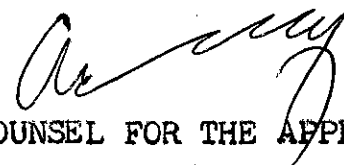
I N D E X

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Sl.No. Details of the documents relied upon Annex. Page No.  
-----

1. Original Application 1 to 5

2. Copy of employment card I 62  
AND S.S.C. MARKS CARD

Hyderabad,

  
(COUNSEL FOR THE APPLICANT)

Dt: -8-1997.

5

U/S 19 of CAT Act- 1985.  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1208 of 1997

Between:

Shaik Sandani Basha S/o Abdul Azeez,  
aged about 27 years, R/o. Pottempadu  
village, Muthukur Mandal, Nellore Dist.

The address for service of all notices, process  
etc., on the above named applicant is that of  
his counsel: Mr. V.S.R. Murthy, Advocate, Opp. to  
Bank of Baroda, Barkathpura, Hyderabad.

.. Applicant

And

- Post*
1. The Senior Superintendent of ~~Police~~ *Post* Offices,  
Nellore District, Nellore.
  2. The Sub-Divisional Inspector (Postal),  
East Sub-Division, Nellore, Nellore Dist.
  3. The District Employment Officer,  
Nellore District, Nellore. .. Respondents

DETAILS OF APPLICATION:

1. Particulars of the order against which application is  
made:

This O.A. is filed seeking a direction to the  
respondents to consider the case of the applicant for  
the post of Extra Departmental Packer, Lakshmipuram  
Post Office, Nellore District and for consequential  
reliefs.

2. Jurisdiction:

The applicant declares that the subject matter  
of the O.A. against which he want redressal is within the  
jurisdiction of the Hon'ble Tribunal under Sec. <sup>14</sup> 11(1)  
of the Admn. Tribunals Act, 1985.

...2..

3. Limitation:

The applicant declares that the application is filed within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

●. The applicant submits that the 1st respondent herein has sent a Notification No. PF/EDPKR/Laxmpuram Dated 22-8-1997 requesting the 3rd respondent to sponsor the candidates for the post of Extra Departmental Packer, Laxmipuram Post Office, Nellore district. The requisite qualifications for the post is VIII class and one should be within the age of between 18 to 65 years. In addition to that he must be local resident of the area and one must have substantial property towards the security. It is submitted that the applicant has passed the 10th class and he fulfilled the qualifications prescribed for the post of Extra Departmental Packer and he has also registered his name in the Employment Exchange viz., with the 3rd respondent herein and his Registration No. 01/1996/11275. Having come to know that there is a notification sent by the 1st respondent to the 3rd respondent, the applicant filed an application to consider his case for the post of Extra Departmental Packer, Laxmipuram Post Office, Nellore district but the 1st respondent is insisting that his name should be sponsored from the Dist. Employment Exchange. As the 1st respondent has not considered his request he also approached the 3rd respondent to sponsor his name for the post of Extra departmental packer, R Laxmipuram Post office, Nellore district. The 3rd respondent is following the seniority and he has not considered the request of the applicant. Under those circumstances he is constrained to approach this Hon'ble Tribunal.

1) The action of the respondents in not considering the case of the applicant for the post of Extra departmental Packer is illegal and arbitrary and it is also contrary to the provisions of the Act. In addition to that the action of the respondents in not advertising the vacancy in a daily news papers is also contrary to the principles laid down by the Hon'ble Supreme Court of India reported in 1996(676) Scale. The Hon'ble Supreme Court of India was pleased to hold that the choice of selection restricting only to the candidates whose names were sponsored from the employment exchange is illegal and arbitrary and further held that many deserving candidates are deprived of their right to be considered for the appointment to a post under the state and further held that in addition to making a requisition to the employment exchange they must also advertise in the news papers having wider circulation and display on their notice Board. It is submitted that the authorities have not followed the procedure prescribed by the Hon'ble Supreme Court. Under those circumstances in not considering the case of the applicant is illegal and arbitrary and it is also contrary to the judgment of the Hon'ble Supreme Court of India. It is submitted that the applicant hails from a poor family and if his case is not considered he will be put to irreparable loss and hardship. The action of the respondents in not considering the case of the applicant is illegal and arbitrary and it is violation of the Articles 14 and 16 of the Constitution of India.

2) The applicant submits that the 3rd respondent has already sent list of the candidates to the 1st respondent and he may conduct interviews at any time. As such the applicant is constrained to approach this Hon'ble Tribunal. Hence there is an urgency. If his case is not considered he will be

put to irreparable loss and hardship as he has fulfilled the requisite qualifications to the post of Extra Departmental Packer. The applicant submits that in similar circumstances the Hon'ble Tribunal was pleased to direct the respondents to consider the case of the applicants therein along with the candidates sponsored from the Employment Exchange. His case is also similar to that cases. The applicant prays to extend the same relief in his case also.

**6. Details of Remedies exhausted:**

In view of the circumstances stated aforesaid, the applicant has no other effective and alternative remedy except to approach this Hon'ble Tribunal.

**7. Matters not pending with any other Court:**

The applicant herein further declares that he has not previously filed any application, writ petition or suit except as stated above regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other bench of the Tribunal nor any application, writ petition or suit is pending before any of them.

**8. MAIN RELIEF:**

For all the aforesaid reasons, the applicant herein prays that the Hon'ble Tribunal may be pleased to issue an appropriate order or direction directing the respondents to consider the case of the applicant for interview and appointment for the post of Extra departmental Packer, Laxmipuram Post office, Nellore district along with the candidates sponsored from the Employment Exchange and pass such other and further order or orders in the interest of justice.

9. INTERIM RELIEF:

Pending disposal of the above O.A., the applicant herein prays that the Hon'ble Tribunal may be pleased to direct the respondents to consider the case of the applicant for interview and appointment for the post of Extra Departmental Packer, Laxmipuram Post office, Nellore Dist., along with the candidates sponsored from the Employment Exchange and pass such other and further order or orders in the interest of justice.

10) 9. Particulars of the Postal order in respect of

Application fee:

- a. No. of the Indian Postal order : 812687597  
b. Name of the Issuing Post office : High Court Post Office  
c. Date of Postal order and Amount : 50/- 1-9-97  
d. Post office at which is payable : e.p.o. Hyd  
Rs 50/- A

11) 10. Details of Index:

U.P.O. No. 105/97. Removed

An index in duplicate containing the details of documents to be quoted upon is enclosed to this application.

VERIFICATION

I, Shaik Sandani Basha S/o Abdul Azeez, aged about 27 years, R/o. Pottempadu village, Muthukur Mandal, Nellore district, having temporarily come down to Hyderabad do hereby verify that the contents of this O.A. contained in paras 1 to 10 above are true and correct to the best of my personal knowledge and belief and that I have not suppressed any facts.

Hyderabad,

*Shaik Sandani Basha*  
Signature of the Applicant

Dt: 29-8-1997.

To  
The Registrar,  
Central Admn. Tribunal,  
Hyderabad Bench, Hyderabad.

*Amir Ali*  
Counsel for the Applicant

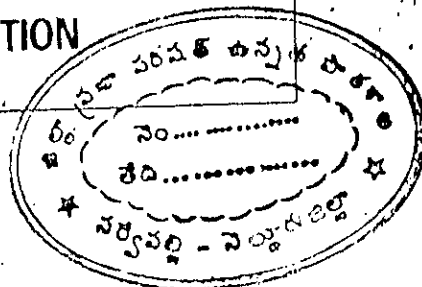
10

X-C10

*11. S. H. Partridge*



# BOARD OF SECONDARY EDUCATION ANDHRA PRADESH



## SECONDARY SCHOOL CERTIFICATE

E0342276

PRIVATE

PC/13/0180031/7

Certified that		SHAIK SANDANI BASHA		bearing	
R. No.	0715091	Son/Daughter of	XXXXXX	ABDUL AZEEZ	
and belonging to		Z P HIGH SCHOOL, SARVEPALLI		appeared	
at the SSC EXAMINATION held in		MARCH, 1989.		and PASSED the EXAMINATION in	
COMPARTMENT		in connection with		TELUGU	
		as the medium of instruction.			
The Date of Birth of the Candidate is					
DATE OF BIRTH		DAY		MONTH	
10/03/1959		ONE		ZERO	
		MAR		ONE	
				NINE	
				SIX	
				NINE	
The Candidate Secured the following Percentage of marks					
FIRST LANG.	MARKS	THIRD LANG.	MARKS	MATHEMATICS	MARKS
TELUGU	48*	ENGLISH	39*	MATHEMATICS	36*
GENERAL SCIENCE	53	SOCIAL STUDIES	53*	TOTAL (in figures)	229
TOTAL (in words) * TWO HUNDRED AND TWENTY NINE *					
SECOND LANGUAGE		HINDI		* THIRTY THREE *	
				33*	
Marks of Identification					
1. A mole near the right ear					
2. A mole on the right nose					
Head of Institution					
Date of Issuance 07/05/1989.					
Addl./Jt. Secretary					
BOARD OF SECONDARY EDUCATION					
The marks with the asterisk indicates the marks secured in the Previous Examinations.					

*Handwritten signature and initials*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD BENCH

AT HYDERABAD

O.A. NO. 1208 OF 1997

BETWEEN:

SHAIK SANDANIBASHA

.... APPLICANT

A N D

Sr.Suptd. of Post Offices,  
Nellore Division,  
Nellore & Others

.... RESPONDENTS

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, K.MANIKYA RAO S/O JACHARAI AH aged about 57 Occupation  
Sr.Suptd. of Post Offices, Nellore Dn, Nellore do hereby  
affirm and state as follows:

I am the Sr.Suptd. of Post Offices, Nellore Dn, Nellore  
and Respondent No. ONE and as such I am fully acquainted with  
all facts of the case. I am filing this Counter Affidavit  
on behalf of all the Respondents as I have been authorised to  
do so. The material averments in the O.A. are denied save those  
that are specifically admitted hereunder. The applicant is  
put to strict proof of all such averments except those that  
are specifically admitted hereunder.

The Brief History of the case is as follows:

The Post of ED Packer, Lakshimpuram, Nellore S.O. has  
fallen vacant due to the promotion of the regular incumbent  
to Postman cadre. In order to fill up this vacancy on regular

ATTESTOR

DEPONENT  
SR. SUDT. OF POST OFFICES  
NELLORE DIVISION

: 2 :

Nellore Dist. Employment Exchange, Nellore was requested by the respondent No.2 herein, who is the appointing authority for the said post vide his letter No. PF/EDPkr/Lakshmipuram dtd 12-8-97 requesting to sponsor candidates. The Dist. Employment Officer has sponsored '20' candidates on 22.9.97 through his letter no. 1997/190/100 dtd. 4.9.97. The respondent No.2 addressed all the '20' candidates, who were sponsored by the Employment Exchange to submit the applications to the said post along with proof of copies of documents. Meanwhile an interim order dtd 15-9-97 was received on 23.9.97 from the Registry of this Hon'ble Tribunal directing the Respondent to take into consideration the case of the applicant alongwith candidates sponsored by the Employment Exchange.

In reply to Para IV of the O.A. the Respondents submit as follows:-

- i) For selection and appointment of the post of E. Packer, Lakshmipuram S.O. the competent authority is respondent No.2 namely the SDI(P), Nellore East Sub Dn, Nellore, but not the respondent No.1 namely the Sr. Supdt. of Post Offices, Nellore Dn, Nellore. Therefore sending of notification No. PF/EDPkr/Lakshmipuram dtd 22.8.97 to IInd respondent by the Ist Respondent does not arise. It is a fact that the IInd respondent who is the appointing authority for the said post sent a written requisition to the Dist. Employment Exchange, Nellore requesting to sponsore candidates vide letter No. PF/EDPkr/Lakshmipuram dtd 22.8.97. Though the qualification prescribed for the post is ~~VII~~ VIII th class, preference has to be given to the candidates with matriculation (or) its equivalent qualification. No weightage should

ATTESTOR

  
 DEPONENT

 SR. SUPDT. OF POST OFFICE  
 NELLORE DIST.

13

: 3 :

be given for any other qualification higher than that as per the Departmental rules. The candidates must also possess sufficient working knowledge of the regional language and simple arithmetic so as to be able to discharge their duties properly. The age limit is between 18 and 65 years. There is no such condition that the applicant must be a local resident and should have come property as alleged by the applicant. The only condition is that the selected candidate should take up his residence at his place of duty after selection. The contention of the applicant that the submitted an application to the 1st respondent and the 1st respondent nor the IIns respondent nor made any application to them.

i) IN reply to Para IV (i) it is submitted that according to Sub Rule-14 of V-6 under section III(method of recruitment) contained in Swamy's Compilation of service Rule Extra Departmental staff in Postal Department (BG Post lr.no. 45-22/71-SPB-I/Pen dtd 4-9-92), the respondent No.2 had first notified the vacancy for the post of Ed Packer, Lakshmipuram to the Employment exchange, Nellore. Only in case the Employment Exchange do not sponsor the requisite number of candidates for selection then only the respondent No.2 has to resort for local notification. There is no provision so far in the Department to go for advertising the vacancy in the news papers and therefore the respondent no.2 has not given publicity through Newspapers.

It is a fact that the IIIrd respondent has sponsored 20 candidates to the Post. The last candidate in the list is having his registration with Employment Exchange on 8-11-73 whereas the ~~sake~~ applicant has registered his name with EE in 1996 perhapd this applicant has not come within the perview of the candidates that can be sponsored by the E.E., it may be a fact that the applicant belongs to a poor family. There may be many poor

ATTESTOR

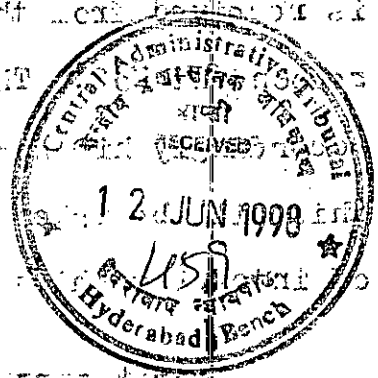
DEPONENT  
CHIEF SUPV. OF POST OFFICE  
NELLORE AN NELLORE

In the C.A.T  
Bridgman

O.A. 7/20/97

Reply Patent

Received on  
20/4/98



Filed by:-

N. R. Denny

Noted  
2/6/98

14

: 4 :

family who could not approach the Hon'ble Tribunal to get direction for inclusion of their name for interview. Further the Departmental rules for selection of the post are silent on the poverty of any candidate. No weightage is prescribed over other candidates relating to poverty.

iii) It is submitted in reply to Para V (ii): that all the eligible willing candidates including this applicant will be considered for selection as per the direction of the Hon'ble Tribunal the applicant is already permitted to submit his application to the post even though his name was not sponsored by E.E. Therefore, the interview of the candidate for selection is not fixed.

Para VI : No comments.

Para VII: No comments.

iv) It is submitted that as per the directions of this Hon'ble Tribunal the application of the applicant will also be taken into account at the time of finalising the selection, if an application is received from the applicant within the stipulated time by respondent No2. The applicant was asked to submit his application accordingly his application was received by respondent-2 on 6-10-97. This will be taken into consideration alongwith others on the date of interview which is fixed shortly.

~~For the reasons stated above,~~

The selection committee which met on 1-11-97 selected the applicant for the post as he stood in merit among others.

Therefore it is prayed that the OA may be dismissed without costs.

Solemnly and sincerely affirmed this ..... day of ..... 1997 and he signed his name in my presence.

  
BEFORE ME

ATTESTOR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1208/97

Date of Order: 15.9.97

Between:

Shaik Sandani Basha

.. Applicant.

AND

1. The Senior Superintendent of  
Post Offices, Nellore Dist.,  
Nellore.

2. The Sub-Divisional Inspector (Postal),  
East Sub Division, Nellore,  
Nellore Dist.

3. The District Employment Officer,  
Nellore District, Nellore.

.. Respondents.

Counsel for the Applicant

.. Mr. V.S.R. Murthy

Counsel for the Respondents

.. Mr. N.R. DEVRAJ

mn. P. Naveen Rao

COR  
CORAM:

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

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

JE

1

.. 2 ..

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

- - -

Heard Mr.V.S.R.Murthy, learned counsel for the applicant and Mr.N.R.Devraj, Learned standing counsel for the respondents.

2. ADMIT. The applicant is an aspirant for the post of ED Packer, Laxmpuram Post Office, Nellore Dist. <sup>It</sup> is stated in the application that a notification No. PF/EDPKR/Laxmpuram dated 22.8.97 has been sent to R-3 for sponsoring candidates to fill up the above said post. It is further stated that the applicant though eligible, his name was not sponsored by R-3. Hencee relying on the Supreme Court judgement reported in 1996 (6) Scale 676 Excise Superintendent, Malkapatnam, Krishna District and others Vs. K.B.N.Visweswara Rao and others. The learned counsel for the applicant submits that the applicant should also be considered for the above said post even though his name is not sponsored by the Employment Exchange. We have disposed of number of cases. Hence the following direction is given:-


The case of the applicant should also be considered for the post of ED Packer, Laxmpuram Post Office, Nellore Dist. along with Employment Exchange sponsored candidates even if his name is not sponsored by R-3, provided he is otherwise eligible for consideration to that post and his application is received at least one week in advance of selection either written, viva-voce or both. If the applicant does not


*Je*



.. 3 ..

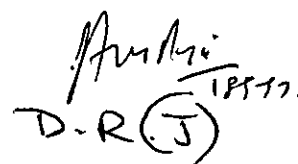
qualify <sup>in</sup> the examination then this application stands dismissed. In that event the respondents should inform the Tribunal through their counsel for confirming the dismissal of this OA. If the applicant is selected and comes within the number to be appointed then his result should not be published until further orders.

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

  
(R. RANGARAJAN)  
Member (Admn.)

Dated : 15th September, 1997  
(Dictated in Open Court)

sd

  
D.R.(J)

1.4.1.

## Copy to:

1. The Senior Superintendent of Post Offices, Nellore District, Nellore.
2. The Sub Divisional Inspector (Postal), East Sub Division, Nellore, Nellore District.
3. The District Employment Officer, Nellore District, Nellore.
4. One copy to Mr. V.S.R. Murthy, Advocate, CAT, Hyderabad.
5. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

*For an copy to Mr. P. Naveen Rao, Secy to Govt -*

YLKR

cc today  
Pundir con  
TYPED BY  
COMPILED BY

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: 15/8/97

ORDER/JUDGEMENT

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

in

C.A.NO. 1208/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

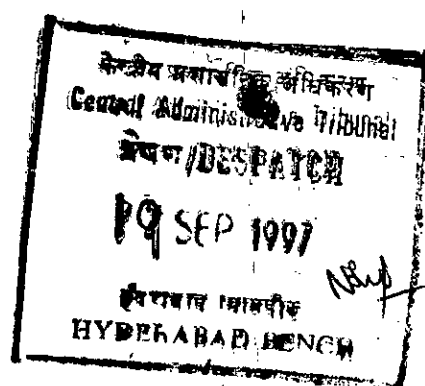
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

MA 458/98 in OA 1208/97

DATE OF ORDER : 29-06-1998

Between :-

Shaik Sandani Basha

... Applicant

And

1. The Sr. Superintendent of  
Post Offices,  
Nellore District, Nellore.
2. The Sub-Divisional Inspector (Postal),  
East Sub-Division, Nellore,  
Nellore Dist.
3. The District Employment Officer,  
Nellore District, Nellore.

... Respondents

Counsel for the Applicant : Shri Y.Appala Raju

Counsel for the Respondents : Shri N.R.Devaraj, Se.CGSC  
*Shri P. Waseem Nao; se-jr. B1*

CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

*Jr*

... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

Heard Sri Y.Appala Raju, counsel for the applicant and Sri N.R.Devaraj, learned standing counsel for the respondents and Sri Phani Raj for Sri P.Naveen Rao, for Respondent No.3.

2. It is now stated ~~the~~ for the applicant that the applicant has been selected and that fact has been confirmed by the standing counsel for the ~~applicants~~ respondents also in terms of letter addressed to Sri N.R.Devaraj, by Chief Postmaster General dt.29-6-98. The select panel for ED Staff consists of only one name and hence the applicant should have been appointed. It is not understood why the respondents have not stated so in the letter addressed to the learned standing counsel. In any case it is now made clear by the standing counsel for the respondents that for the ED posts the select panel consists of only one name. In view of the letter dt.29-6-98 addressed to Sri NR Devaraj, <sup>it would</sup> ~~the letter is going to mean~~ <sup>name of the applicant herein is empanelled.</sup> that the selected person ~~is put on panel~~ for posting as ED Packer, Lakshmapuram P.O.

3. In view of the above, we are of the opinion that the OA itself can be disposed of.

4. The applicant was called for the selection in view of the interim order dt.15-9-97 and now he has been selected for the said post.


5. In view of the above submission, the respondents are directed to take necessary action for filling up the post in accordance


*B* *A*

- 3 -

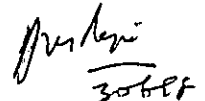
with the <sup>selection</sup> ~~resultant~~ proceedings if the applicant is <sup>the</sup> first selected person.

6. In the result, the OA is disposed of. As the OA is disposed-of, MA 458/98 stands disposed of. No costs.

  
(B.S. JAI PARAMESHWAR)  
Member (J)  
29.6.98

  
(R. RANGARAJAN)  
Member (A)

Dated: 29th June, 1998.  
Dictated in Open Court.

  
30.6.98  
DNG

avl/

..4..

Copy to:

1. The Senior Superintendent of Post Offices,  
Nellore District, Nellore.
2. The Sub Divisional Inspector, (Postal),  
East Sub Division, Nellore, Nellore District.
3. The District Employment Officer, Nellore District,  
Nellore.
4. One copy to Mr. Y. Appala Raju, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One duplicate copy.

*for one copy to Mr. N. R. Devraj; see H*

YLKR

27/7/98 V. wjmt  
2

II COURT

TYPED BY  
COMPARED BY

(8)

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 29/6/98

ORDER/JUDGMENT

M.A/R.A/G.P. NO. 458/98

, in

O.A. NO. 1208/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

MA & OA

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

- 1 JUL 1998

हैदराबाद न्यायपीठ  
HYDERABAD BENCH



FORM . III .

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT H Y D E R A B A D - 500 004.

M.A., NO. 458 OF 1998 .

O.A., NO. 1208 <sup>IN</sup> OF 1997 .

Between :

SHAIK SANDANI BASHA s/o Abdul Azeez, aged 29 years,  
Occupation: Cooly; R/O Pottempadu village,  
Muthukur Mandal, Nellore Dist.A.P.

... APPLICANT.

A N D

1. The Senior Superintendent of Postoffices,  
Nellore Division, Nellore-524 001,
2. The Sub Divisional Inspector (Postal)  
Nellore East Sub Division, Nellore-524 002, and
3. The District Employment Officer,  
Nellore District, Nellore-524 003.

... RESPONDENTS.

MISCELLANEOUS APPLICATION FILED UNDER RULE 8 (3) OF THE  
C.A.T. (PROCEEDURE) RULES, 1987.

-0-

BRIEF FACTS LEADING TO THE APPLICATION :

THE post of Extra Departmental Packer (ED Packer for short ) Lakshmipuram (Nellore) TSO has fallen regularly vacant due to the promotion of the regular incumbent to the cadre of Postmen. The 2 nd. Respondent herein is the competent selecting and appointing authority for the post of ED Packer, Lakshmipuram (Nellore) TSO. The applicant having come to know that a notification (requisition) was placed by the 2 nd. respondent herein on the 3 rd. respondent during August 1997 seeking sponsorship of eligible candidates for being considered for selection to the vacant post of ED Packer, Lakshmipuram (Nellore) TSO which was treated as an unreserved one, approached both respondents 2 and 3 for consideration

No. of corrections: Nil

Attestor

: M

Sh. Sandani Basha  
APPLICANT.

for consideration of his application for the post of ED Packer Lakshmipuram (Nellore) TSO since he had fulfilled all the conditions prescribed for the post and had also registered his name with the Employment Exchange, Nellore. As respondents did not consider his request, he approached this Hon'ble Tribunal by way of filing the Original Application No. 1208/97 and as per the directions issued in the said O.A on 15-9-97, the case of the applicant was considered by the 2 nd. respondent for the said vacancy. The Hon' ble C.A.T in their order cited directed the respondents to consider the case of the applicant even if not sponsored by the Employment Exchange, Nellore (R-3 herein) and also to inform the Hon'ble C.A.T even if he is selected before announcement of the result.

2. The Applicant now learns that his selection has been completed and he has been selected to the vacant post by virtue of his fulfilling prescribed conditions and as per merit. It is further learnt that the 1 st and 2 nd respondents herein have approached through their standing counsel seeking permission of this Hon'ble Tribunal for the announcement of the result as per the directions contained in the interim order dated 15-9-97.

PRAAYER  
3. In the circumstances stated above, the applicant prays that this Hon'ble Tribunal may be pleased to grant necessary permission to the 1 st. 2 nd respondents herein to announce the result of selection made to the above post pursuant to the direction contained in their order dated 15-9-97 or pass such other order or orders or directions as deemed fit and proper in the case and in the interests of justice.

VERIFICATION  
S, SKI, Sandani Bhat, 30 Abdul Aziz, aged 29 yrs. A/A Pottampadma, Nellore, applicant do hereby verify the contents of pages 1 to 5 as true and correct.

Sworn on oath and signed  
in my presence at Hyderabad  
this 18<sup>th</sup> Day of June, 1998.

Z. L. S. Murali  
Advocate.

SK Sandani Bhat  
DEPONENT.

gms  
Counsel for Applicant

Direction Pet  
IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL : HYDERABAD BENCH A.  
HYDERABAD.500 004.

M.A., NO. \_\_\_\_\_ OF 1998.

IN

O.A., No. 1278 OF 1997.

Between:

SHAIK SANDANI BASHA s/o Abdual Azeez  
aged 29 years R/O Pottempadu vill.  
Muthukur Mandel, Nellore Dist. A.P.  
... APPLICANT.

AND.

1. The Senior Supdt. of Postoffices,  
Nellore Division, Nellore,  
and 2 others.  
... RESPONDENTS

MISC. APPLICATION filed under  
Rule 8(3) of C.A.T (Procedure) Rules,  
1987.

(DIRECTION PETITION. )

Filed on 18<sup>th</sup> JUNE, 1998.

Filed by :  
Y. APPALA RAJU,  
Counsel for Applicant



Y. APPALA RAJU, M.A., LL.B.  
ADVOCATE,  
Flat No: 332, Indraprastha Township,  
Vinayanagar, Saidabad,  
HYDERABAD - 500 059. A. P.

22/6

*Handwritten signature and date:*  
24.6.98

26/6/98

M.A: 458/98  
O.A: 1208/97

नव/ORIGINAL

Let this Direction Petition  
on Monday.

To  
HSSSP  
M(S)

HRMS  
M(A)

29-6-98

MA stands disposed of.  
order in separate sheet.  
No collg.

HSSSP  
M(S)

HRMS  
M(A)

पोस्टल/POSTAL

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD

बेच केस/BENCH CASE

M.A.No. 458 of 1998

IN

O.A.No. 1208 of 1997

Direction Petition

Mr. Y. Appala Raju  
COUNSEL FOR THE APPLICANTS.  
AND

Mr. N. R. Deva Raj  
Sr.ADDL. STANDING COUNSEL FOR C.G.Rly.

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

- - -

Heard Mr.V.S.R.Murthy, learned counsel for the applicant and Mr.N.R.Devraj, Learned standing counsel for the respondents.

2. ADMIT. The applicant is an aspirant for the post of ED Packer, Laxmpuram Post Office, Nellore Dist. <sup>It</sup> is stated in the application that a notification No. PF/EDPKR/Laxmpuram dated 22.8.97 has been sent to R-3 for sponsoring candidates to fill up the above said post. It is further stated that the applicant though eligible, his name was not sponsored by R-3. Hence relying on the Supreme Court judgement reported in 1996 (6) Scale 676 Excise Superintendent, Malkapatnam, Krishna District and others Vs. K.B.N.Visweswara Rao and others. The learned counsel for the applicant submits that the applicant should also be considered for the above said post even though his name is not sponsored by the Employment Exchange. We have disposed of number of cases. Hence the following direction is given:-

The case of the applicant should also be considered for the post of ED Packer, Laxmpuram Post Office, Nellore Dist. along with Employment Exchange sponsored candidates even if his name is not sponsored by R-3, provided he is otherwise eligible for consideration to that post and his application is received at least one week in advance of selection either written, viva-voce or both. If the applicant does not

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1208/97

Date of Order: 15.9.97

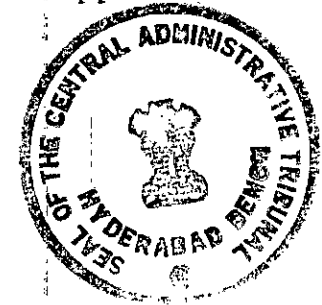
Between:

Shaik Sandani Basha

... Applicant.

AND

1. The Senior Superintendent of  
Post Offices, Nellore Dist.,  
Nellore.
2. The Sub-Divisional Inspector (Postal),  
East Sub Division, Nellore,  
Nellore Dist.
3. The District Employment Officer,  
Nellore District, Nellore.



... Respondents.

Counsel for the Applicant

.. Mr. V. S. R. Murthy

Counsel for the Respondents

.. Mr. N. R. DEVRAJ

ma P. Naveen Rao

COR  
CORAM:

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

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

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qualify <sup>in</sup> the examination then this application stands dismissed. In that event the respondents should inform the Tribunal through their counsel for confirming the dismissal of this OA. If the applicant is selected and comes within the number to be appointed then his result should not be published until further orders.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

*D. S. S. S.*  
न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH