

## FORM NO. 21.

( Sec. Rule 114 . )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD .

M A T O A C P.

IN

O A T A ..... 1208 ..... 1998

..... Sk... Sandeep Basha....Applicant(s)

Versus

..... Mr. Sri. Supt. Dr. D. Nellor.

..... Dr. K. .... Respondent(s)

INDEX SHEET

Serial No .	Description of documents and dates.	Pages.
Docket orders.		122
Interim orders		
Orders in M A(S)		11 to 14
Reply statement		
Rejoinder		
Orders in (Final orders)	15-9-97 - 15-10-97	15 to 19
M A T O A Final order	26-6-98	20 to 23

Certified that the file is complete  
in all respects.Signature of  
Dealing Hand.

(In record section)

Signature of S.O.

(2)

O.A. 1208/97

Date	Office Note	Orders
9/6/98	<p><u>Before D.R.</u></p> <p>None present.</p> <p>Call on 14/7/98</p> <p>for memo and</p> <p>reply.</p> <p><i>M.W.</i></p> <p>Dy. Regd.</p>	
19.6.98		<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>✓</i></p>
29-6-98	<p><i>nodredt</i></p> <p><i>29/6</i></p> <p>ND</p>	<p>To</p> <p>HBSJP</p> <p>M(J)</p> <p><i>✓</i></p> <p>HRRN</p> <p>M(A)</p>

At Disposed of. M.A 458/98 also stands disposed of. Order on separate sheet. No. Colle.

HBSJP  
M(T)

HRRN  
M(H)

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. Suptt. of Post offices, Nizamabad & 20th

(Respondents).

Date	Office Note:	ORDER
15. 9. 97	Admit Notice C.W. 21/9/97	<u>OA is</u> Interim order vide on separate sheet.
30/9/97	Issued	<i>Re</i> H.BSP H.J.
3/10/97	Before Dy. Regr	<i>D</i> H.PRN H(A)
5/10/97	None present. Notice served on R2 & R3. R1 not yet returned. Served but deemed to have been served. Call on 7/10/97 for memo & reply.	
16/10/97	None present. Call on 5/11/97 for memo and reply.	
5-5-98	D.S.W. None present. Call on 9-6-98 for memo and Reply.	

*M.A.*  
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  
Anu  
Recd copy  
J.M.b.

Yours faithfully,

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

(I) informed

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYD

ORIGINAL APPLICATION NO. 1208 OF 1997.

Shankar Sandani - Dasha

(Applicants(s)

VERSUS.

Union of India, Repd. by.

The Senior Superintendent of Post office

Mulor & 203

Respondent(s).

The application has been submitted to the Tribunal by  
Shri V.S.R. Murthy Advocate/parties 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 3/9/97

*Arvind*  
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested *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 envelops (file size) bearing full addresses of the respondent's 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. *yes*
18. Whether this cause be heard by single Bench. *yes*
19. Any other points.
20. Result of the Scrutiny with initial of the scrutiny clerk  
*3/9/97*  
Scrutiny Assistant. *May be numbering file*

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Case No. 2796/97

Report in the Scrutiny of Application.

Presented by Sh VSR Murty, Adv, Date of Presentation.

Applicant(s) Shrikant Sandani Bawali 29/97

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

Nature of grievance Appointment

No. of Applicants 1 No. of Respondents 3

CLASSIFICATION.

Subject Appointment(s) No. 11 Department Postal (No) 11

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). 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 NO. 1208

O.A. NO. 1208 of 1997.

CAUSE TITLE S.K. S. Bashe

VERSUS

In Sr. Supdt. of P.Os, Nellore & 28t

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.  
W.R. Devore on 12/6/98.

securing a diversion to consider the case of the applicant  
for the post of ED Packer Accountant to, along with Candidates  
Sponsored by the Employment Exchange. 3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH  
AT HYDERABAD

Bench

O.A.No. 1208

(of 1997  
ED Staff)

Appointment (15)

Between:

Shaik Sandani Basha

प्राप्ति/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,

*Arreedy*  
(COUNSEL FOR THE APPLICANT)

Dt: -8-1997.



*Sh. P. N. Reddy  
S/ Counsel for the State of  
Andhra Pradesh*

*Raju  
Dated 8-9-97  
R. N. R. Dony*

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

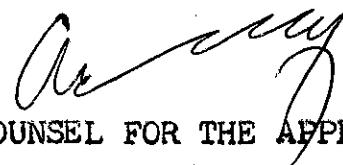
I N D E X

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

1. Original Application 1 to 5

2. Copy of employment card I 6 & 7  
AND S.S.C. leaves card

Hyderabad,

  
(COUNSEL FOR THE APPLICANT)

Dt: -8-1997.

5

415 19 Oct 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 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. 14(1) of the Admn. Tribunals Act, 1985.

**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.

7

¶. 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.

**5. 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.

**6. 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.

**7. 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. 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 : Higginbotham Post office
- c. Date of Postal order and Amount : 50/- 1-9-97
- d. Post office at which is payable : H.P.O. HYD  
50/- A

11. Details of Index: CP.O.B.C./B.B./B.M.

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,

Dt: 29 -8-1997.

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

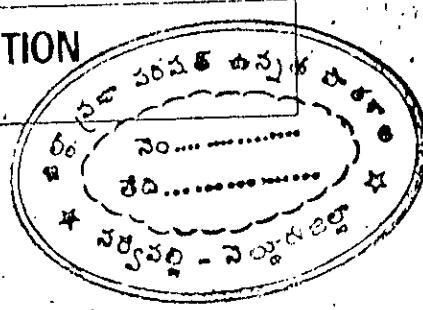
*Shaik Sandani Basha*  
Signature of the Applicant

*A. A. Ali*  
Counsel for the Applicant

ARE I 6

10'

BOARD OF SECONDARY EDUCATION  
ANDHRA PRADESH



E0342276

SECONDARY SCHOOL CERTIFICATE

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

COMPARTMENTALISATION with TELUGU as the medium of instruction.

The Date of Birth of the Candidate is

DATE OF BIRTH	DAY	MONTH	YEAR
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 Issue 07/05/1989

Addl/Jt. Secretary

Hyderabad 500 005 • 333 2-6500

BOARD OF SECONDARY EDUCATION

The marks with the asterisk indicates the marks secured in the Previous Examinations.

Allegy T. L. M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD BENCH

AT HYDERABAD

O.A. NO. 1208 OF 1997

BETWEEN:

SHAIK SANDANIBASHA

.... APPLICANT

A N D

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

.... RESPONDENTS

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

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

I am the Sr. Supdt. 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, Lakshimipuram, 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. SUPDT. OF POST OFFICES  
NELLORE & NEARBY.

: 2 :

hais 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/Lakshmpuram 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<sub>1</sub> Packer, Lakshmpuram 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/Lakshmpuram dtd 22.8.97 to IIInd respondent by the Ist Respondent does not arise. It is a fact that the IIInd respondent who is the appointing authority for the said post sent a written requisition to the Dist. Employment Exchange, Nellore requesting to sponsor candidates vide letter No.PF/EDPkr/Lakshmpuram dtd 22.8.97. Though the qualification prescribed for the post is ~~Matric~~ VIII th class, preference has to be given to the candidates with matriculation (or) its equivalent qualification. No weightage should

ATTESTOR

DEPONENT

SRI SRIDHAR  
SR. SUPDT. OF POST OFFICE  
NELLORE AN NELLORE.

: 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 he submitted an application to the 1st respondent and the 1st respondent nor the 2nd respondent nor made any application to them.

ii) 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, Lakshmiapuram to the Employment exchange, Hellore. Only in case the Employment Exchange do not sponser 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 3rd 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 ~~same~~ applicant has registered his name with EE in 1996 perhappd 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

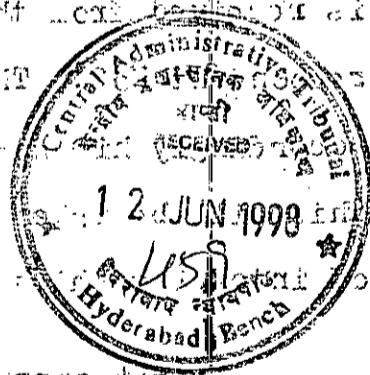
ATTESTOR

DEPONENT  
CHENNAI SUBD. OF POST OFFICE  
MELLORE AM NEARBY

In the C. A. T  
of Industrial office at no. 67, 7th Street, New York  
on the 20th day of August, 1892, before me, a Notary Public  
in the City of New York, I do hereby certify that the  
undersigned is the original author of the  
invention described in the following  
specification and claims of which specification  
he has the right to file in the Patent Office  
and to have the same registered and to have  
the same issued to him a patent for the same  
and that he has the right to sue for damages  
for the infringement of the same.

Reply Statement

RECEIVED ON  
20/4/98  
Central Administrative Tribunal  
RECEIVED 12 JUN 1998



N. R. Derby

1975 County Clerks and Treasurers  
County of Los Angeles 10 USD 1975

...21 signed  
Raymond  
1/16/98

(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.

DEPOSITOR  
Solemnly and sincerely affirmed this ~~MEETING ON MEMORIAL~~  
..... day of ..... 1997 and he signed his  
name in my presence.

BEFORE ME

ATTESTOR

C15

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  
Mr. P. Naseem No

COR  
CORAM:

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

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

*SE*

- - -

*D*

*29*

.. 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 aspirent for the post of ED Packer, Laxmpuram PostOffice, Nellore Dist. It 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:-

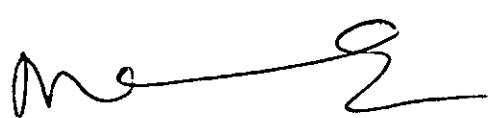
The case of the applicant should also be considered for the post of ED Packer, Laxmpuram Post Office, Nellore Dist. along with Employment Exchange sponsored candidates even if his name is not sponsored by R-3, provided he is otherwise eligible for consideration to that post and his application is received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

*Te*

.. 3 ..

qualify in 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 (Judi.)~~



(R.RANGARAJAN)

Member (Admn.)

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

sd

  
D.R. (J) 1997

3.4.1

## 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 counter me P. Noorul Haq, Segm 11 -

YLKR

*cc today*  
TYPED BY  
COMPILED BY

*2*  
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: 15/9/97

ORDER/JUDGEMENT

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

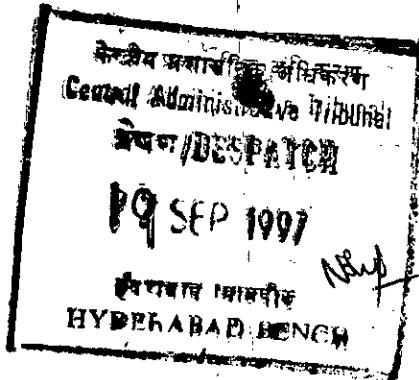
in  
C.A.NO. 1208/97

Admitted and Interim Directions  
Issued.

Allowed  
Disposed of with Directions  
Dismissed  
Dismissed as withdrawn  
Dismissed for Default  
Ordered/Rejected  
No order as to costs.

YLR

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, S/o CGSC  
Shri P. Waheed Rao, S/o M.A.

-- -- --  
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.  
D

(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 ~~for~~ 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, the ~~letter is going to mean~~ <sup>it would</sup> ~~name~~ the applicant herein is empanelled that the ~~selected person~~ is put on panel for posting as ED Packer, Lekshmapuram 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



22  
*selection*  
with the ~~resultant~~ proceedings if the applicant is 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*  
(B.S.JAI PARAMESHWAR)  
Member (J)  
29.6.98

*R.RANGARAJAN*  
(R.RANGARAJAN)  
Member (A)

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

*Parame  
30688  
DNL*

av1/

..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.

8. One copy to Mr. P. Noorunnisa; secy H.

YLKR

29/7/98 V. - wgn  
II COURT

TYPED BY  
COMPARED BY

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: 29/6/88

ORDER/JUDGMENT

M.A/R.A/C.P. NO. 458/88

in

O.A. NO. 1208/87

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

MA 80A  
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  
ब्रेष्ट / DESPATCH

-1 JUL 1998

हैदराबाद ध्यायपीट  
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 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. (PROCEDURE) RULES, 1987.

-0-

BRIEF FACTS LEADING TO THE APPLICATION :

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

St. Sami Biju  
APPLICANT.

No. of corrections: 4

Attestor : M

for consideration of his application for the post of ED Packer Lakshmiapuram (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<sup>st</sup> and 2<sup>nd</sup> 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.

PRAYER  
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.

in the case and in the interests of justice.

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

Z. L. S. Munjalam  
Advocate. —

Sk. Sahr. Bsha  
DEPONENT.

DEPONENT.

~~John~~  
Counted for Apple orchard

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.  
Muthukut Mandal, 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 19 JUNE, 1998.

Filed by :  
Y.APPALA RAJU,  
Counsel for Appellant



Y. APPALA RAJU, M.A., LL.B.  
ADVOCATE,  
Flat No: 232, Indraprastha Township,  
Vinayanagar, Saidabad,  
HYDERABAD - 500 059. A. P.

22/6

Recd  
Date  
16/6/98

26/6/98

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

मुख्य/Official

Let this Direction Petition  
on Monday. ✓

To HSSP  
M(S)

HRSN  
M(H)

29-6-98

Mt stands disposed of.  
order in separate sheet.  
No costs. ✓

HSSP  
M(S)

HRSN  
M(H)

पोस्टल/POSTAL  
CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD

दस्त के दस्त/BENCH CASE

M.A. No. 458 of 1998

IN

O.A. No. 1208 of 1998

Direction Petition

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

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

3/6/98  
29-6-98  
29-6-98

)(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 aspirent for the post of ED Packer, Laxmpuram PostOffice, Nellore Dist. It 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

*Je*

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  
Mr. P. Venkateswar Rao

COR

CORAM:

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

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

*RE*

---

*A*

..

qualify in 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  
Rushikesh  
न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकारम्  
Central Administrative Tribunal  
हैदराबाद न्यायालय  
HYDERABAD BENCH