

FORM NO. 21.

(Sec Rule 114.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD .

DA/ ~~FD/DA/EP/MA/~~ 12.10. of 1997

..... G. Koteswararao
..... Applicant (S)

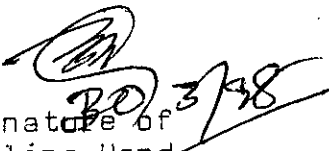
Versus

..... Teu. En. Sub. of P.O. Nellore.
..... 22.01.98 Respondent (S)

INDEX SHEET

Serial No.	Description of Documents and Dates.	Pages.
Docket orders.		1
Interim orders	15-9-97	12 to 15
Orders in MA (S)		
Reply Statement		16 to 20
Rejoinder		
Orders in (Final orders)	26/2/98	21 to 28

Certified that the file is Complete
in all respects.


Signature of
Dealing Hand.
(In record Section)

Signature of S.O.

Part: III and II
Destroyed P. S. V. G.
16/3/11

Centre; 1 Administrative Tribunal Hyderabad Bench; Hyderabad.

C.A. No. 1210 of 1997.

S. Koteswara Rao Applicant(s).

V E R S U S.

Senior Supdt of Post Office
Nellore and 2 others

(Respondents).

Date	Office Note.	ORDER
15.9.97		Interim order vide on separate sheet. J H B S P M O, 26.2.98. G A is disposed of with directions no C.A. as the G A is disposed of no orders are necessary in M.A. 14/78 J H B S P M O, S B S H R A N M O,

Adm. / Note

By
22/9/97

Issued
7/10/97

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1210 OF 1997.

S. Kotemana Rao

(Applicants(s))

VERSUS.

Union of India, Repd. by.

The Sr. Secy of P&W

Nellore & Co.

Respondent(s).


The application has been submitted to the Tribunal by
Shri V. S. R. 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 _____

S. K. Murthy
Scrutiny Asst.

P. K. Murthy
DEPUTY REGISTRAR (JUL)

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. Yes
19. Any other points. —
20. Result of the Scrutiny with initial of the scrutiny clerk. May be numbered,


Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

....

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Diary No. 2798(97)

Report in the Scrutiny of Application.

Presented by Sh. V. S. R. Murthy, Adv. Date of Presentation. 21/9/97

Applicant(s) S. Kotemwar Rao

Respondent(s) The Sr. Supdt. of Post Office
Nellore & 2000

Nature of grievance Appointment

No. of Applicants 1 No. of Respondents 3

Appointment CLASSIFICATION. Subject.....(15) Department.....(11)
(2) (No)

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

no impugned order

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

I N D E X

O.A. NO. 1210 of 1997.

CAUSE TITLE S. Koteswara Rao

V. S. U. S.

Senior Superintendent of Post Office,
Nellore and 2 others

SL.NO.	Description of documents	Page No.
1.	Original Application	145
2.	Material Papers	657
3.	Vakalat	1
4.	Objection Sheet	-
5.	Spere Copies	3
6.	Covers	3

to direct the respondents to consider the case of the applicant
for appointment as ED mail carrier, Hyderabad Post Office, Nellore
along with candidate's sponsorship by the Employment Exchange.

Serial

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD

(ED staff)

O.A.No. 1210 of 1997 Appointment (5)

Between:

S.Koteswara Rao

.. Applicant

And

The Senior Superintendent of Post
Offices, Nellore and others.

.. Respondents

CHRONOLOGICAL STATEMENT OF EVENTS

Sl.No.	Date/Year	E V E N T
1.	1982	Year of registration of applicant
2.	1996	Judgment of the Hon'ble Supreme Court
3.	1997	Notification of the respondents

Hyderabad,

(COUNSEL FOR THE APPLICANT)

Dt: -8-1997.



Recd copy
for P. Nannu
to State of AP
10/1/97

Recd
8-9-97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABADBENCH
AT HYDERABAD

O.A.No. 1210 of 1997

Between:

S.Koteswara Rao

.. Applicant

And

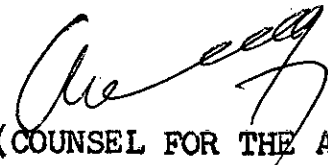
The Senior Superintendent of Post
Offices, Nellore and others.

.. Respondents

INDEX

Sl.No.	Details of the documents	Annexure Page No.
1.	Original Application	1 to 5
2.	Copy of employment card & S.S.C Marks card	I 6 & 7

Hyderabad,


(COUNSEL FOR THE APPLICANT)

Dt: -8-1997.

4

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

(Application under Section 19(1) of Admn.Tribunals Act, 1985)

O.A.No. 1210 of 1997

Between:

S.Koteswara Rao S/o S.Audiah,
aged about 31 years, R/o.Kantamma,
Teachers Colony, Nellore, Nellore Dist.

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

.. Applicant

And

1. The Senior 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

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 Mail Carrier at Gundlapalem,
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 H^{on}'ble Tribunal under Sec.19(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:

2. The applicant submits that the 1st respondent herein has sent a Notification No. PF/EDMC Dated 22-8-1997 requesting the 3rd respondent to sponsor the candidates for the post of Extra Departmental Mail Carrier at Gundlapalem 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. ~~and one must be~~ 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 Mail Carrier and he has also registered his name in the Employment Exchange viz., with the 3rd respondent herein and his Registration No. 01/1982/01068. Having come to know that there is a notification sent by the 1st respondent to the 3rd respondent ^{on 23-8-97} the applicant filed application to consider his case for the post of Extra Departmental Mail Carrier at Gundlapalem 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 mail carrier of Gundlapalem 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.

5. GROUND 1:-

a. 1) The action of the respondents in not considering the case of the applicant for the post of Extra departmental Mail carrier 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 Scale (676). 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 stage and further held that in addition to making a requisition to the employment exchange they must also advertise in the news papers having wider ~~multi~~ 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.

a. 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 Mail Carrier. 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 ~~and~~ 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 Mail Carrier at Gundlapalem 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 Mail Carrier at Gundlapalem 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.

1. a) Particulars of the Postal Order in respect of

Application fee:

- a. No. of the Indian Postal order
- b. Name of the Issuing Post office
- c. Date of Postal order and amount
- d. Post office at which is payable

: 812687595
: High Court Post Office
: 501-1-9-97
: GPO H.D.
✓ Rs 50/-
P.O. B.C.D. removed

b) c) Details of Index:

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

VERIFICATION

I, S.Koteswara Rao S/o S.Audiah, aged about 31 years, R/o.Kantamma, Teachers colony, Nellore, 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: -8-1997.

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


Signature of the Applicant

Counsel for the Applicant

అనుబంధం

2E211

TELETYPE FORMS

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RT: 01		REGN. NO: 51/1982/10000	REGN. DT: 1982/03/05	LAST APP. DT: 1985/02/05	DT. OF EXPIRY: 1985/02/05		
NAME: S. KOTESWARA RAO ID MARKS: NA F/H NAME: ARUNACHAL ADDRESS: CH. PAKKALA TANGURU COLONY		SEX: MALE MARITAL: MARRIED CASTE: UC DOB: 1955/07/01 RELIGION: HINDU PH:		Exm: SBI SB2 SB3 SB4 SB5 AGR. CL YOP MOD STR 10 11 085 147 529			
NCO/DATE OF SENIORITY 52300 X0110 X0120 1982/03/05 1985/07/05							
Dt. & Mdt of Res: 033 Zone Pl. of Res U/R: 05244 Res. Mcpl: 01 Ht. in CM: 151 E. Status: UN-EMPLOYED IC Marriage: 1.1 Ex-Serv. Rank: 0 Character: Servc (Mths): Force:		Ex-Cen: No Mobility: ANY WHERE IN INDIA RBL: No Land Oustee: Repat. Ctry: Drv. Lic. Iss. Dt.: Drv. Lic. Exp. Dt.: Languages known: TEL 5 ENG 4 HIN 4 EX-ITI: FT Appr:		NCD. NAC Work Experience (In Mths) Estab-wise 1 2 3 4 5 6 7 8 9 Candt. Willingness Self-Employed No Apprentice-ship No (తం) నాదుము			

BOARD OF SECONDARY EDUCATION ANDHRA PRADESH



SECONDARY SCHOOL CERTIFICATE

C/G012233

219443

Certified that		SANA KOTESWARA RAO		bearing	
R. No.	087703	Son/Daughter of	S AUDIAH	appeared	
and belonging to		PRIVATE			
at the SSC EXAMINATION		OCT. 1981		and PASSED the Examination in	
COMPARTMENTALLY with		TELUGU		as the medium of instruction.	
The Date of Birth of the Candidate is					
DATE OF BIRTH	DAY	MONTH	YEAR		
01/07/1965	ZERO	ONE	JUL	ONE	NINE SIX FIVE
The candidate Secured the following Percentage of marks					
FIRST LANG.	MARKS	THIRD LANG.	MARKS	MATHEMATICS	MARKS
TELUGU	47*	ENGLISH	40*	COMPOSITE	38
GENERAL SCIENCE	50	SOCIAL STUDIES	48*	TOTAL (in Figs.)	223
TOTAL (In Words)		TWO TWO THREE			
SECOND LANGUAGE (HINDI		38*	
Marks of Identification					
1	A big Mole 1" above the right elbow joint				
2	A Mole on the Fore head				
Head of Institution		N. Venkateswaram Headmaster 4/1/82			
Date of issue		P. HIGH SCHOOL MARGAMITTA 4/1/82			
HYDERABAD		Addl./Jt. Secretary			
		Board of Secondary Education			
The marks with the asterisk indicate the marks secured in the Previous Examinations.					

T. C. P.

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1210/97

Date of Order: 15.9.97

Between:

S.Koteswara Rao

.. 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. Naveen Rao

COR

CORAM:

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

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

.. 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 Mail Carrier, Gundlapalem Post Office, Nellore Dist. It is stated in the application that a notification No. PF/EDMC, 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 Mail Carrier, Gundlapalem Post Office, Nellore District 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

R

.. 3 ..

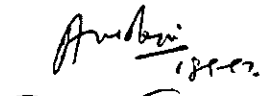
qualify^h the examination then this application stands dismissed. In that event the respondents should inform the Tribunal through their counsel for confirming the dismissal of this OA. If the applicant is selected and comes within the number to be appointed then his result should not be published until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


(B.S. JAI PARAMESHWAR)
15/9/97
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

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

sd


D.R. (J)

44

Copy to

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

For circulation to Mr. N. S. Devraj

FLH

OA pending
TYPED BY
COMPILED BY

CITODAY
(8)
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 15/8/92

ORDER/JUDGEMENT

1/0
MIA/R.A/C.A.NO.

in

G.A.NO. 1210/92

Admitted and Interim Directions
Issued.

~~Allowed~~

~~Disposed of with Directions~~

~~Dismissed~~

~~Dismissed as withdrawn~~

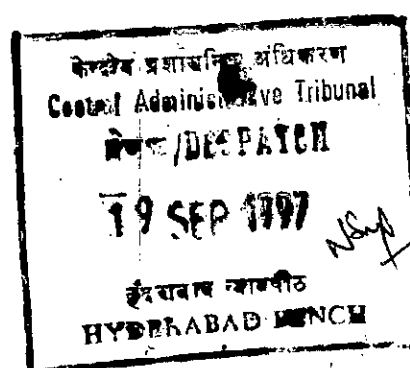
~~Dismissed for Default~~

~~Ordered/Rejected~~

~~No order as to costs.~~

YLKR

II Court



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1210 of 1997

Between :

S. Koteswara Rao

...

Applicant

And

The Sr. Supdt. of Post Offices,
Nellore Division, Nellore &
others

...

Respondents

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, H. Seshagiri Rao, s/o Narasimha Murthy, aged about 56 years, occupation : Government service; do hereby affirm and state as follows :

I am the Assistant Postmaster-General (S & V) in the office of the Chief Postmaster-General, A.P. Circle, Hyderabad. As such I am fully acquainted with all the 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 Respondents submit the Brief History of the case as follows :-

The post of E.D.M.C., Gundlapalem B.O. a/w S.H.Pet S.O. has fallen vacant due to the promotion of the regular


ATTESTOR

सहायक लेखा अधिकारी (बजट)
Revenue Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General
आंध्र प्रदेश, हैदराबाद-500 001.
A.P. CIRCLE, HYDERABAD-500 001.


DEPONENT

Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

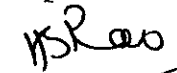
incumbent to Postman cadre. In order to fill up this vacancy on regular basis District Employment Exchange, Nellore was requested by the Respondent No. 2 in the O.A. who is the appointing authority for the said post vide his letter No. PF/EDMC/Gundlapalem, dated 22.8.97, requesting to sponsor candidates. The District Employment Officer has sponsored 20 candidates on 22.9.97 through his Letter No.1997/290/00 dated 4.9.97. The Respondent-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 dated 15.9.97 was received on 23.9.97 from the Hon'ble C.A.T., Hyderabad Bench directing the Respondent to accept the application of Sri S. Koteswara Rao who is the applicant of the O.A. per the post. The Hon'ble Tribunal has also ordered to take into consideration the case of the applicant along with candidates sponsored by the Employment Exchange.

The Respondents submit their reply to the contents of the O.A. as follows :-

a) For selection and appointment of the post of EDMC, Gundlapalem BO a/w S.H.Pet S.O. the competent authority is Respondent-2, but not the Respondent-1. Therefore sending of notification No. PF/EDMC/ Gundlapalem BO, dt. 22.8.97 to IIIrd 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 District Employment Exchange, Nellore, requesting to sponsor candidates


ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General
ऑफिस ऑफ पोस्टमास्टर जनरल
A.P. CIRCLE, HYDERABAD-500 001.



DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

vide letter No. PF/EDMC/Gundlapalem BO dt. 22.8.97. Though the qualification prescribed for the post is VIII Class, preference has to be given to the candidates with Matriculation (or) its equivalent qualification. No weightage should be given for any other qualification higher than that as per the Departmental rules. The candidates must also possess sufficient working knowledge of 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 some 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 version of the applicant that he filed an applicant to the Ist respondent and the Ist respondent has insisted that the name of the applicant should be sponsored by the Employment Exchange is not correct. The applicant has neither approached the Ist respondent or the IInd respondent nor made any application to them.

b) According to Sub Rule-14 of V-6 under Section-III (Method of Recruitment) contained in Swamy's compilation of service rules for Extra Departmental Staff in Postal Department (D.G., P & T Letter No. 45-22/71-SPB.I/Pen dt. 4.9.92) the Respondent-2 had first notified the vacancy for the post of EDMC, Gundlapalem 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-2 has to resort for Local Notification (copy of the ruling is


ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General
आ.प. सि.क.ए. 500 001,
A.P. CIRCLE, HYDERABAD-500 001.


DEPONENT
ASST. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

19

appended). There is no provision so far in the Department to go for advertising the vacancy in the Newspapers and therefore the Respondent-2 has not given publicity through Newspapers.

c) 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 as 3.11.1994 whereas the applicant registered his name with Employment Exchange in 1982. Perhaps this applicant has not come within the purview of the candidates that can be sponsored by the Employment Exchange. It may be a fact that the applicant belongs to a poor family. There may be many poor families who could not approach the Hon'ble Tribunal to get direction for inclusion of their names 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.

d) All the eligible willing candidates including this applicant will be considered for selection. As per the direction of this Hon'ble Tribunal the applicant is already permitted to make his application to the post even though his name was not sponsored by the Employment Exchange. The applicant has been selected to the post of E.D.M.C.

For the reasons stated above, it is prayed that this Hon'ble Tribunal may be pleased to pass such further and other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed
this 1st day of Jan' 1998
and he signed his name in my
presence.

[Signature]
ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमार्क जवरल का कार्यालय
Office of the Chief Postmaster General
BRM*अं २ पं मंडल-२५००००१-५०० ००१.
A.P. CIRCLE, HYDERABAD-500 001.

[Signature]
DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General
A.P. Circle, Hyderabad-500 001.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

O.A. No. 1210 of 1997

Between :

S. Koteswara Rao

.. Applicant

And

The S. Supdt. of
Post Offices,
Nellore Division,
Nellore &
others

.. Respondents

Filed on :

Reply Statement

Filed by : N.R. Devaraj,
Sr. C.G.S.C.

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No.1210/97.

Date of decision 26-2-1998.
--

Between:

S.Koteswara Rao. .. Applicant.

and

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

Counsel for the applicant: Sri V.S.R.Murthy

Counsel for the respondents: Sri N.R.Devaraj for Respondents
~~2x and 2~~ 1 and 2.

Sri P.Naveen Rao for R-3.

Coram:

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

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

JUDGMENT.

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

--
None for the applicant.

Heard Sri N.R.Devaraj for the respondent Nos., 1 & 2
and Sri Naveen Rao for Respondent No.3.

In this O.A., an interim order was passed on
15-9-1997 ~~as~~ to consider the applicant also along with
the Employment Exchange sponsored candidates for the
post of Extra Departmental Mail Carrier, Gundlapalem
Post Office, Nellore District. Today a reply has been
filed in this O.A. The learned counsel for the

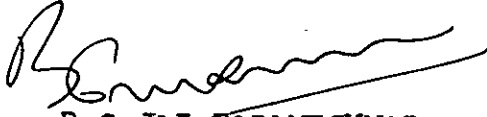
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: 2 :

respondents submits that the applicant has been selected and he is first candidate in the panel for posting as EDMC. Hence, the Tribunal has no objection if the applicant is posted in accordance with the selection proceedings.

The O.A., is disposed of as above. No costs.

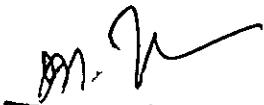

B.S. JAI PARAMESHWAR,
Member (J)


R. RANGARAJAN,
Member (A)

26/2/98
Date: 26-2-1998.

Dictated in open Court.

1
SSS.


D.R.

..3..

Copy to:

1. The 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 Districtm
Nellore.
4. One copy to Mr.V.S.R.Murthy,Advocate,CAT,Hyde abad.
5. One copy to Mr.N.R.Devraj,Sr.CGSC,CAT,Hyderabad.
6. One copy to Mr.P.Naveen Rao,Addl.CGSC,CAT,Hyderabad.
7. One copy to D.R(A),CAT,Hyderabad.
8. One duplicate copy.

YLKR

11/3/98
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED: 26/2/98

~~ORDER/JUDGMENT~~

~~M.A./P.A./E.A.NO.~~

in

B.A.NO.

1210 / 97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

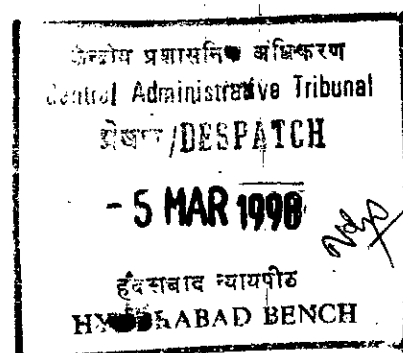
DISMISSED FOR DEFAULT

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

II COURT

YLKR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A.No. 14 of 1998

(Application Under Rule 8(3)(a) of C.A.T. (Procedure) Rules, 87)
in

O.A.No.1210 of 1997

Between:

S.Koteswara Rao S/o S.Audaiah,
aged about 31 yrs., R/o.Kantamma, .. Applicant/
Teachers Colony, Nellore. .. 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, .. Respondents/
Nellore District, Nellore. .. Respondents

BRIEF FACTS LEADING TO THE FILING OF THIS MA:

U/S 8(3) of CAT(P) Rules 1985.

It is submitted that the above O.A. was filed praying the Hon'ble Tribunal to direct the respondents to consider the case of the applicant for interview and appointment for the post of Extra Departmental Mail Carrier at Gundlapalem Post Office, Nellore, Nellore district along with the candidates sponsored from the Employment exchange. It is submitted that the above O.A. was admitted and interim directions were granted by the Hon'ble Tribunal 15-9-1997. The interim order is as follows:

"The case of the applicant should also be considered for the post of Mail Carrier, Gundlapalem Post Office, Nellore District along with the 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 qualify in the examination then this application.

1) Prayer needs correction.
2) Sentence to be executed on the
3rd respondent.
3/11/97

for Direction

Nellore District
In the Central Admn. Tribunal
Hyderabad Bench

14 days time

M.A.No. _____ of 1997

in

O.A.No.1210 of 1997

Compliance
2-1-98



Compliance
6-1-98



Misc. Application for a Direction

For sent to Judiciary
on 23/12/97
S/23/12/97

For perusal
for compliance
for compliance
11/1/98

Mr. V.S.R. Murthy, Advocate,
Counsel for the Applicant.

may be filed
6/1/98

stands dismissed. In that event the respondents should inform the Tribunal through their counsel for confirming the dismissal of this O.A. If the applicant is selected and comes within the number to be appointed then his result should not be published until further orders".

2. In pursuance of the orders of the Hon'ble Tribunal the ~~Senior Superintendent of Post Offices viz.,~~ the 2nd respondent herein was pleased to issue a call letter dated 21-10-1997 asking the applicant to appear for interview which was held on 27-10-1997. Accordingly the applicant has attended the interview. It is submitted that the applicant has fared well in the interview and he reliably learnt that he was selected for the post. In view of the interim orders of the Hon'ble Tribunal the authorities are not releasing the appointment orders. Under those circumstances the applicant is filing this M.A.

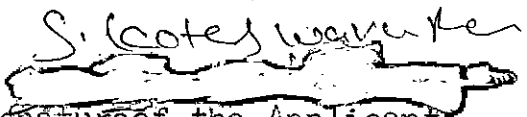
3. PRAYER:

In view of the facts stated above, it is prayed that the Hon'ble Tribunal may be pleased to direct the respondents ^{to publish the result} ^{to declare the result and} and to release the appointment order in favour of the applicant for which post viz., Extra Departmental Mail Carrier, Gundlapalem Post Office, Nellore, Nellore district ^{it} he was selected and pass such other and further orders in the interest of justice.

VERIFICATION


I, S. Koteswara Rao S/o S. Audaiiah, aged 31 yrs., R/o. Kantamma Teachers Colony, Nellore, having temporarily come down to Hyderabad, do hereby verify and state what is stated in the above paras are true and correct and that I have not suppressed any material facts.

Hyderabad,


Signature of the Applicant

Dt: 11-12-1997.

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


Counsel for the Applicant

पूरा/ORIGINAL

पोस्टल/POSTAL

बैंच फैल/BENCH

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A. 14/98 in O.A. 121 of 97.

26.2.98.

As the O.A. is
disposed of
no orders are
necessary in
the M.A.

[Signature]
H B S J P
M(J,

[Signature]
G R R N
M(A)

885

M.A.No. 14 of 1998

IN

O.A.No. 1210 of 1997.

Discretion Retention.

Mr. V.S.R. Murthy

COUNSEL FOR THE APPLICANTS.

AND

Mr. N.R. Deva Raj

EX-ADDL. STANDING COUNSEL FOR C.G. RLYS.

Mr. P. Naveen Rao