

FORM NO. 21.

(Sec. Rule 114.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

OA/12/2000/2000/MA/.....1210.....of 1997

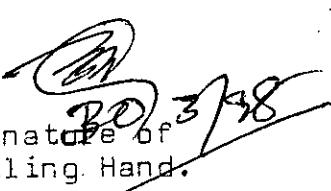
.....S. Koteshwar Rao.....
.....Applicant (S)

Versus

.....Tec. Enr. Smt. S. P. P. Nellasee.
.....22/2/98.....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

Destined

P. Siva

16/3/1

Central Administrative Tribunal Hyderabad Bench, Hyderabad.

C.A. No. 1210 of 1997.

S. Koteshwara Rao Applicant(s).

V. R. S. U. S.

Senior Superst. Post Office
Attelore and 20th

(Respondents).

Date	Office Note.	ORDER
15.9.97		Interim order vide on separate sheet.
Admon/Notice by 22/9/97		<i>26-2-92</i> HBSRP MO, HCRW RE(P) G A is disposed of no orders are necessary in m/s 17/98 HBSRP M/98 HCRW M/98 Sess

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDER

ORIGINAL APPLICATION NO. 1210 OF 1997.

S. Kofemang Rao

(Applicant(s))

VERSUS,

Union of India, Repd. by.

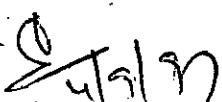
The Sri. Syed J. Beggum

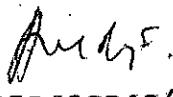
Attwre A. M.

(Respondent(s)).

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


DEPUTY REGISTRAR (JUD)

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

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Case No. 2798(97)

Report in the Scrutiny of Application.

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

Applicant(s) S. Kotewala Rao

Respondent(s) The Sr. Super of Post Office
Nellor & Zers

Nature of grievance Appointment

No. of Applicants 1 No. of Respondents 3

Classification
Subject No. 15 Department Postal (No) 11

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

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDRAVAD BENCH, HYDERABAD

INDEX SHEET

O.A.NO. 1210 of 1997.

CAUSE TITLE S. Koteswara Rao

V. R. S. U. S

Senior Supt of Post office.
Nellor road 20ft

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

To direct the respondents to confirm the copy sent
for appointment as ED Mail Carrier, Guntakalpam Post Office, Nellore
along with Candidates sponsored by the Employment Exchange.

Seal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD

(ED Staff)

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

Between:

S. Koteswara Rao

.. Applicant

And

The Senior Superintendent of Post
Offices, Nellore and others.

.. Respondents

Post/Postal

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 H. n'ble Supreme Court
3.	1997	Notification of the respondents

Hyderabad,

A. J. S. Rao
(COUNSEL FOR THE APPLICANT)

Dt: -8-1997.



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D. A. G. J.*

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,

A. S. Rao
(COUNSEL FOR THE APPLICANT)

Dt: -8-1997.

(4)

415 19 of CAT All 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH

AT HYDERABAD

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

O.A. No. 1240 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.15(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:

5. 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 has no substantial~~ 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. REOUNDS :-

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 aredeprived 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 ~~maxx~~ circulation and display on their notice board. It is submitted that the authorities have not followed theprocedure 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 thejudgment 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 consideredhe 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 ~~xxx~~ 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.

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 add 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.

10. Particulars of the Postal Order in respect of Application fee:

a. No. of the Indian Postal order	: 812687595
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	: C.P.O. H.D.

11. 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.

S. Koteswara Rao

Signature of the Applicant

Hyderabad,

Dt: -8-1997.

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

A. C. Rao

Counsel for the Applicant

అందులో
ప్రభుత్వ ఉపాధి మరియు శిక్షణ కోణ

అందులో ప్రభుత్వ ఉపాధి మరియు శిక్షణ కోణ

ఉపాధి కౌర్యాయము : NELLORE

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ID MARKS	NA	MARITAL	MARRIED	
F/H NAME	AMERIAH	CASTE	OC	
ADDRESS	3/6 PHANTAMA TECHNICAL COLONY	DOB	1985/07/01	
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BOARD OF SECONDARY EDUCATION
ANDHRA PRADESH



SECONDARY SCHOOL CERTIFICATE

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C/G012233

Certified that

SANA, KOTESWARA RAO

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087703

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S AUDIAH

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appeared

at the SSC EXAMINATION

OCT. 1981

PASSED the Examination in

COMPARTMENTALLY

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 hole above the right elbow joint

2

A mole on the fore head

N. L. Narasimham
Headmaster 4/1/82

Head of Institution

E. P. HIGH SCHOOL
GARGAMITTA 200005

Date of issue

Addl./Jt. Secretary

HYDERABAD

Board of Secondary Education

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

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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. Devraju
Mr. P. Neeranjan

COR

CORAM:

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

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

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

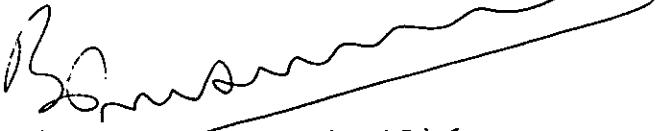
Heard Mr.V.S.R.Murthy, learned counsel for the applicant and Mr.N.R.Devraj, Learned standing counsel for the respondents.

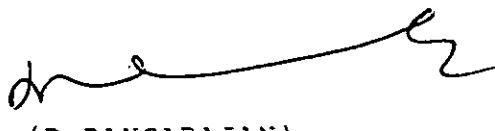
2. ADMIT. The applicant is an aspirant for the post of ED Mail Carrier, Gundlapalem Post Office, Nellore/^{Dist. It is} stated in the application that a notification No. PF/EDMC, dated 22.8.97 has been sent to R-3 for sponsoring candidates to fill up the above said post. It is further stated that the applicant though eligible, his name was not sponsored by R-3. 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 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

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 (Jud.)


(R.RANGARAJAN)
Member (Admn.)

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

sd


Anubhav
D.R.(J)

14

Copy to:

1. The Senior Superintendent of Post Office, Bellary District, Bellary.
2. The Sub District Inspector (Postal), Govt Sub Division, Bellary, District.
3. The District Employment Officer, Bellary District, Bellary.
4. One copy to Mr. V. A. R. Rathy, Advocate, C.M.T., Hyderabad.
5. One copy to Mr. P. R. Devraj, Esq. C.M.T., Hyderabad.
6. One Copy to D. S. (A), C.M.T., Hyderabad.
7. One duplicate copy.

signature of Naseem W. segm^{nt}

Yours

OA
Faded
today
⑧

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.G. DAI PARMESHWAR :
(M) (D)

Dated: 15/8/82

ORDER/JUDGEMENT

1/0

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

in

C.A. NO. 1210/82

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

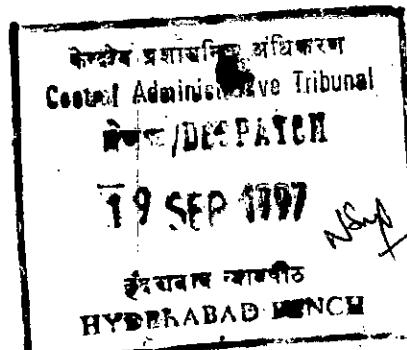
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court



16

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

ఎడ్యూషన్ కెమ్మ అప్పారె (రాజు)
ప్రాచీన పోస్ట్ మార్కెట్ ఓఫిసర్ (Budget)
ప్రాచీన పోస్ట్ మార్కెట్ ఓఫిసర్ (కాప్యాలెట్)
ప్రాచీన పోస్ట్ మార్కెట్ ఓఫిసర్ (Chief Postmaster General)
ప్రాచీన పోస్ట్ మార్కెట్ ఓఫిసర్ (ఎడ్యూషన్ కెమ్మ అప్పారె, హైదరాబాద్-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 1st 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

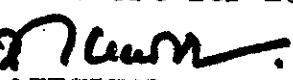

ATTESTOR

सहायक लेखा अधिकारी (बजेट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General
कोड नं ५०३ २-२२१३-५००१
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 same 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 IIInd 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 लेहा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General
अ.प. न्यू डिल्ली, २६२२०१-५००००१.
A.P. CIRCLE, HYDERABAD-500001.


DEPONENT
Asst. Postmaster General (S. & V.)
0/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500001.

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 II Ird 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.

Shas

DEPONENT

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

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

Shas
ATTESTOR

सहायक लेहा अधिकारी (बजट)
Assistant Account Officer (Budget)
पुस्त विभाग जरूरत का कार्यालय
Office of the Chief Postmaster General
BRM★प्रा. पर्सनल डिपार्टमेंट-500 001.
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 ~~Exhibit~~ 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., ~~Exhibit~~ 1 & 2 and Sri Naveen Rao for Respondent No.3.

In this O.A., an interim order was passed on 15-9-1997 ~~to~~ 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

R

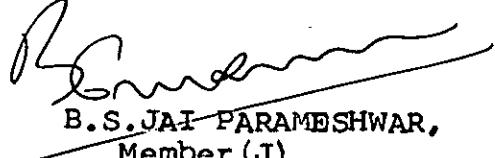
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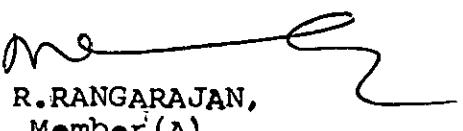
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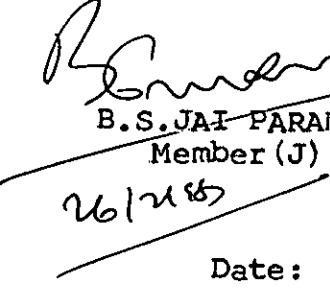
respondents submits that the applicant has been selected and he is first candidate in the panel for posting as EDMC. Hence, the Tribunal has no objection if the applicant is posted in accordance with the selection proceedings.

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


B.S.JAI PARAMESHWAR,

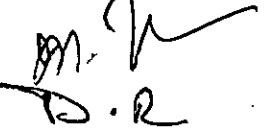
Member (J)


R.RANGARAJAN,
Member (A)


26/2/98

Date: 26-2-1998.

Dictated in open Court.


D.R

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 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 Mr. P. Naveen Rao, Addl. CGSC, CAT, Hyderabad.
7. One copy to O.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

11/3/98
10
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 PARMESHWAR :
M(J)

DATED: 26/2/98

~~ORDER/JUDGMENT~~

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

in

0.A.NO. 1210/97

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

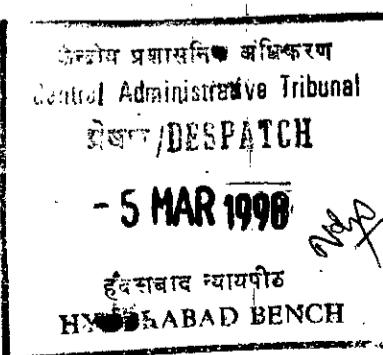
~~DISMISSED FOR DEFAULT~~

~~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,
Teachers Colony,Nellore. .. Applicant/
Applicant

And

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

BRIEF FACTS LEADING TO THE FILING OF THIS MA:

U/S 8(3) of C.A.T(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 Connection.
2) Scheme to be effected on one
3) 3rd respondent

for Direction.

Nellore District

In the Central Admn. Tribunal

Hyderabad Bench

31/12/97

14 days from

M.A. No.

of 1997

Conciliation

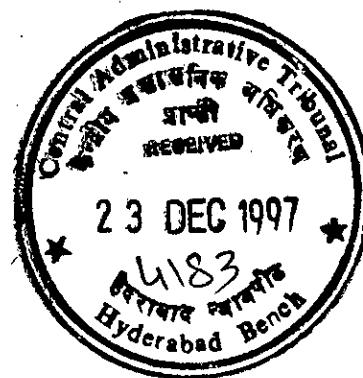
8-1-98



Complied in
8-1-98

in

O.A. No. 1210 of 1997



Misc. Application for a Direction

Re: Sub to judiciary
on 23/12/97
9
23/12/97

Mr. V. S. R. Murthy
Advocate
Counsel for the Applicant
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 ~~Supreme Court of India~~ 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.

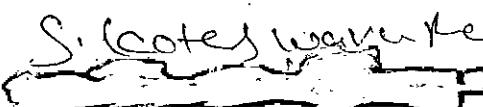
3. PRAYER:

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 results} ~~to decide the petition~~ 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 ^{if} he was selected and pass such other and further orders in the interest of justice.

VERIFICATION

I, S.Koteswara Rao S/o S.Audaiah, 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: 21-12-1997.

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


Counsel for the Applicant

पूर्व/ORIGINAL

पोस्टल/POSTAL

पैस फैस/PEAS

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

M.A. No. 14/98 in C.A. 1210 of 87.

M.A. No. 14. dt. of 11998

IN

D. No.

O.A. No. 1210 of 1998.

26.2.98.

As the C.A. is
disposed of
no orders are
necessary in
the m.t.

R
HBSJP
u/s,

Y
G R R S
m/s

SSJ

Direction Petition.

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