

FORM NO. 21.

(SEC. RULE 114. )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

~~MA/ RA/ CP.~~

~~IN~~

~~DA/ TA~~

.....1340.....OF 1997

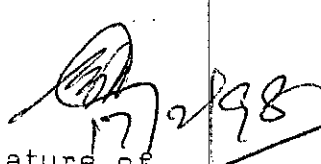
.....P. Harnadha Kumar.....Applicant (S)  
Versus

.....The Chief P.M. to Ap. Chief H. & S. 306  
.....Respondent (S)

INDEX SHEET

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Certified that the file is Complete  
in all respects.

  
Signature of  
Dealing Hand.

(In Record Section)

Signature of S.C.

041340/97  
-12-

Date

Office Note

ORDER

the applicant is selected and is to be posted in that post, then his result should not be published until further orders.

CC today.

Jas  
(HBSJP)  
M(J)

*[Signature]*  
(HRRN)  
M(A)

9-1-98

List of for orders on 9-1-98

*[Signature]*  
HBSJP  
M(J)

*[Signature]*  
HRRN  
M(A)

9-1-98

m.A., 1148997 is disp out of  
O A is also disp out of  
Under separate order.

*[Signature]*  
HBSJP  
M(J)

*[Signature]*  
HRRN  
M(A)

*[Signature]*

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

D.A. No. 1340 of 1997.

P. Hasanad Kumar Applicants(s).

VERSUS.

The Chief post master General A.P. Chinnai  
And ad 3000

(Respondents).

Date

Office Note

ORDER

14-10-97

Heard Sri Y.Appala Raju, for the applicant and Sri V.Rajeshwar Rao for the respondents.

2. Admit. The applicant in this OA is an aspirant to the post of EDDA, Mypadu SO, Indukurpeta Mandal, Nellore Dist. AP. It is stated that the applicant applied for that post but the same was rejected as his name was not sponsored by the Employment Exchange. It is also stated that the selection is not yet over. Relying on the Judgement of the Supreme Court rendered in The Excise Superintendent, Malkapatnam, Krishna Dist Vs. K.B.N.Visweswara Rao & others (1997 (1) SC SLJ 3) the learned counsel for the applicant submits that the case of the applicant should also be considered for that the above said post.

3. Under the circumstances, the following direction is given :-

If the selection is not finalised till today, the case of the applicant should also be considered along with the candidates sponsored by the employment exchange for the above said post provided he fulfills all the other requisite conditions for consideration for that post. In case the applicant fails to come up in selection, this OA stands dismissed. The respondents through their standing counsel should inform the result of the selection so as to confirm the interim order. In case

Admit / note  
CWS  
21/10/97

Issued  
22/10/97

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SECHHYDERABAD.

ORIGINAL APPLICATION NO. 1340 OF 1997.

P. Haranadhakumar

(Applicants(s))

VERSUS

Union of India, Repd., By.

Chief Post Master Genl.

AP circle, Hyderabad

& 3 others

Respondents(s(s))

The Application has been Submitted to the Tribunal by Shri 355

Shri Y. Appalaraju

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

No. 14/10/97

Scrutiny Asst

Amhi  
DEPUTY REGISTRAR(JUDL).

10. Is the application accompanied IPO/DD, for Rs.50/-. ✓
11. Have Legible copies of the annexure duly attested been filed. ✓
12. Has the applicant exhausted all available remedies. ✓
13. Has the Index of documents been filed and pagination done properly. ✓
14. Has the declaration as a required by item No. 7 of form, I been made. ✓
15. Have required number of envelopes (File six) bearing full addresses of the respondents been filed. ✓
16. (a) Whether the relief sought form arise out of single cause of action. ✓  
(b) Whether any interim relief is prayed for, ✓
17. In case an Ma for connonation of delay in filed, it supported b an affidavit of the a llicant. ✓
18. Whether t is cause ben heard by a single bench. ✓
19. Any other points. ✓
20. Result of the scrutiny with initial of the scrutiny clerk. ✓

Scrutiny Assistant. *[Signature]*

Section Officer.

Deputy Registrar.

Registrar.

*Pay be  
numbered.*

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3212

Report in the Scrutiny of Application.

Presented by Y. A. Raghv Date of presentation.

Applicant(s) P. H. Kumar

Respondent(s) CPD, A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ

Nature of grievance Recruitment

No. of Applicants 1

No. of Respondents 4

CLASSIFICATION.

Subject Recruitment No. 10 Department Police (No. 10)

1. Is the application in the proper form, (three complete sets in paper books form in the two completions). ✓
2. Whether name description and address of all the parties been furnished in the cause title. ✓
3. (a) Has the application been fully signed and verified. ✓  
(b) Has the copies been duly signed. ✓  
(c) Have sufficient number of copies of the application been filed. ✓
4. Whether all the necessary parties are impleaded. ✓
5. Whether English translation of documents in a language, other than English or Hindi been filed. ✓
6. Is the application on time, (see section 21) ✓
7. Has the Vakalatnama/Memo of appearance/Authorisation been filed. ✓
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) ✓
9. Is the application accompanied, duly attested legible copy been filed. ✓

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BRANCH: HYDERABAD

I N D E X

G.A. NO. 1340 of 1997.

CAUSE TITLE P Haranath Kumar

V E R S U S

The Chief post master General  
Ag Cincle And others

SL. NO.	Description of documents	Page No.
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3.	Vakalat	1
4.	Objection sheet	—
5.	Spere Copies	4
6.	Covers	4.

T. R. Ag Statement filed by M.  
V. Peterwarner on 8/10/97

8. Retainer filed by M. Ag. Attale-  
Retu on 12/12/97

Ref:- TO declare the W.D. 8.10.97 issued by Rys  
illegal and direct the Rys to consider the  
applicant along with those candidates  
sponsored by Employment Exchange in  
the list of EDDA Hyderabad.  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD. 500004.  
O.A., NO. 13100 OF 1997.

Application filed under Section 19 of the Central Administrative  
Tribunals Act, 1985.

Bench

BETWEEN:

P.HARANADHA KUMAR son of late Venkaiah,  
aged 28 years, R/O Narasapuram vill. & BO. Occupation: Cooly,  
Indukurpet Mandal, Nellore Dist. A.P.

A N D

1. Union of India: Rep. by:  
The Chief Postmaster-General,  
Andhra Pradesh Circle, Hyderabad-500 001 and  
3 others.

APPLICANT. (10) Recruitment

RESPONDENTS. (11) Postal

INDEX TO MATERIAL PAPERS FILED WITH ORIGINAL APPLICATION.

Sl.No. Brief description of documents filed with Original Application. Marked as Page nos. ANNEXURE. From To

	ORIGINAL APPLICATION	..	1	9
1.	Letter No. PF/EDDA/Mypadu dt. 8-10-97 issued by Sub Divisional Inspector (Postal) Nellore East Sub Divn.	I	..	10
2.	Application dated 1-10-1997 of the Applicant to SDI(P) Nellore East Sub Dn.	II	..	11
2.A.	do English Transcription.	II-A	..	11-A
3.	S.S.C True Copy	III	..	12
4.	Income Certificate -True copy.	IV	..	13
5.	Employment Registration Slip -True copy	V	..	14
6.	Extract of Table of conditions for recruitment of ED Agents. True copy	VI	..	15.

Hyderabad-4,  
13-10-1997.

Counsel for Applicant.



Received  
13/10/97  
R.N.R. Deodhar



(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.500004.

O.A., NO. 1340 OF 1997.

BETWEEN:

P.HARANADHA KUMAR, son of late Venkaiah,  
aged 28 years, R/O Narasapuram vill & BO.,  
Occupation: Cooly, Indukurpet Mandal,  
Nellore Dist. Andhra Pradesh.

... APPLICANT.

A N D

1. Union of India: Rep. by:


The Chief Postmaster-General,  
Andhra Pradesh Circle, Hyderabad-500 001 and  
3 others.

... RESPONDENTS.

CHRONOLOGY OF EVENTS.

Sl.No.	Authority	Date	Brief particulars of event.
1.	Sub-Divisional Inspector(Postal) Nellore East Sub Dn.	JULY.1997	EDDA, Mypadu SO fell vacant on regular basis consequent on promotion of regular incumbent.
2.	do	AUG.1997	Requisition placed on the Employment Exchange Nellore.
3.	Applicant	1-10-1997	Submitted application to R.4 requesting consideration of his application.
4.	Sub Divisional Inspector(Postal) Nellore East Sub Dn.	8-10-1997	R.4 Rejected the appli- cation on the ground that his name was not sponsored by the Employment Exchange.

Hyderabad.4,  
13 Oct.1997.

  
Counsel for Applicant.

C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD-500004.

O.A., NO. 1340 OF 1997.

Application filed under Section 19 of the Central Administrative Tribunals Act, 1985.

-0-

BETWEEN:

P.HARANADHA KUMAR son of late Venkaiah,  
aged 28 years, R/O Narasapuram village & Post.,  
under Mypadu S.O.524 313, Indukurpet Mandal, Occupation  
Nellore District, Andhra Pradesh. cooly.

... APPLICANT.

A N D

- 1.Union of India:Rep.by:  
The Chief Postmaster-General,  
Andhra Pradesh Circle,Hyderabad-500 001,
- 2.The Postmaster-General,  
Vijayawada Region, Vijayawada.520 002,
- 3.The Senior Superintendent of Postoffices,  
Nellore Division, Nellore-524 001, and
- 4.The Sub Divisional Inspector(Postal)  
Nellore East Sub Division, Nellore-524 002.

... RESPONDENTS.

: DETAILS OF APPLICATION :

1. PARTICULARS OF THE APPLICANT : The particulars of the applicant are as mentioned in the cause title above. The address of the applicant for the purpose of service of summons, notices, processes etc., is as that of his counsel:  
Y.APPALA RAJU,  
Advocate, H.No.283, Indraprastha Twonship Phase.I.,  
Vinaynagar, Saidabad:Hyderabad.500 059.A.P.
2. PARTICULARS OF RESPONDENTS : The particulars of the respondents and their addresses for the purpose of service of summons, notices etc., are as that mentioned in the cause title above.
3. ORDERS AGAINST WHICH THIS APPLICATION IS MADE: The following are the details of orders against which this application is made.

No.of Corrections: NIL  
Attestor : PAO

P. Haranadha Kumar  
APPLICANT.

- (a) Order No. and date : No.PF/EDDA/Mypadu (ANNEXURE. I)  
Dated 08-10-1997 ( Page 10 )
- (b) Issued by : Sub Divisional Inspector(Postal)  
Nellore East Sub Divn.  
Nellore-524 002.
- (c) Subject matter in brief : The post of Extra Departmental  
Delivery Agent (EDDA for short)  
Mypadu SO fell vacant in July,  
1997 owing to the regular  
incumbent holding the said post  
getting promoted to the post  
of Postman , Nellore H.O. The  
vacancy was notified to the  
Dist.Employment Exchange,Nellore  
during Aug.1997 for sponsoring  
eligible candidates. The  
applicant , a resident of  
Narasapuram village under Mypad  
SO came to know about the  
vacancy and applied to the  
concerned appointing authority  
( 4 th.Respondent herein) on  
1-10-1997 to consider his case  
as he fulfilled all the requisite  
conditions for the post though  
not sponsored by the Dist.  
Employment Exchange, Nellore.  
The request was irregularly  
rejected by the 4 th.respondent  
in the impugned orders dated  
8-10-1997 on the ground that  
his name was not sponsored by  
the Dist.Employment Exchange,  
Nellore which is arbitrary,  
illegal and un-sustainable.
- Irregular rejection of  
the application of the  
applicant for the post  
of EDDA, Mypadu SO on  
the ground that his name  
was not sponsored by the  
Employment Exchange.

4. JURISDICTION OF THE TRIBUNAL: The Applicant further declares  
that the subject matter of the order against which he seeks  
redressal is within the jurisdiction of this Honourable  
Tribunal under the provisions of Section 14 (1) of the  
Central Administrative Tribunals Act,1985.

No.of corrections: Nil.

Attestor

: Bm

P. Havanadubun

DEPONENT.

5. LIMITATION : The applicant also declares that the application made is within the period of limitation prescribed in Section 21(1) of the Central Administrative Tribunals Act, 1985 in as much as he is aggrieved by the orders dated 8-10-1997 issued by the 4 th. respondent herein.

6. FACTS OF THE CASE :

6.1. The post of Extra Departmental Delivery Agent (EDDA for short) Mypadu S.O, Indukurpeta Mandal, Nellore Dist. A.P. fell vacant during the month of July, 1997 consequent on the selection and promotion of the regular incumbent as Postman, Nellore Head Postoffice. The promoted official is working as Postman, Nellore HO since then on regular basis. The 4 th. respondent is the selecting and appointing authority for the post of EDDA, Mypadu SO which has fallen vacant. The applicant understands that the 4th. respondent had placed a requisition on the District Employment Exchange, Nellore during Aug. 1997 for sponsoring candidates for the vacant post treating the post as an unreserved one. The applicant further came to know that the process of calling for applications from the sponsored candidates is under progress in the 4 th. respondent's office.

6.2. The applicant having come to know that his name has not been sponsored by the Employment Exchange in response to the requisition placed by the 4 th. respondent, approached the 4 th. respondent vide his application dated 1-10-1997 praying for consideration of his application along with those sponsored by the Employment Exchange. ( ANNEXURE. II Page 11 ) But the 4 th. respondent had turned down his request on the ground that his name is not sponsored by the Employment Exchange, vide his letter No. PF/EDDA/Mypadu dated 8-10-1997 (Annexure I Page 10 - Impugned order. )

6.3. The applicant is a permanent resident of Narasapuram village under Mypadu SO, Indukurpet Mandal, Nellore Dist.

P. Havanadukuru  
(DEPONENT.)

No. of corrections: Nil  
Attestor : [Signature]

He had passed S.S.C Examination (equivalent to Matric) and is aged 28 years, his date of birth being 01-11-1969 (ANNEXURE. III Page 12 ). He has also an annual income of Rs.3600/- as a labourer (ANNEXURE. IV Page 13 ). The applicant had also registered his name with the District Employment Exchange, Nellore under Regn.No. 01/1993/02304 dated 10-08-1988 and the same is valid upto Aug.1998 (ANNEXURE. V Page 14 ).

6.4. The following are the conditions prescribed for the post of EDDA, Mypadu.

- (a) Age : Minimum 18 years: Maximum 65 Years.
- (b) Educational qualification: VIII Standard. Preference to be given to candidates with Matriculation qualification or equivalent.
- (c) Property : Not applicable.
- (d) Residential qualification: As far as possible, to reside in or near the place of their work.
- (e) Remarks: Preference to SC/ST to be given in order to ensure the minimum fixed percentage as laid down for groups 'C' and 'D' cadres in these communities in respect of ED staff of these categories. Cycling knowledge is a pre-requisite condition for ED posts attached with outdoor duties.

(ANNEXURE. VI Page 15 )

6.5. The applicant humbly submits that he had fulfilled all the requisite conditions for the post and hence fully eligible to be considered for selection under the extant recruitment rules for selection to such posts. Though he had registered with the Employment Exchange, Nellore, his name was not sponsored by the Employment Exchange in response to the requisition placed by the 4 th.respondent. The condition of compulsory sponsorship by the Employment Exchange is arbitrary , unjust and illegal. As such the application of the applicant submitted direct ought to be considered by the 4 th.respondent.

*P. Havanadhi Kumar*  
DEPONENT.

No.of corrections: Nil

Attestor : Pras

7. GROUND FOR RELIEF WITH LEGAL PROVISIONS(a) The applicant respectfully submits to state that he had fully satisfied the conditions of eligibility prescribed for the post of EDDA, Mypadu SO and was entitled to be considered for selection along with those sponsored by the Employment Exchange in response to the requisition placed by the 4 th. respondent in that behalf. The applicant had also applied for the post in his application dated 1-10-1997 which was arbitrarily rejected by the 4 th. respondent vide his letter No.PF/EDDA/Mypadu dated 8-10-1997 (Annexure I Page-10 impugned order herein. )

(b) It is settled law now that the cases of applicants who have applied direct without being sponsored by the Employment Exchange should also be considered along with those sponsored by the Employment Exchange . The Apex Court in a recent case decided on 22-10-1996 in :

The Excise Superintendent, Malkapatnam, Krishna Dist  
Vs. K.B.N.Visweswara Rao and Others - 1997 (1) SC SLJ 3  
held thus:

" 6. Having regard to the respective contentions, we are of the view that contention of the respondents is more acceptable which would be consistent with the principles of fair play, justice and equal opportunity. It is common knowledge that many a candidates are unable to have the names sponsored, though their names are either registered or are waiting to be registered in the employment Exchange, with the result that the choice of selection is restricted to only such of the candidates whose names come to be sponsored by the Employment Exchange. Under the circumstances, many a deserving candidate are deprived of the right to be considered for appointment to a post under the state. Better view

No. of corrections: 012

Attestor : Pm

x P. Havanadu Kumar  
DEPONENT.

appears to be that it should be mandatory for the requisitioning authority / establishment to intimate the employment exchange should sponsor the names of the candidates to the requisitioning departments for selection strictly according to seniority and reservation, as per requisition. IN addition, the appropriate Department or undertaking or establishment should call for the names by publication in the news papers having wider circulation and also display on their office notice boards or announce on radio, television and employment news bulletins, and then consider the cases of all the candidates who have applied. If this procedure is adopted, fair play would be subserved. The equality of opportunity in the matter of employment would be available to all eligible candidates. "

(c) The applicant, therefore, humbly submits that due to rejection of his application dated 1-10-1997 by the 4 th. respondent herein, he is denied equality of opportunity in public employment violating the provisions of Articles 14 and 16 of the Constitution of India.

7.2. In the circumstances stated above, the applicant most respectfully prays that this Honourable Tribunal may be pleased to declare the impugned orders of the 4 th. respondent issued in letter No.PF/EDDA/Mypadu dated 8-10-1997 rejecting the application of the applicant for the post of EDDA, Mypadu PO. as arbitrary, discriminatory and hence illegal and to set aside the same as null and void with a consequential direction to the respondents more particularly the 4 th. respondent herein to consider the claims of the applicant herein for selection to the post of EDDA, Mypadu SO along with those sponsored by the Employment Exchange as per his own entitlement and merit.

No. of corrections: Nil

Attestor

:                     

x P. Havanadu Kumar  
DEPONENT.

8. DETAILS OF REMEDIES EXHAUSTED : The applicant declares that in view of the impending finalisation of selection and proposed verification of original certificates by the 4 th. respondent herein confining the selection to only those who have been sponsored by the Employment Exchange to the exclusion of the claims of the applicant, he has no other immediate, effective and alternate remedy available to him except to approach this Honourable Tribunal by way of filing this O.A seeking immediate redressal.

9. MATTERS PREVIOUSLY FILED OR PENDING: The applicant further declares that he had not previously filed any application, Writ Petition or suit regarding the matter in respect of which this application has been made before any other authority or any other bench of the Tribunal, nor any such application, Writ Petition or suit is pending before any court or tribunal.

10. RELIEFS SOUGHT : MAIN:

The applicant most humbly prays that in view of the valid, relevant facts and circumstances stated in paras 6 and 7 above, this Honourable Tribunal may be pleased to grant the following reliefs:

(a) To declare the irregular rejection of the claim of the applicant dated 1-10-1997 as contained in letter No. PF/RDDA/Mypadu dated 8-10-1997 (impugned order in law) issued by the 4 th. respondent herein as violative of the provisions contained in Articles 14 and 16 of the constitution, arbitrary, unjust, illegal, hence unsustainable <sup>in law</sup> and to set aside the same as null and void,

(b) consequently, to direct the respondents, more particularly the 4 th. respondent Pravinadh Kumar

DEPONENT.

No. of corrections: one

Attestor : [Signature]



herein to consider the application of the applicant along with those candidates whose names have been sponsored by the District Employment Exchange, Nellore for the post of EDDA, Mypadu SO and to decide the same on its own merits according to the rules of selection and to pass such other order or orders or directions which this honourable Tribunal may deem fit and proper in the circumstances of the case and in the interests of justice.

(c) To award costs of this Application or such other relief as deemed fit and proper in the interests of justice and equity.

11. INTERIM RELIEF: The Applicant humbly prays that this honourable Tribunal may be pleased to direct the respondents not to proceed further with the process of selection to the post of EDDA, Mypadu SO till disposal of this Original Application and to pass any other order or orders or directions as deemed fit and proper in the circumstances of the case.

12. DETAILS OF INDEX :: AN Index showing the details of Material papers filed and to be relied upon along with a Chronology of events is enclosed to this O.A.

13. PARTICULARS OF BANK DRAFT/INDIAN POSTAL ORDER FILED: The following are the details of Bank Draft/Indian Postal order filed with this Original Application.

(a) Indian Postal Order number	:	08 10 437820
(b) Date of issue	:	29-08-1997
(c) Office of issue	:	Saidabad Colony SO.HD.5
(d) Value	:	Rs.50/-(Rupees fifty only)
(e) Whether crossed	:	Yes.
(f) Drawn in favour of	:	The Registrar, The Central Administrative Tribunal, Hyd. Bench, Hyd.

No. of corrections: 01

Attestor

: B.V.

DEPONENT.

P. Havanadukunda

14. LIST OF ENCLOSURES : The following are the documents which are enclosed to this Original Application.

- |                                     |                             |
|-------------------------------------|-----------------------------|
| (a) VAKALATNAMA duly executed.      | (d) Chronology of events.   |
| (b) Indian Postal Order for Rs.50/- | (e) File pad.               |
| (c) Material Papers with Index.     | (f) Addressed envelopes (4) |

: V E R I F I C A T I O N :

I, P.HARANADHA KUMAR son of late Venkaiah, aged 28 years, resident of Narasapuram village, Indukurpet Mandal, Nellore District, Andhra Pradesh ,Occupation: <sup>cool</sup> the applicant, having temporarily come down to Hyderabad do hereby verify the contents of paras 1 to 6 are true to my knowledge and paras 7 to 14 are believed to be true on legal advice and

that I have not suppressed any material facts and that the same are verified at Hyderabad, Andhra Pradesh on this 13 th.Day of October, nineteen hundred and ninety seven.

*P. Haranadha Kumar*  
( P.HARANADHA KUMAR.)  
A P P L I C A N T

<sup>9</sup>  
*[Signature]*  
(Y.APPALA RAJU.)  
Counsel for Applicant

At Hyderabad-500 004,  
the 13 OCT.1997.

To

The Registrar,

The Central Administrative Tribunal,

Hyderabad Bench at Hyderabad.500 004.

Annexure I

14

10

सूच-सूचकार-22

Coir. - 22

भारतीय डाक विभाग

Department of Posts, India

Sub-Divisional Inspector (Postal)

NELLORE EAST SUB-DIVISION

NELLORE - 524 002.

प्रेषक  
From

उत्तर दत्त समय कृपया

निम्न संदर्भ में

In reply  
please quote

श्री P. Hananachakumar  
श्री P. Venkatesh  
Narasapuram BO  
Mypand SO

कम संख्या / No. PF / EDDA / mypand

दिनांक / Dated at

8-10-97

विषय / SUBJECT :

Selection to the post  
of EDDA mypand SO

Ref : Your representation  
dt 1-10-97

— 000 —

Your application to the post of  
EDDA mypand SO cannot be accepted  
as your name is not sponsored  
by the Employment Exchange.

Sub-Divisional Inspector (Postal)  
NELLORE EAST SUB-DIVISION  
NELLORE - 524 002

47/2002 487-487

Baru  
Advocate

ANNEXURE II

19  
15

from

P. Haranadlu Kumar  
S/o (Late) Venkatesh  
Navasapuram (PO & Vill),  
Vim mypandu,  
Nellore (DT) 524 313.

To

S D I O P.  
East Sub Division,  
Nellore - 2.

Sir

మైపాడు పోస్టాఫీసు నందు ADDA ఉద్యోగము

కారకు ఎంప్లాయిమెంట్ వారు వి సెట్టు పంపినారు అని

తెలిసినది నేను వారికి అర్హి పెట్టుకున్నాను. కాని

నా పేరు పంపలేదు. నేను రిగిస్ట్రే 88 లో ఎంప్లాయిమెంట్

లో రిజిస్ట్రేరు చేసినాను. రిగిస్ట్రే 98 వరకు చెల్లుతుంది

నం. 01/1993/02304. ఎంప్లాయిమెంట్ నుండి వచ్చిన

పెన్షన్ కాకుండా పేరే అప్లికేషన్లు సేతుగా ఖాతా పంపితే వచ్చు

అని తెలిసినది. కావున నా అప్లికేషన్లు కూడా గమనిం-

చ వలెను. నాకి తెవలసిన అప్లికేషన్లు ఫారము వగైరా

నాకు ఇవ్వగలరు. అలా ఇవ్వలేని పక్షమున, ఈ విషయం

ము పై అధికారులకు స్థిరమైన చోటుకొని న్యాయం

చేకూర్చుమని తాతగలను.

1. 10. 97.

Nellore.

ఇట్లు

P. Haranadlu Kumar

నకల కాపీ SSP నెల్లూరు వారికి పంపిస్తానని

"TWA 489 - 8/10/97"

For  
Advocate.

ANNEXURE II - A

11-A 16

(English Transcription )

From:

P.HARANADHA KUMAR  
S/O (Late) Venkaiah,  
Narasapuram (PO & Vill)  
via) Mypadu,  
Nellore (Dt.) 524 313.

"TO"

S.D.I(P)  
East Sub Division,  
Nellore-2.

Sir,

It is learnt that the Employment Exchange had sponsored names for the post of EDDA, Mypadu PO. I have represented to them, but they have not sponsored my name. I have registered my name with the Employment Exchange in Aug.1988. It is valid upto Aug.1998. Regn.No.01/1993/02304. It is learnt that in addition to names sponsored by the Employment Exchange, applications can also be submitted direct to you. Hence please also consider my application. Please issue me with the prescribed application form etc. In case my application is not considered I may represent to the higher authorities seeking justice .

Yours faithfully,

sd/.. .

P.HARANADHA KUMAR.

1-10-1997,  
Nellore.

C.C sent to S.S.P., Nellore ;

"TRVE CBY - MArket"

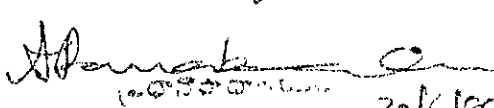
Advocate

BOARD OF SECONDARY EDUCATION  
ANDHRA PRADESH

825541

## SECONDARY SCHOOL CERTIFICATE

PC/13/0073404/2

Certified that		POKALA HARANADHA KUMAR				bearing	
R. No.		0242192		Son <del>XXXXXX</del> of		VENKAIAH	
and belonging to		Z P HIGH SCHOOL, NARASAPURAM				appeared	
at the SSC EXAMINATION held in		APRIL, 1986				and PASSED the Examination in	
SECOND		Division with		TELUGU		as the medium of instruction	
The Date of Birth of the Candidate is							
DATE OF BIRTH		DAY		MONTH		YEAR	
01/11/1969		ZERO		ONE		NOV ONE NINE SIX NINE	
The candidate Secured the following Percentage of marks							
FIRST LANG.	MARKS	THIRD LANG.	MARKS	MATHEMATICS		MARKS	
TELUGU	63	ENGLISH	43	MATHEMATICS		52	
GENERAL SCIENCE	51	SOCIAL STUDIES	79	TOTAL (in Figs.)		288	
TOTAL (In Words) * TWO HUNDRED AND EIGHTY EIGHT *							
SECOND LANGUAGE ( HINDI						* FORTY *	
						40	
Marks of Identification							
1 A mole on the Stomach							
2 A mole on the left hand							
 Head of Institution మం. వి. ఆర్. ఆర్. 30/6/86 06/06/1986 ఆధి. జ్. సెక్రటరీ HYDERABAD Board of Secondary Education							
The marks with the asterisk indicate the marks secured in the Previous Examinations.							

018092

IF TRUE COPY. Attached

Advocate

5397/86  
NOV 1986

ANNEXURE IV

Venkatrama & Co, Nellore.

13

# INCOME CERTIFICATE

(To be signed by a Tahsildar of the area where the parent or guardian normally resides)

I do hereby certify that I have on enquiry satisfied that the annual

Income of Sri

POKALA HARANADIA KUMAR

Father/Guardian of Sri

VENKATAH

Resident of

Teluk

Indukurpota

Village

NARASAPURAM

District

NELLORE

From all sources

specified below is Rs.

3600/-

(Rupees in words

Three thousand and Six hundred

Only for the preceeding financial year.

## SOURCE OF INCOME

Land

... Rs.

Buildings

... Rs.

Business

... Rs.

Salary of both wife and husband if both are employed

... Rs.

Labour

... Rs.

Other sources if any (Mention)

... Rs.

Total

3,600/-

(Rupees

Place:

Date:

Seal of Office

Guardian income will be taken into consideration if the father is not alive.

Signature:

(Name in BLOCK

Designation

"TRUE COPY - ANNEXED"

Advocate

100

NELORE

arundhati from apts

REC'D BY 1988/08/10

1995/08/25

AUG 1998

UN-MARRIED

10  
20 432

S 1988 TEL  
P 1988 ENG

NAME VENKAIAN  
ADDRESS NARASAPURAM VILL&POST  
INDUKURUPETA MDL  
NELLORE DIST

1969/11/01  
RELIGION HINDU

WELLER, D. S.  
WELLER, D. S.

X0110 85440  
1988/08/10 1993/05/15

De. M. L. 1000 005

20: 3

1. P. 10. Row 1A. RURAL

1. Mr. J. H. Smith

14-00000 160

UN-EMPLOYED

No

! 1-2000 7000 0

### Character

$$x_{ij} = \{x_{ij}^1, x_{ij}^2, \dots, x_{ij}^n\} = \{x_{ij}^k\}$$

1990

10-117 No

ANY WHERE IN INDIA

Yes No

[illegible]

Repat 0.0.

Dr. Leighton

$$H^1(\mathbb{R}^n, \mathbb{R}) \cong \mathbb{R}^n$$

languages known.

TEL 5 ENG 4 HIN 4

Ex. T. No. 77. 4 pps. No

is TRUE copy. ~~Handwritten~~  
~~Handwritten~~  
 Advocate



*Annexure VI*

## Appointment and Service Conditions of ED Agents at a Glance

15  
20

Sl. No.	Category	Age-limit	Educational qualification	Property qualification	Residential qualification	Remarks
1.	ED SPM	Min-18 Y. Max-65 Y. D.G. can consider relaxation of age-limit in exceptional cases.	Matriculation or equivalent. To be selected on the basis of marks.	Must have adequate means of livelihood. Must be able to offer office space as will serve as a small PO with provision for installation of even PCO.	Permanent resident of the village where the PO is located. Should be able to attend the PO work as required of him keeping in view time of receipt and despatch and delivery of mails which need not be adapted to suit his convenience or his main avocation.	Preferential Order— 1. SC/ST. 2. Ex-Servicemen army postal service personnel. 3. Educated unemployed persons. 4. Casual labourers.
2.	ED BPM		-do-	-do-	-do-	—
3.	ED Delivery Agents					
4.	ED Stamp Vendor	-do-	VIII Std. Preference to be given to candidates with Matriculation qualification.	—	As far as possible, to reside in or near the place of their work.	Preference to SC/ST to be given in order to ensure the minimum fixed percentage as laid down for Groups 'C' and 'D' cadre in these communities in respect of ED staff of these categories. Cycling knowledge is a prerequisite condition for ED posts attached with outdoor duties.
5.	All other categories of ED Agents.		Should have sufficient working knowledge of regional language and simple Arithmetic. Categories such as ED Mgrs. should have enough working knowledge of English.	—	ED MCs, Runner, Mail Peon should be permanent residents of delivery jurisdiction of the PO. EDAs of other categories as far as possible to reside in or near the place of their work.	

SWAMY'S—SERVICE RULES FOR ED STAFF

1) TRUE COPY - *Adhikari*

*Adhikari*

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD?

O.A. NO.1340/97

Between:

Dt. of Order: 14.10.97.

P. Haranadha Kumar

...Applicant.

And

1. The Chief Postmaster General, A.P. Circle, Hyderabad.
  2. The Postmaster General, Vijayawada Region, Vijayawada.
  3. The Sr. Superintendent of Post Offices, Nellore Division, Nellore.
  4. The Sub Divisional Inspector (Postal), Nellore East Sub Division, Nellore.
- ...Respondents.

Counsel for the Applicant : Mr. Y. Appala Raju

Counsel for the Respondents: Mr. V. Rajeswara Rao

CORAM:

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

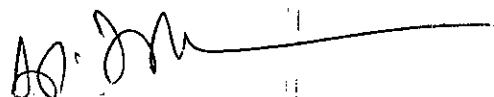
THE HON'BLE SHRI B. S. JAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri Y. Appala Raju, for the applicant and Sri V. Rajeswara Rao for the respondents.

2. Admit. The applicant in this OA is an aspirant to the post of EDDA, Mypadu SO, Indukurpetta Mandal, Nellore Dist. Ap. It is stated that the applicant applied for that post but the same was rejected as his name was not sponsored by the Employment Exchange. It is also stated that the selection is not yet over. Relying on the Judgement of the Supreme Court rendered in the Excise Superintendent, Malkapatnam, Krishna Dist. Vs. K. B. N. Visweswara Rao & others (1997 (1) SC SLJ 3) the learned counsel for the applicant submits that the case of the applicant should also be considered for the above said post.

3. Under the circumstances, the following direction is given:-  
If the selection is not finalised till today, the case of the applicant should also be considered along with the candidates sponsored by the employment exchange for the above said post provided he fulfills all the other requisite conditions for consideration for that post. In case the applicant fails to come up in selection, this OA stands dismissed. The respondents, through their standing counsel should inform the result of the selection so as to confirm the interim order. In case the applicant is selected and to be posted in that post, then his result should not be published until further orders.



DEPUTY REGISTRAR (J)

..2..

## Copy to:

1. The Chief Postmaster General, A.P.Circle, Hyderabad.
2. The Postmaster General, Vijayawada Region, Vijayawada.
3. The Senior Superintendent of Post Offices, Nellore Division, Nellore.
4. The Sub Divisional Inspector, (Postal), Nellore East Sub Division, Nellore.
5. One copy to Mr.Y.Appala Raju, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, AT, Hyderabad.
7. One duplicate copy.

YLKR

CC today

TYPED BY  
COMPALED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

Dated: 14/10/97

ORDER/JUDGMENT

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

in

D.A.NO. 1340/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal देश/DESPATCH 27 OCT 1997 हैदराबाद बेंच HYDERABAD BENCH
--

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1340 of '97

Between :

P. Haranadhakumar

...

Applicant

And

Union of India  
Represented by  
The Chief Postmaster-General  
Andhra Pradesh Circle,  
Hyderabad & others

...


Respondents


REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENTS

I, H. Seshagiri Rao, s/o Narasimha Murthy, aged about 56 years, resident of Hyderabad; do hereby solemnly affirm and sincerely state as follows :

1. I am working as Assistant Postmaster-General (Staff & Vigilance) in the office of the Chief Postmaster-General, A.P. Circle, Hyderabad. As such I am acquainted with the facts of the case. I am filing this Reply Affidavit on behalf of the Respondents and I am authorised to file the same.

2. The Brief History of the case is submitted that the post of E.D.D.A., Maypaud S.O. has fallen vacant due to promotion of the regular incumbent to Postman cadre. In order to fill up this vacancy on regular basis, District Employment Exchange, Nellore was requested by the Respondent No. 4 in the O.A. who is the Appointing Authority for the said post vide his letter No. PF/EDDA/Mypaud, dated 22.8.1997, requesting to sponsor candidates.

  
ATTESTOR  
आस्थापक-अकाउन्ट्स ऑफिसर (बजट)  
Assistant Accounts Officer (Budget)  
आस्थापक-अकाउन्ट्स ऑफिसर (बजट)  
Office of the Chief Postmaster General,  
आ.प्र. वल्लभपुरम, हैदराबाद-500 001.  
A P CIRCLE, HYDERABAD-500 001.

  
DEPONENT  
आस्थापक-अकाउन्ट्स ऑफिसर (S. & V.)  
O/o. Chief Postmaster General,  
आ.प्र. वल्लभपुरम, हैदराबाद-500 001.


25

The District Employment Officer has sponsored 20 candidates on 4.9.1997 through his letter No. 1997/189/00 dated 4.9.1997. The Respondent No. 4 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 14.10.1997 was received on 27.10.1997 from the Hon'ble C.A.T., Hyderabad Bench, directing the Respondent to accept the application of Sri P. Haranadha Kumar who is the Applicant in the O.A. for the post. The Hon'ble Tribunal also ordered to take into consideration the case of the Applicant along with candidates sponsored by the Employment Exchange.

3. In reply to para (iv), it is submitted that for selection and appointment of the post of E.D.D.A., Mypaud S.O., the competent authority is Respondent No. 4, namely the S.D.I (P), Nellore East Sub Division, Nellore and not the Respondent No. 3, namely the Sr. Supdt. of Post Offices, Nellore Division, Nellore. It is a fact that the IV Respondent who is the Appointing Authority for the said post sent a written requisition to the District Employment Exchange, Nellore, requesting to sponsor candidates vide letter No. PF/EDDA/Mypaud S.O., dated 22.8.97. Though the qualifications 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 qualifications higher than that as per Departmental rules. The candidates must also possess sufficient working

  
ATTESTOR

सहायक वरुदा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमैस्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
जी. व. पोस्टमैस्टर, 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,

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 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 application to the III Respondent and the III 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 III Respondent nor the IV Respondent nor made by any application to them.

4. In reply to Para (V) (1) of O.A. 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 Department Staff in Postal Department (D.G., P&T Letter No. 45-22/71-SPM.I/Pen., dated 4.9.1992), the Respondent No. 4 has first notified the vacancy for the post of E.D.D.A., Mypaud to the Employment Exchange, Nellore, only in case the Employment Exchange does not sponsor the requisite number of candidates for selection, then only the Respondent No. 4 has to resort for local notification.

*M. M. M.*

ATTESTOR

बजट अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमैस्टर जनरल, आंध्र प्रदेश  
Office of the Chief Postmaster General,  
आंध्र प्रदेश, हैदराबाद-500 001.  
A.P. CIRCLE, HYDERABAD-500 001

*K. Rao*

DEPONENT

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

It is a fact that the Employment Exchange, Nellore 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.

5. In reply to Para (vi) (2), all the eligible willing candidates including this Applicant was considered for selection and has been selected.

Under the circumstances of the case, it is prayed that this Honourable Tribunal may be pleased to pass order / orders as deemed fit.

Solemnly sworn and signed  
his name on this 27<sup>th</sup> day  
of November, 1997, before  
me.

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

*[Signature]*  
ATTESTOR  
सहायक लेखा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य लेखा अधिकारी जन. स. व. प्र. मंत्रालय  
Office of the Chief Accounts Officer of General,  
जी. व. मंत्रालय, इलाहाबाद-500 001.  
A P CIRCLE. HYDERABAD-500 001

BRM\*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

O.A. No. 1340 of 1997

Between :

P.Haranadhakumar .. Applicant

And

Union of India,  
Represented by  
The Chief Postmaster- General,  
A.P. Circle,  
Hyderabad  
and others

.. Respondents



Filed on : 11/2/97

*Reply*

filed by : V. Rajeswara Rao  
Addl. C.G.S.C.

*Re as copy  
8/12/97  
could be submitted*

*may be filed  
9/12/97*

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH :: HYDERABAD.500 004.

O.A., NO. 1340 OF 1997.

BETWEEN:

P.HARANADHA KUMAR s/o Late Venkaiah,  
aged 28 years, R/O Narasapuram village & Post,  
Occupation: Cooly, Mypadu SO.524313,  
Indukurpet Mandal, Nellore Dist. Andhra Pradesh.

... APPLICANT.

A N D

1. Union of India: Rep. by:

The Chief Postmaster-General,  
Andhra Pradesh Circle, Hyderabad.500 001,

2. The Postmaster-General,

Vijayawada Region, Vijayawada.520 002,

3. The Senior Supdt. of Postoffices,

Nellore Division, Nellore.524 001 and

4. The Sub Divisional Inspector (Postal)

Nellore East Sub Divn., Nellore-524 002.

... RESPONDENTS.

REJOINDER to Reply Statement filed by Respondents 1 to 4.

I, P. Haranadha Kumar son of late Venkaiah, aged 28 years, R/O Narasapuram village and post, Occupation: Cooly, Indukurpet Mandal, Nellore Dist. Andhra Pradesh, the Applicant herein, do hereby state solemnly on oath as follows:

I am the applicant herein and as such I am well acquainted with all facts of the case.

2. I hereby deny all averments made by respondents 1 to 4 in their reply statement dated 27-11-1997 except those that are specifically admitted herein. The respondents 1 to 4 are put to strict proof of all such averments.

3. Para 1 - Factual position and hence not disputed.

4. In reply to para 2, the applicant submits that he had filed O.A., No. 1340/1997 seeking directions to respondents to consider his application along with those sponsored by the Dist. Employment Exchange as the 4th respondent herein who is the competent appointing authority for the post of E.D.D.A. Mypadu SO refused to entertain the application of the applicant tendered direct. The Hon'ble C.A.T., Hyderabad Bench

in their order dated 14-10-1997 directed the respondents to

No. of corrections: nil.

Attestor

: Pmo

P. Haranadha Kumar  
DEPONENT.

consider the application of the applicant also even if submitted direct.

5. The applicant further submits that he had applied to the 4 th. respondent only who is the competent authority to select suitable candidates for the post of EDDA, Mypadu SO vide his application dated 1-10-1997 (ANNEXURE.II- page 11 of the main O.A) and the same was rejected by the 4 th. respondent vide his letter No.PF/EDDA/Mypad dated 8-10-1997 (ANNEXURE-I- page 10 of the Main O.A.) on the plea that the applicant's name was not sponsored by the Employment Exchange. A copy of the said representation dated 1-10-1997 was also duly endorsed to the 3 rd. respondent herein. As per the prescribed procedure of selection, after receipt of the names of sponsored candidates from the Employment Exchange, the selecting and appointing authority i.e., 4 th. respondent herein has to address each of such candidates sponsored by the Employment Exchange duly supplying a copy of the prescribed application form and also a copy of the terms and conditions for such selection/appointment. It is only for this purpose that the applicant had applied to the 4 th. respondent to consider his case along with those sponsored by the Employment Exchange. Unless and until the 4 th. respondent supplies a copy of the prescribed application form together with terms and conditions of appointment to the applicant as was done in respect of those sponsored by the Employment Exchange, the applicant cannot submit his application in the prescribed form. When the 4 th. respondent rejected his specific request for treating his case along with those sponsored by the Employment Exchange, he had approached this Hon'ble Tribunal for specific directions to consider his case. The averments made by the respondents in para 3 of their reply statement to the effect that the applicant had not approached the 3 rd. or 4 th. respondent are totally false in as much as the applicant had challenged the written

No. of corrections: nil

Attestor

:

P. Haranatha Kumar  
DEPONENT.

rejection dated 8-10-1997 (Impugned order -ANNEXURE.I. Page 10 of the Main O.A) received from the 4 th.respondent which categorically states that his name was not sponsored by the Employment Exchange.This rejection is in respect of written application made by the applicant on 1-10-1997 to the 3 rd. and 4 th.respondent (ANNEXURE.II. page 11 of the Main O.A.). After his application was rejected by the 4 th.respondent who was the competent authority for selection and appointment to the post of EDDA,Mypad SO , the applicant had rightly approached this Hon'ble Tribunal seeking redressal of his grievance in the context of 4 th.respondent going ahead with the selections.

6. In reply to para 4 of the Reply statement, the applicant humbly submits that he is not disputing the procedure prescribed for selection as contained in Section III of the Recruitment Rules.The applicant had challenged the aspect of non-consideration of his case on the ground that his name was not sponsored by the Employment Exchange which was held to be arbitrary and discriminatory by the Apex Court in its recent judgement dated 22-10-1996 in--

The Excise Superintendent,Malkapatnam,Krishna Dist/ v.  
KBN Vishweswara Rao and others. 1997 (1) SC SLJ 3.

Hence the question of applicant applying for the post in response to local open notification does not arise at all.In the circumstances stated, the applicant coming within purview or zone of sponsorship by the Employment Exchange does not also arise at all.

7. The applicant respectfully submits that he has been selected as stated in para 5 of the reply statement by virtue of his own merit and eligibility and on fulfilling all the prescribed conditions.

8. The, Applicant, therefore, humbly prays that this

P.Haranadha Kumar  
DEPONENT.

No.of corrections : one

Attestor

: [Signature]

: 4 :

Honourable Tribunal may be pleased to direct the Respondents herein to declare the selection of the applicant to the post of E.D.D.A., Mypad SO in pursuance of the interim directions dated 14-10-1997 and to pass such other order or orders or directions as deemed fit and proper in the circumstances of the case and in the interests of justice.

Solemnly declared and affirmed

at

H Y D E R A B A D

This 9 th. Day of DECEMBER, Nineteen hundred  
and  
ninety seven.

*P. Haranadha Kumar*

(P.HARANADHA KUMAR.)

APPLICANT.

SWORN AND SIGNED before me  
at Hyderabad on this

9 th. Day of Dec. 1997

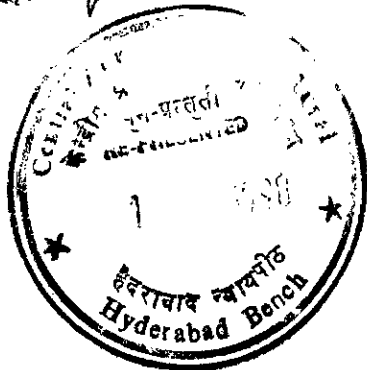
*S. A. S. Gopalakrishna*  
ADVOCATE.

Service to be effected on the  
other side.

12/12/97

Since complied with.

for  
11/11/98  
sent to respondent



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.500004.

O.A., No. 1340 OF 1997.

BETWEEN:

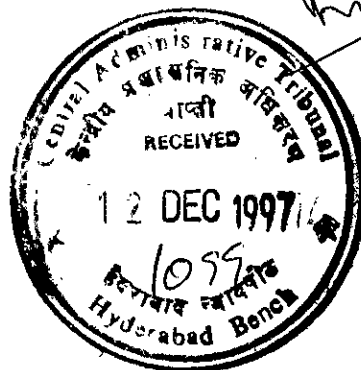
P.HARANADHA KUMAR, s/o late Venkaiah,  
aged 28 years R/O Narasapuram Vill & PO  
Occupation: Cooly, Indukurpet Mandal,  
Nellore Dist. A.P. ... APPLICANT.

A N D

1. Union of India: Rep. by:  
The Chief Postmaster-General,  
Andhra Pradesh Circle, Hyderabad. 1  
and 3 others. ... RESPONDENTS.

REJOINDER STATEMENT FILED BY THE  
APPLICANT.

Filed on 11-12-1997.



Filed by:  
Y.APPALA RAJU,  
Counsel for the Applicant.

Address for Service: PH.4068985.

Y. APPALA RAJU, M.A., LL.B.,  
ADVOCATE,

Plot No: 983, Indraprastha Township,  
Vinayanagar, Saidabad,

HYDERABAD - 500 059 A. P.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A No. 1340/1997.

with MAT 7768/97

Date of decision: 19-1-1998.

--

P. Haranadha Kumar. .. .. Applicant.

and

Union of India represented by the Chief  
Postmaster General, Andhra Pradesh Circle,  
Hyderabad 500 001.

2. The Postmaster General, Vijayawada Region,  
Vijayawada - 520 002.
3. The Senior Superintendent of Post Offices,  
Nellore Division, Nellore 524 001 and
4. The Sub-Divisional Inspector (Postal)  
Nellore East Sub Division, Nellore 524 002.

Respondents.

Counsel for the applicant: Sri Y. Appalaraju

Counsel for the respondents: Sri Rajeswara Rao for Respondents.

CORAM:

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

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

ORDER:

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

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Heard Sri Y. Appala Raju for the applicant and  
Sri V. Rajeswara Rao for the respondents.

1148/97

This M.A.,/is posted today. The applicant's  
counsel requested for appointment of the applicant as  
EDDA, Mypadu S.O., as he has come out successfully in  
the selection.

On hearing both sides we are of the opinion  
that the O.A., can be disposed of.

J2.

: 2 :

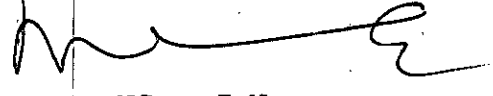
The applicant was permitted to appear for ~~for~~ the selection to the post of EDDA, Mypadu by the Interim orders dated 14-10-1997 in the O.A. It is stated that the applicant has qualified for the post in the selection. It is further stated that he is the meritorious candidate for appointment against that post.

The learned counsel for the respondents submits that in view of the decision of the Hon'ble Supreme Court in **EXCISE SUPERINTENDENT, MALAKAPATNAM, KRISHNA DT. AND OTHERS Vs. K.B.N. VISWESWARA RAO and others** (1996(6) Scale 676) the applicant can be appointed as EDDA, Mypadu.

In view of the above submission the respondents are directed to take necessary action <sup>for</sup> in filling up the post in accordance with the result of the selection proceedings, if the applicant is the meritorious candidate, for posting him in that post.

With the above directions, the O.A., is disposed of. As the O.A., is disposed of the M.A., stands disposed of. No costs.

  
B.S. JAI PARAMESHWAR  
Member (J)

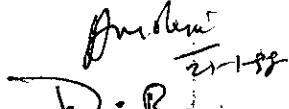
  
R. RANGARAJAN  
Member (A)

19.1.98

Date 19-1-1998.

-----  
Dictated in open Court.

SSS.

  
D.R.



..3..

Copy to:

1. The Chief Postmaster General, Andhra Pradesh Circle, Hyderabad.
2. The Postmaster General, Vijayawada Region, Vijayawada.
3. The Senior Superintendent of Post Offices, Nellore Division, Nellore.
4. The Sub Divisional Inspector (Postal), Nellore Sub East Sub Division, Nellore.
5. One copy to Mr.Y.Appala Raju, Advocate,CAT,Hyderabad.
6. One copy to Mr.V.Rajeswara Rao,Addl.CGSC,CAT,Hyderabad.
7. One copy.to D.R(A),CAT,Hyderabad.
8. One duplicate copy.

YLKR

W 2/98 8

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: 19/1/98

~~ORDER/JUDGMENT~~

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

1148/97

in

B.A.NO.

1340/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

~~ALLOWED~~

MA & OA

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal श्रेणी/DESPATCH 27 JAN 1998 हैदराबाद न्यायपीठ HYDERABAD BENCH
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