

FORM NO. 21

(Sec Rule 114)

THE
IN/CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

OA / TATRA / MA / ps 1341 of 199 7

..... Y. Harender Ready Applicant (s)
versus

..... S. S. S. P. O.

..... Mahaboobnagar & anr. Respondent (s).

INDEX SHEET

Serial No	Description of Documents and Dates	Pages.
Bucket Orders.		
Interim orders		
Orders in MA (s)		
Reply Statement		
Rejoinder		
Orders in (Final orders)	21-11-97	16 (52)

Certified that the file is Complete
In all respects.

Signature of
Dealing Hand

(In Record Section)

Signature of S.O.

(2)

-- 2 --

OA.1347/97.

Date.	Office Note	Orders
		<p><u>24-11-97.</u></p> <p>OA dismissed.</p> <p>Order vide separate sheet.</p> <p>No costs.</p> <p>✓ HBSJP MLJ</p> <p>D HRRN MLJ</p>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

O A. NO. 1361 OF 1997.

Y. Narendra Rddy _____ Applicant(s)

V E R S U S

The Subdt. of Post-office, Mahaboobnagar (Respondent)

auth

Date	Office Note	Clerk
16-10-97		<p>None for the applicant.</p> <p>SRI M. Subbarayana for SRI M.V.Raghava Reddy for respondent.</p> <p>2. Notice before admission.</p> <p>List on 13-11-97. Reply in the meanwhile. The selection proceedings shall be produced on that day.</p>
<u>NBA</u> <u>13.11.97</u> <u>CW</u> <u>17/10/97</u> <u>Received</u> <u>23/10/97</u> <u>17/11/97</u>		<p><i>Re</i> HBSSP M(S)</p> <p><i>Re</i> HARAN M(A)</p> <p>None for the applicant.</p> <p>Mr. M.V.Raghava Reddy, for the respondent.</p> <p>List for orders on 21.11.97.</p> <p>the records should be produced on that day positively.</p> <p><i>Re</i> HBSSP M(S)</p> <p><i>Re</i> HARAN M(A)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

ORIGINAL APPLICATION NO. 1361 OF 1997.

Y- Narendra Ruddy

Applicant(s)

VERSUS

Union of India, Repd. by. Superdt of Post offices,

Mahabubnagar Dist.

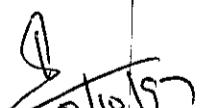
Mahabubnagar, Canr.

Respondent(s)

The application has been submitted to the Tribunal by
Shri M. T. Summa Rao 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 _____

MA to be listed firm.


Scrutiny Asst.


DEPUTY REGISTRAR (JUDI)

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 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. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant. *Y*
18. Whether this case be heard by single Bench. *N*
19. Any other Point. *N*
20. Result of the Scrutiny with initial of the Scrutiny clerk.

May be numbered pl.

Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.

Dairy No. 2382/97

Report in the Scrutiny of Application.

Presented by Sh. M. Thyagarao ^{Adv} Date of Presentation.

Applicant (S) T. Narayana Reddy S-897

Respondent (S) Superintendent of Post Office, Mahabubnagar D.I.M.

Nature of grievance Appointment Mahabubnagar & Amr

No. of Applicants 1 No of Respondents 2

Subject Appointment CLASSIFICATION
(15) (No) Department Postal (11) (No)

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) Have the copies been fully 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 in 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 I.P.O./D.O. for Rs. 50/- Y
10. Has the impugned orders Original, duly attested legible copy been filed. Y

P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL (YARD, J.J. BENCH): HYDERABAD

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Case No. 13W of 1997.

CAUSE TITLE Y.N. Reddy

VOLUME

To Subdt. of P.O., Mahaboobnagar and anoth

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4.	Objection Sheet	1
5.	Spore Copies 2 (Rev).	
6.	Covers 2. A	

Seeking a direction to signpost the State's appointment
of an applicant, etc with all consequential benefits, etc 3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

Bench

O.A NO 1361 OF 97.

Amendment (15)
(c).

Between:-

Y. Narendra Reddy

Applicant. ~~Mem~~ / POSTAL

AND

Supdt' of post Offices
Mahaboob Nagar Division
Mahaboob Nagar. and another

Postal (11).

Respondents.

INDEX CUM EVENTS

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3)	Memo No B2-246	31-8-95	II	8 to 9
4)	S.S.C. Certificate		III	10.
5)	Income Certificate	19-9-95	IV	11
6)	Delecration Certificate	16.9.96	V	12.
7)	O.A No 1401 of 96 withdrawn	23-12-96	VI	13.

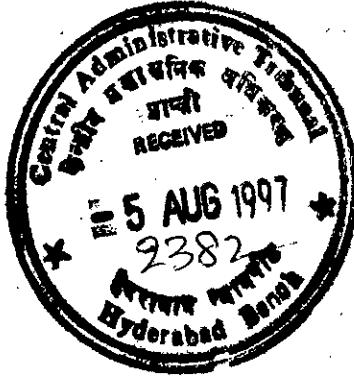
H. Humaq Reddy

COUNSEL FOR THE APPLICANT.

DATE

HYDERABAD.

Recd Copy
5.8.97
F N R Deury
F N R Deury



4

U.S.(9 of C.A.T) ACT-1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1341 of 1997

Between:

Y.Narendra Reddy S/o Y.Ram Reddy
aged 34 years Occ: R/o Pallamarri
Lalkote, Mahaboobnagar Postal Division,
Mahaboobnagar.

...Applicant

And

① Superintendent of Post Offices,
Mahaboobnagar Division - 509 001.

2. S.Thimma Reddy S/o Not known
aged about 35 years Occ: EDBPM
Pallamarri, Lalkote, Mahaboobnagar.

...Respondents

Details of Applicant :

Address for service of
Summons/Notices on the
applicant.

TIRUMAL RAO MAMIDALA, Advocate
16-11-310/9/4/B, Dahanalakshmi
Apartments, Saleemnagar Colony-2
Malakpet, Hyderabad-500 036.

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

"This application is against the Impugned to
appointment order, dated 17-2-1997 of the Respondent."

2. Jurisdiction of the Tribunal :

That the applicant declares that the subject matter
of the order against which he wants redressal is within the
jurisdiction of the Tribunal U/s. 14(1)(b)(ii) of the
Administrative Tribunal Act of 1985.

3. Limitation :

The applicant further declares that the application
is within the limitation period prescribed in Section 21(1)(a)
of the Administrative Tribunals Act 1985.

4. Facts of the Case :

a) That the applicant respectfully submits that
he is the native of Pallamarri village in Mahaboobnagar District.
He passed S.S.C and is aged 34 years. He has own house, landed
property and income from it. As such he is eligible to be
appointed as an extra Departmental Branch Post Master, Pallamarri
Mahaboobnagar.

b) That the applicant respectfully submits that there arose a vacancy of Extra Departmental Branch Post Master at Pallamarri village. The respondent issued notification called for applications for the post vide Memo No.B2-246 dated 31-8-95 (Annexure-I). The last date for submission of the application was 29-9-95. The applicant submitted the application in time on 26-9-95, along with the following requisite documents.

1. Education Qualification, S.S.C (Annexure-II)
2. Income Certificate(Annexure-III)
3. Certificate of ownership of House(Annexure-IV)

The applicant's father has 36 acres 28 cents of ancestral landed property in the village in which the applicant has Co-parcenary and so the land holding certificate of his father was submitted. Besides within the prescribed period his father gifted 7 acres 71 cents to the applicant on 22-9-1995 and copy of the Gift Deed was also submitted so that the respondent should not entertain any doubt about the property, qualification of the applicant. On 16-10-95 all the certificate were verified by the Sub-Divisional Inspector

c) That there were many more candidates applied for the post. The applicant was found most suitable among them and was provisionally appointed on 16-10-95 and since then he has been discharging his duties with utmost devotion and sincerity. He has also considerably improved the work of the Branch Office since assumption of charge. He was anxiously waiting for regularisation orders.

d) That it is further submitted that the respondent issued another notification on 26-8-1996 (Annexure VI) for filling the same post for which a notification was issued on 31-8-95. The said act of the respondent is highly irregular and ought to have been quashed in the present case the applicant

(6)

is the most suitable and eligible candidate due to which he was provisionally appointed on 16-10-1995.

e) That it is further submitted that the 2nd respondent though he did not have the landed property as mentioned in the notification and as per the rules of the E.D.B.P.M. Though the 2nd respondent did not file any proof of landed property, the first respondent in clear violation of the rules for the appointment of EDBPM Extra Departmental Branch Post Master, has appointed the 2nd respondent. It is further submitted that the applicant has applied for the 1st and 2nd ~~responsible~~ notification i.e., Memo No.B2-246, dated 31-8-95 and B246, dated 26-8-96. When applicant has fulfilled all the condition the 1st respondent has appointed him on the provisional basis in the first instance, when the applicant could fulfilled all the conditions for the post of EDBPM whereas in the 2nd recruitment though the 2nd respondent could not fulfilled the condition was appointed illegally which is a clear violation of the rules of the recruitment.

f) It is respectfully submitted that simply for the reason that no regular appointment order has not been issued, the appointment of the applicant cannot be treated as provisional for the reason that he was one among those, who applied and was appointed only after verification of certificates, which implies that his suitability was accepted before appointing him. Even otherwise he was appointed in a retirement vacancy and there is no provision to make provisional appointment in retirement vacancy vide DGP and Ir.No.43-4/77-Pen, dated 23-2-79. The applicant's appointment is liable to be treated as regular, due to the time gap to the second notification. The first notification was dated 31-8-95. He was appointed on 16-10-95. There was no notification for eleven months, on 26-8-96 the second notification was issued, obtaining the services of the applicant for eleven months, clearly proves that he is suitable

and qualified for the said post, now the said notification after 11 months in a colourable exercise of power, taking the advantage of the fact that the applicant's regular appointment was not issued for such a long time is best known to the respondent.

g) Therefore it is prayed that this Hon'ble Tribunal may be pleased to declare the action of the respondent No.1 as illegal, arbitrary and unconstitutional in issuing the appointment order, dated 17-2-1997., in appointing the 2nd respondent in violation of the rules for the recruitment of EDBM and direct the respondent No.1 to regularise the appointment of the applicant without consequential benefits.

5. Details of the remedy Exhausted :

Since no appeal lies against the selection or appointment of Branch Post Master, there is no departmental remedy. The applicant has no other option than to approach this Hon'ble Tribunal. Hence this O.A.

6. Matters not previously filed or pending with any other Court :

The applicant further declares that he had not previously filed any application, writ or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

7. Relief(s) sought :

In view of the facts mentioned, the applicant prays for the following relief(s).

It is respectfully prayed that this Hon'ble Tribunal may be pleased to declare the action of the respondent No.1 as illegal, arbitrary and unconstitutional in appointing the 2nd respondent vide order dated 17-2-1997 and direct the

Contd...

respondent No.1 to regularise the appointment of the applicant without consequential benefits.

8. Interim orders if any prayed for :

No interim direction is claimed under presence circumstances further it is prayed to post this for final hearing at an early date.

9. NOT APPLICABLE :

10. Particulars of the Bank Draft/Postal Order filed in respect of the application Fee :

i) P.O/D.D.No	:	3754244647 5963420
ii) Date	:	4-8-97
iii) Fee	:	50/-
iv) Name of the Office of issue	:	O.I.C.A Post office
v) Name of the Office payable at	:	Hyderabad J.S. SO <i>of</i> U.S.D. 10.00 Remained

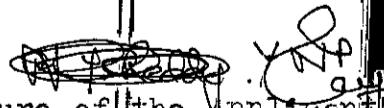
11. List of Enclosures :

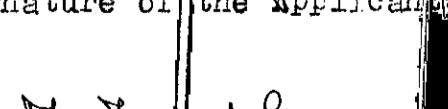
Sl. No.	Details of the Documents	Annexure No.
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VERIFICATION

I, Y.Narendra Reddy S/o Y.Ram Reddy aged 34 years, Ccc: ED/BPM, Pallamarri, Lalkote, Mahaboobnagar Postal Division, Mahaboobnagar, do hereby verify that the contents of paras 1 to 4 and 5 to 11 are true to my personal knowledge and para believed to be true on legal advice and that I have not suppressed any material facts.

Hyderabad,
Dated:


Signature of the Applicant


M. Durmal Rao
Counsel for the Applicant

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- i) Certificate regarding date of birth
- ii) Certificate regarding educational qualification.
- iii) Caste certificate from the prescribed authority. (In case the applicant belongs to SC/ST).
- iv) Income and property certificate.
- v) Certificate regarding residence.
- vi) Employment certificate and letter of permission from the employer to apply for the P.O. Post (In case the applicant is a part-time/full-time employee of the State or Central Govt. Dept/Organisation or Panchayat Raj Department).
- vii) In case the applicant is Ex-serviceman/Ex-Army Postal Personnel, proof of Army service and discharge certificate should be produced.

4.

Important instructions to the applicants:

- i) Applications should be submitted only in the proforma enclosed to this notice and should be in the applicant's own handwriting. Full and clear information should be given in all columns of the application, otherwise the application will not be considered.
- ii) The applications should bear the date of submission without fail.
- iii) The certificates and other enclosures submitted along with the application should be noted in the application by the applicant himself in the space provided in the application under his/her signature. This should be done without fail.
- iv) All the required documents/certificates should be submitted along with the application. No documents will be accepted later or in piecemeal. Applications not accompanied with all the necessary certificates or with incomplete information will not be taken up for consideration and no further correspondence will be entertained.
- v) Applications received after the fixed date 27-9-96 will not be considered.

Signature of the authority.

Supdt of Post Office
Mabbubnagar Distt. 001

- 6/1/96. contd.....3

a VI

Classification for ED AMU/... Post. No. is sent to Divl. Supdt.

Department of Posts
O/o the Supdt. of Post Offices, Mihulnagar Ph. 500001

Memo. No. 152-246 dated at M.B.N. on 25-8-96.

NOTIFICATION

1. Applications in the enclosed form are invited from eligible candidates for selection to the post of Extra-Departmental Sub-Postmaster/Extra-Departmental Branch Postmaster at

Pallamari ^{DBO} Sub-Office/
Branch Post office under Lal Cola Sub-Post office/Cad Post office. The post carries allowances of Rs. 275/- + DA + adms. & allowances per month.

2. The last date of receipt of applications in the office of the undersigned is 27-9-96.

3. Following are the conditions attached to the post:

- i. Age: The applicant should have completed 18 years of age as on the date of issue of this notification. The maximum age upto which a person appointed to the post can be retained in service will be 55 years.
- ii). Educational qualification: Matriculation or equivalent
- iii). Income and ownership of property: The person applying for the post must have adequate means of livelihood. He/she must have a known source of income and must be able to furnish reliable name to locate the Post office, with provision for installation of even public call boxes ("PCO").
- iv). Residence: The person appointed to the post must be a permanent resident of the village where the post office is located.
- v). The person appointed to the post will have to furnish the prescribed security.
- vi). No person holding an office will be considered for appointment to the post.

3. The following documents should be submitted along with the application. (See instructions in the application form).

contd....2

30/

4. The following documents should be submitted along with application (see instructions in the application form)

- i) Certificate regarding date of birth.
- ii) Certificate regarding educational qualifications.
- iii) Caste Certificate from the prescribed authority.
(in case the applicant belongs to SC/ST)
- iv) Income and property certificate.
- v) Certificate regarding residence.
- vi) Employment certificate and letter of permission from the employer to apply for the post (In case the applicant is a part time / full time employee of the state or Central Government Department/Organisation or Panchayat Raj Department)
- vii) In case the applicant is a serviceman / ex-Army Postal personnel proof of Army service and discharge certificate should be produced.

IMPORTANT INSTRUCTIONS TO THE APPLICANT:

- i. Applications should be submitted only in the proforma enclosed to this notice and should be in the applicant's own handwriting. Full and clear information should be given in all columns of the application otherwise the application will not be considered.
- ii. The applications should bear the date of submission without fail.
- iii. The certificate and other enclosures submitted along with the application should be noted in the application by the applicant himself in the space provided in the application under his/her signature. This should be done without fail.
- iv. All the required documents/ certificates should be submitted along with the application. No documents will be accepted later or in piecemeal. Applications not accompanied with all the necessary certificates or with incomplete information will not be taken up for consideration and no further correspondence will be entertained.
- v. Application received after the fixed date i.e. 29-9-91 will not be considered.

T. C. Kelly
Supt. of Post Office
Signature of a Designation of
the appointing authority.

40

29-9-91
(Signature)

11 8/10
registered Post/AD

Department of Post: India
Notification for ~~EFM/BPM~~ Post to be issued by Divl. Supdt.

Office of the Supdt. of Post Offices, Mahkubnagar Dn, MEN-1.

Memo No. B2-246 dated at MBN the 31.8.95

NOTIFICATION

1. Application in the enclosed form are invited from eligible candidates for selection to the post of ~~extra departmental sub-Postmasters / extra departmental branch Postmaster~~.

at Pallavaram

Branch Post Office under Palakkad sub Post Office/ Head Post Office. The post carries allowance of Rs. 275/- + DA

2. The last date of receipt of applications in the office of the undersigned is 29-9-95

3. Following are the conditions attached to the post:

- i. Age: The applicant should have completed 18 years of age as on the date of issue of this notification. The maximum age upto which a person appointed to the post can be retained in service will be 65 years.
- ii. Educational Qualifications: VIII standard (matriculation or equivalent may be preferred)
- iii. Income and ownership of property: The person applying for the post must have adequate means of livelihood. He/She must have an adequate source of income and must be able to offer suitable space to locate the Post Office with provision for installation of even public call office (PCO).
- iv. Residence: The person to be appointed to the post must be permanent resident of the village where the post office is located.
- v. The person selected for appointment to the post will have to furnish the prescribed security.
- vi. A person holding any post office will be considered for appointment to this post.

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BOARD OF SECONDARY EDUCATION
AN HRA RAE

620150

11/10
22/6/77

SECONDARY SCHOOL CERTIFICATE

055281

Certified that Y NARENDRA REDDY

P. No. 150377

Son of

Y RAM REDDY

and belonging to

ZP HS LALKUTA

at the SSC EXAMINATION held on

MAR. 1977.

PASSED

THIRD

division with

TELUGU

The Date of Birth of the Candidate is:

DATE OF BIRTH	DAY	MONTH	YEAR
6 5 1962	ZERO SIX	MAY	UNE VINE SIX TWO

The Candidate Secured the following marks in the examination:

FIRST LANGUAGE	MARCS	THIRD LANGUAGE	MARCS	THIRD LANGUAGE	MARCS
TELUGU	40	SH	15	GENERAL	15
GENERAL SCIENCE	56	SOCIAL STUDIES	40	TECHNICAL FIGURE	227
TOTAL (in Words)		PER	THU	SEVEN	
SECOND LANGUAGE	HINDI				28

Sparks of Identities

- 1 A mole below the right eye
- 2 A mole on the right arm.

Hand of Inst.

Bhimchandray
-22/6/77

Date of issue

12-06-1977

Hyderabad

The marks

at Section

Sectional Exam.

80

GOVERNMENT OF ANDHRA PRADESH

L.Dis.G/2640/95

Mandal : Chinnachinta Kunta,
District : Mahabubnagar.

INCOME CERTIFICATE

BACKWARD CLASS

As per G.C.Ms.No.75 SWM Dept., 30.6.83 as specified
the Parents/Guardian resident Revenue Divisional Officer
has to sign.

I hereby declare that Sri Y.Narender Reddy S/o
Y.Ram Reddy R/o Pallamarri; Mandal : Chinnachintakunta
earns yearly income from the sources Rs. 11,000/-
(Rupees Eleven thousand only).

SOURCES OF INCOME

1. Lands	Rs.
2. Buildings	Rs.
3. Business	Rs.
4. Salary/Wages	Rs.
5. Total Income of Wife & Husband if employees	Rs. 11,000/-
6. Wages	Rs.
7. Any other sources	Rs.
	<hr/>
	Total : 11,000/-
	<hr/>

(Eleven thousand only)

Place : Chinnachintakunta,
Date : 19-9-1995.

Sd/-
Mandal Revenue Officer
Chinnachintakunta.

Official Seal

If father is not alive guardians Income shall be taken into
Consideration.

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Date : 16-9-1996

LETTER OF DECLARATION

MANDAL :- Chinna Chintakunta Palli Marri 90-91 years
Grampanchayat. The House bearing No. 1128 ; 2.27
building belongs to Y.Narender Reddy S/o Y.Ram Reddy
as his own property. This is certified and declared
by the Grampanchayat.

Sd/-

Surpanch,
Chinna Chintakunta-Palli;
Pallamarri.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1401/96

Between:

Y.Narendra Reddy.

and

Applicant

Superintendent of Post Offices,
Mahaboobnagar Division.

.. Respondent

Mr.M.Tirumala Rao. ..

Counsel for the applicant

Mr.V.Rajeswara Rao. ..

Counsel for the Respondent.

CORAM:

HON'BLE MR.JUSTICE M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

Order

(Oral Order per Hon'ble Mr Justice M.G.Chaudhari : VC)

Mr.M.Tirumala Rao for the applicant and Mr.V.Rajeswara Rao for respondents.

After the matter was heard further for some time, the learned counsel for the applicant seeks to withdraw this OA without prejudice to the right of the applicant to adopt such remedies as may be advised in accordance with the law in respect of selection made in pursuance of the notification dt.26-8-96 for which he has applied on 25-9-96, if aggrieved with the same. O.A. disposed of as withdrawn.

क्रमागत प्रति
CERTIFIED TO BE TRUE COPY

Sd/-x

Deputy Registrar(J)CC

न्यायालय अधिकारी 7/1/97
COURT OFFICER
न्यायालय प्रशासनिक अधिकारी
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

30

15

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

O.A. REGD. NO 2382/97.

Date: 6.8.97.

To Sh. M. Tirumala Rao, Adv.
Sir.

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

1). Stamps to be affixed. In the vakkalat.

~~2)~~ vakkalat to be attested.

~~3)~~ Rule position to be mentioned in the court letter.

~~4)~~ Chronological events to be filed.

~~5)~~ copy of the impugned Order ^{dated} to be filed.

The Impugned Order is not communicated to the applicant, due to which the Impugned Order is not filed in the O.A. ~~objection~~ This objection is complied if not satisfied, for the matter before the bench. I shall convince the court.

Objector complied on 28/8/97.

Hanumet Rao

objection no. 1 still not yet

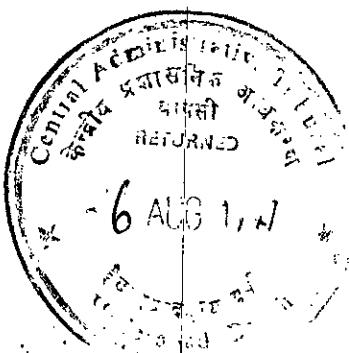
complied with.

All objections complied
and 22/9/97. (S.R.)

17/9/97.

Hanumet Rao
DEPUTY REGISTRAR (JUDL)

6/8/97.



(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1341/97.

Dt. of Decision : 21-11-97.

Y. Narendra Reddy

.. Applicant.

vs

1. The Superintendent of Post Offices,
Mahaboobnagar ~~Division~~ Division-509 001.

2. S.Thimma Reddy

.. Respondents.

Counsel for the applicant : Mr.M.Tirumala Rao

Counsel for the respondents : Mr.N.V.Raghava Reddy, Addl.CGSC.

CORAM:

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

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

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ORDER

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

Heard Mr.M.Tirumala Rao, learned counsel for the applicant and Mr.N.V.Raghava Reddy, learned counsel for the respondents.

2. The applicant is an unsuccessful candidate in the selection for the post of EDBPM, Pallamarri Village. He was earlier working as EDBPM on provisional basis in response to notification issued on 31-8-95. He was appointed as a provisional EDBPM from 16-10-95. While working as EDBPM on provisional basis, a second notification was issued on 26-08-96. The applicant applied for the said post in response to the second notification. R-2 had also applied for the post in response to 2nd notification.

3. After verification of the particulars of the applicant and other candidates who responded to notification dt. 26-8-96. R-2 was selected and appointed as EDBPM of that post office on regular basis. The R-2 was appointed as such ^{vide} order issued on 17-02-97.

4. The applicant has filed this OA challenging the selection and appointment of R-2.

5. The applicant mainly contended that R-1 could not have issued the 2nd notification dt.26-8-96. He further submitted that R-2 was not having any landed property as mentioned in the notification and R-2 was not qualified for the post.

6. The applicant cannot challenge the 2nd notification since he had submitted his candidature and participated in the process of selection. In view of the judgement of the Apex Court reported in 1995 (2) SLR 209 SC (Madan Lal Vs. State of J&K), the applicant cannot challenge the 2nd notification dated 26-8-96.

7. Hence the challenge to selection of R-2 only stands in this OA. The respondents have placed before us the selection proceedings. We perused the selection proceedings. The applicant had secured 255/600 marks in SSC whereas the selected candidate (R-2) has secured 340/600 marks in SSC. The selection proceedings clearly show that both of them had fulfilled all the conditions for selection to the said post. When everything being equal the criterian for selection of the candidate is merit which is decided on the basis of the marks obtained in the SSC Exam i.e., the minimum qualification required for the post of as EDBPM. The applicant had secured 255 marks in SSC whereas R-2 had secured 340 marks out of 600 in SSC Exam. Hence it has to be held that R-2 is more meritorious than the applicant.

8. The selection committee has made the correct selection and hence the selection of R-2 cannot be challenged. We find no other illegality or irregularity in selecting the R-2 for the post.

9. In view of ~~the~~ what is stated above, we find no merits in this OA Hence the OA is dismissed. No costs.

B.S. Jai Parameshwar
(The selection proceedings are perused and returned
back to the respondents)

B.S. Jai Parameshwar
(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)

21.11.97
Dated : The 21st Nov. 1997.
(Dictated in the Open Court)

R. Rangarajan
(R. RANGARAJAN)
MEMBER(ADMN.)

R. Rangarajan
D.R.

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Copy to:

1. The Superintendent of Post Offices, Mahaboobnagar Division.
2. One copy to Mr. M. Tirumala Rao, Advocate, CAT, Hyderabad.
3. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC, CAT, Hyderabad.
4. One copy to HBSJP, M(J), CAT, Hyderabad.
5. One copy to DIR(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

6/12/97
3/12/97

(6)

TYPED BY
COMPARED 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: 21/11/82

ORDER/JUDGMENT

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

in

D.A.NO. 1341/82

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

