

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

39

ORIGINAL APPLICATION NO. 1520/97

DATE OF ORDER : 24.8.1999.

Between :-

D.Srinivas

... Applicant

And

1. The Superintendent of Post Offices,  
Peddapally Division, Peddapally,  
Karimnagar District.
2. Sri N.Anjaneya Rao

... Respondents

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Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri B.N.Sharma, Sr.CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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

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

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...2.

1  
/

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

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Heard Sri Krishna Devan for the applicant, ~~Sri B.N.Sharma~~ for the official Respondent and Sri Jagannadha Rao for Respondent No.2.

2. A notification dated 6.6.1996 was issued by the Respondent authorities for filling up the post of EDBPM, Dhulikatta Branch Office, Peddapally Division. The terms and conditions for being considered for the post as indicated in para-3 of the notification indicates the various ~~as~~ certificates that should be enclosed to the application form. The applicant and the Respondent No.2 and others applied for the post. Respondent No.2 <sup>was</sup> selected.

3. This OA is filed for setting aside the selection of Respondent No.2 and for a consequential direction to the respondents to appoint the applicant in that post.

4. The main contentions of the applicant in this OA is that he is more meritorious than the Respondent No.2 and hence rejection of his case and appointing Respondent No.2 is illegal and arbitrary.

5. Respondent No.2 has filed the reply. The contention raised by Respondent No.2 for dismissing this application is as follows :-

(i) The notification dt.6.6.1996 clearly indicates that the applicant should possess income from the landed property. Eventhough he possess the property in his name <sup>and</sup> even <sup>if</sup> that is salable, he should produce certificate that he derives income from that property. The applicant has produced documents only to the extent of possessing property and not income from that property.

(ii) Annexure-4 (page-15 to the OA) clearly indicates that the applicant derives income from business. Hence this certificate is insufficient certificate according to the conditions stated in notification dt. 6.6.96 and hence even if the applicant is more meritorious compared to Respondent No.2, he has no locus-standi ~~to~~ for selection to that post.

The official respondents in their reply admit that the applicant has enclosed the documents of the property which is in his name and also there is no doubt that it is salable by him. However they submit that the income shown is only from the business and on that count the case of the applicant was rejected.

6. We have asked the learned Standing Counsel for the official respondents whether the income from the business cannot be taken as regular income even if he does not possess the income from the land. The Standing Counsel clearly submits that such view cannot be taken. The only point left in this OA is that non income from the land will de-bar for appointment to that post if he is otherwise eligible and more meritorious than Respondent No.2.

7. The very fact that the applicant has got landed property with salable right, it cannot be stated that he derives no income from the land. The quantum of the income may be less but there is no mention in the notification in regard to the amount of the income to be derived from land. However, in our view the ED Branch post Master is a part time worker. Probably doing business <sup>during some</sup> and earning is better than getting a meagre income from the landed property. The income from the landed property may fail/lowered <sup>reduced</sup> <sub>various</sub> due to monsoon positions. Hence we feel that the income from the business is more reliable than the land income. Hence the certi-

*from the  
business.*

ficate signed by MRO showing income of Rs.11000/- per annum to the applicant from business is sufficient. The income from the <sup>has</sup> business to be treated as regular income and on that basis his case has to be considered. This is the view we have taken in some other OAs also.

8. In view of what is stated above, we are of the opinion that non selection of the applicant only on the ground that the applicant is not possessing income from the landed property is not correct view of the respondents. Hence the selection of Respondent No.2 is set aside and the Respondents should re consider the selection process from amongst those who applied in response to the notification dated 6.6.1996 and select the most meritorious candidate keeping our views in mind. Till such time, who ever is working as EDBPM at present should be continued as <sup>a</sup> provisional candidate. Time for compliance is three months from the date of receipt of a copy of this order.

8. Original Application is ordered accordingly. No costs.

  
(R.RANGARAJAN)  
Member (A)

  
(D.H.NASIR)  
Vice-Chairman

  
Dated: 24th August, 1999.  
Dictated in Open Court.

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COPY TO:-

1. HDH NJ
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1st AND II nd COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR

VICE - CHAIRMAN

THE HON'BLE MR.R. RANGARAJAN:

MEMBER ( ADMN )

THE HON'BLE MR.B. S. JAI PARAMESHWAR

MEMBER ( JUDL )

\*\*\*\*

ORDER DATE: 24/8/99

MA/RA/CP NO

IN

OA.NO. 1520/92

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

copy

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

6 SEP 1999

हैदराबाद न्यायालय  
HYDERABAD BENCH

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL:A.P.:AT HYDERABAD

M.A.NO. 318 of 1998

in

O.A.NO.1520 OF 1997

Between:-

D. SRINIVAS

Applicant

A N D

1. The Supdt. of Post Offices,  
Peddapally Division, Peddapally,  
Karimnagar District.
2. Sri N. Anjaneya Rao, working as Branch  
Postmaster, Dulikatta Branch Post Office,  
Peddapalli Division, Karimnagar.7

Respondents

MISCELLANEOUS APPLICATION UNDER SECTION 8 (3) OF CAT PROCEDURAL  
RULES 1987:

BRIEF FACTS LEADING TO THE APPLICATION:-

1. ~~XXXXXXWORKXXXX~~ In pursuant to open Notification issued for the post of EDBPM, Dulikatta Branch Office, Peddapally Division, the applicant also applied for and hence called for Interview. Ultimately the Supdt. of Post Offices, Peddapally Division has selected and appointed the 2nd respondent for the said post by ignoring the merits of the applicant. Aggrieved by that, the applicant has filed OA No:1520/97 before this Hon'ble Court challenging the selection and appointment of respondent No.2 as violative Article 14 of the Constitution of India.
2. The Hon'ble Court on 12-11-97 has while admitting the case directed the respondents to file counter within six weeks. It is learnt that notices have already been issued by the Registry and the same has been returned as served. But the respondents have not so far filed the counter. As a result, the respondent No.2 whose appointment was challenged, gets his service counted for the purpose of promotion and seniority which is unjust and unfair. To prevent the 2nd respondent from acquiring undue service, the hearing of the case must be expedited. Further the respondents have not sought for extension of time after the expiry of six weeks

granted on 12-11-97.

3. On 25-3-98 the applicant requested the Dy. Registrar of this court to direct the office to listup the case for further orders of the Hon'ble Court as the respondents have not filed any counter in the stipulated time. But many of the cases which were admitted and where counter has not been filed by the respondents have been listed up by the office for further orders of the Hon'ble Court. Inspite of such situation, the Dy. Registrar instead of following the same procedure has refused to direct the office, ~~and~~ advised to prefer an Expedite application for early hearing and hence this application.

4. The respondents are bound to file counter within the stipulated time. If necessary they have to come out with a request for extension of time. In order to compel them to file counter and if they ~~choose~~ not to file the counter then the case can be heard and disposed of with the material available on record. Therefore, it is necessary that the hearing of the O.A.No.1520/97 have to be expedited and an early date may be fixed for hearing.

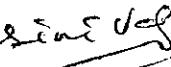
PRAYER: For the facts and circumstances stated above it is prayed that the Hon'ble Court may be pleased to fix an early date for hearing and disposal of the case otherwise the applicant will be subjected to untold hardship and financial loss and pass such other or further orders as deem it fit and proper.

VERIFICATION: I, the applicant in the present miscellaneous application and the Original Application as well do hereby verify that all particulars stated above are true to the best of my knowledge and belief and hence signed this day i.e., 6th April, 98.

  
Signature of the Counsel

Date: 6-4-98

Place: Hyderabad.

  
Signature of the applicant

Fix an early date

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL: A.P.: AT HYDERABAD  
M.A.NO. OF 1997  
in

O.A.NO. 15200/1997

Between:-

D. Srinivas ...Applicant

AND

The Supdt. of Post Offices,  
Peddapally, & another ..Respondents



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EXPEDITE APPLICATION

---

Filed By

Krishna Devan

On 6/3/1998 COUNSEL

for the Applicant

Recd 6/3/1998  
R.N.R. Devan

Recd 6/3/1998  
R.N.R. Devan

A.318/98 in O.A.1520/97

ORIGINAL

Dt. 30.4.98

Heard Sri Krishna Devan for the applicant and Sri V. Rajswara Rao for Sri N.R. Deva Raj

The OA may be posted for final hearing on 27.8.97.

AS ordered accordingly.

POSTAL

BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD

M.A. No.

318

of 1998

O.A. No.

1520

of 1998

D

HRRN  
M/A)

Expedite Petition

Mr. Krishna Devan

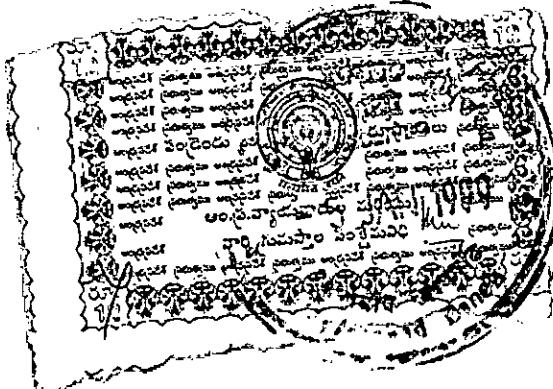
COUNSEL FOR THE APPLICANTS  
AND

Mr. N.R. Deva Raj

Sr. ADDL. STANDING COUNSEL FOR C.G.R.LY

Central Administrative Tribunal  
Hyderabad Bench,  
Hyderabad.

O.A.No. 1520 of 1997



MEMO OF APPEARANCE

B.NARASIMHA SHARMA  
ADVOCATE

Senior Standing Counsel for  
Central Government

Counsel for ..... Respondent 1 & 2

Address for Service:

Phone: 3744965

512, Nilgiri,  
Aditya Enclave,  
Ameerpet,  
Hyderabad - 500 038.

Central Administrative Tribunal, Hyderabad Bench  
HYDERABAD

O.A.NO.

1520

OF 1997

BETWEEN

D. Srinivas

Applicant(s)

Vs.

The Supdt. of Post Offices,  
Peddapally Division, Peddapally  
Karimnagar Dist. & another

Respondent(s)

MEMO OF APPEARANCE



I B.Narasimha Sharma, Advocate having been authorised by proceedings of Government of India in F.No. 28(5)/98-Judl. Dt.11-12-1998 notified under Sec: 14 of the Administrative Tribunals Act, 1985, hereby appear for Applicant No./Respondent No....1&2.....and undertake to plead and act for them in all matters in the aforesaid case.

Place: Hyderabad

Signature & Designation of the Counsel

Date : 2-1-99

B.N.Sharma

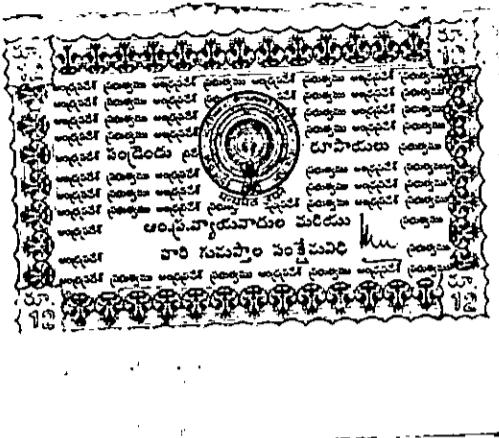
B.NARASIMHA SHARMA  
Senior Standing Counsel for  
Central Government.

Address of the Counsel for Service:

512, Nilgiri,  
Aditya Enclave,  
Ameerpet,  
Hyderabad - 38.

Central Administrative Tribunal  
Hyderabad Bench, Hyderabad.

O.A/R/A No. 1520 of 1997



**MEMO OF APPEARANCE**

**N.R. DEVARAJ**  
ADVOCATE  
Standing Counsel for Railways  
Senior Standing Counsel for Central Govt.

Counsel for the Respondent

Address for Service :

Phone : 7610

Plot No. 8, Lalithanagar  
Jamai Osmania,  
Hyderabad - 500 044.

Central Administrative Tribunal, Hyderabad Bench  
HYDERABAD.

O.A. / P.A. No. 1520

of 1997

BETWEEN

D. Srinivas

Applicant (s)

Vs.

The Superintendent  
of post Offices, Peddapalli  
& SS

Respondent (s)

MEMO OF APPEARANCE

To,

I N.R. Devaraj, Advocate, having been authorised .....

(here furnish the particulars of authority)

by the Central/State Government/Government Servant ..... authority/corporation/society notified under Sec. 14 of the Administrative Tribunals. Act, 1985. Hereby appear for applicant No. .... Official /Respondent No. .... and undertake to plead and act for them in all matters in the aforesaid case.

Place : Hyderabad.

Date : 16.9.98

Signature & Designation of the  
Counsel

Address of the Counsel for Service

Plot No.8, Lalithanagar  
Mai Osmania  
Hyderabad - 500 044.

N.R. DEVARAJ  
Standing Counsel for Railways  
Senior Standing Counsel for Central Govt.

In the High Court of Judicature  
Andhra Pradesh, Hyderabad.

APPELLATE SIDE

VAKALAT

IN

01A No.

1520

of 1997

AGAINST

No.

ACCEPTED



APPELLANT  
Advocate for PETITIONER  
RESPONDENT 2

Ch. Jagannatha Rao,  
B.Sc., LL.B.,  
ADVOCATE

ADVOCATE

APPELLANT  
Advocate for PETITIONER  
RESPONDENT

Address for Service:

Phone:

Phone 7665643  
CH. Jagannatha Rao  
ADVOCATE  
1-8-702/92/4, Padma Colony, Behind  
Shenkarwitt, Nizamkunta  
HYDERABAD-500 044

# In the High Court of Judicature Andhra Pradesh at Hyderabad

APPELLATE SIDE

OA NO 1520 Of 1997

AGAINST

NO. Of 199

On the file of the Court of

Appellant  
Petitioner

D. Srihivag

Respondent

Superintendent of Post Offices  
Peddapally Division, Peddapally

Korimhagar

Appellant  
Petitioner

Respondent

1  
We

In the above Appeal/Petition do hereby appoint and retain.

Ch. Jagannatha Rao,  
B.Sc., LL.B.,  
ADVOCATE

ADVOCATE

Advocate of the High Court to appear for me / us in the above Appeal / Petition and to conduct and prosecute ( or defend ) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including applications for return of documents or the receipt of any money that may be payable to me/us in the said Appeal/Petition and also to appear in all appeals, and applications under clause XV of the Letters Patent and in Petitions for review and for leave to appeal to the Supreme Court of India.

Ch. Jagannatha Rao.

We certify that the contents of this Vakalat were read and explained in ..... in my presence to the executant, or executants who appeared perfectly to understand the same and made his / her / their signature or marks in my presence.

Executed before me on this.....16.....day of.....3.....1999

Ch. Jagannatha Rao  
ADVOCATE

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.  
1st Floor, HAC Bhavan, Opp: Public Garden, Hyderabad. 500004. A.P.

ORIGINAL APPLICATION NO.

OF 199

Applicant(s)

V/S

Respondent(s)

1520.

7.

D. Srinivas, Advocate, Ghris.

The Supdt. of Post Offices, Peddapally  
(By Central Govt. Standing Counsel)  
Division, Peddapally, Karimnagar Dist.  
another.

Krishna Devan,  
To.

Mr. N.R. Devaraj, Sr. CGSC.

1. The Superintendent of Post Offices, Peddapally Division, Peddapally, Karimnagar District.
2. Sri N. Anjaneya Rao, Postmaster, Dulikatta Branch Post Office, Peddapally Division, Karimnagar.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal.

This the . . . . . day of . . . November, . . . 199 . . . 7.

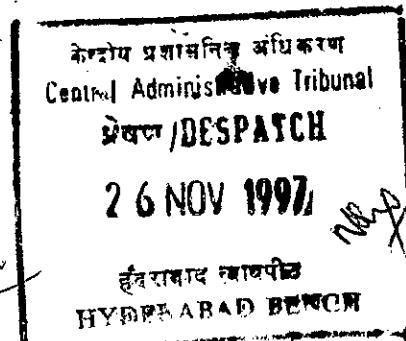
//BY ORDER OF THE TRIBUNAL//

Date: 17-11-97.

FOR REGISTRAR.



On  
19/11/97



26 NOV 1997  
HYDERABAD BENCH  
N.R.

**VAKALAT**  
**In The Court of**  
**Central/State**  
**Administrative Tribunal**  
**Hyderabad Bench**

OA No. 1520 of 1997

D. Srinivas

Applicant  
~~Petitioner~~

**VERSUS**

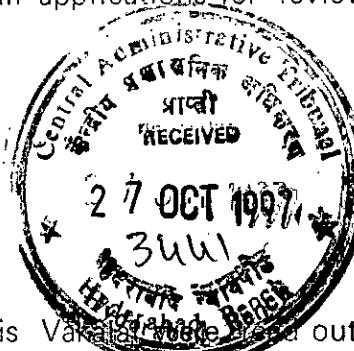
The Supt. of Post Office, Peddapalli & another Respondent(s)

I/We D. Srinivas  
do hereby appoint and retain

M/s. KRISHNA DEVAN  
~~Adv. 5000000000000000~~  
Advocates

Advocate/s of the High Court to appear for me/us in the above Application/Petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including applications for return of documents or the receipt of any moneys that may be payable to me/us in the said Application/Petition and also to appear in all applications for review of Judgement.

X D. Srinivas



I certify that the contents of this Vakalat were read out and explained in the Language known to the executant or executants in my presence who appeared perfectly to understand the same and made his/her/their Signatures or marks in my presence.

Executed before me this 20 day of 15 1997

X Advocate, HYDERABAD

(C. RASANI)

Accepted

**SRI KRISHNA DEVAN**  
~~Advocate, Hyderabad~~

**ADVOCATES**

2-2-1105/11, Tilak Nagar  
Hyderabad-500 044.  
Phone: 552904