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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1643/97

Date of Order : 29.6.99

BETWEEN :

K.Nagaraja Reddy

.. Applicant.

AND

1. The Assistant Superintendent of
Post Offices, North Sub Divn.,
Chittoor Division, Greamspet,
Chittoor.

2. Shanmugham .. Respondents.

Counsel for the Applicant .. Mr.Krishna Devan

Counsel for the Respondents .. Mr.B.N.Sharma

CORAM :

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

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

O R D E R

((As per Hon'ble Shri R.Rangarajan, Member(Admn.)))

Mr.Krishna Devan, learned counsel for the applicant
and Mr.B.N.Sharma, learned standing counsel for the respondent
R-2 served notice. Called absent.

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2. The applicant in this OA was aspirent for the post of EDDA for which he applies in pursuance of the notification dated 29.8.97 (A-1). R-2 also responded to that notification. R-2 was selected.

3. This OA is filed challenging the selection of R-2 and for a consequential direction to appoint the applicant as EDDA in place of R-2.

3. A reply has been filed in this OA. The main contention of the respondents is that R-2 being meritorious he was selected as he fulfills^{ed} the necessary conditions for appointment ^{to} _{of} that post.

4. The learned counsel for the applicant contends that the applicant is meritorious and that the income as stipulated in the notification is not derived by the R-2.

5. On going through the reply we have no hesitation to say that R-2 is meritorious, hence the first contention is rejected.

6. The learned counsel for the applicant submits that in terms of letter dated 6.12.93 the candidates aspiring for an ED post should have adequate means of independent livelihood and the income or property in the name of their guardian will not make them eligible for consideration for appointment

as ED agents in the department.

7. The learned counsel for the respondents submit that there is no iota of evidence in this connection produced by the applicant in the affidavit to come to the conclusion, and hence that contention may not be considered even though respondents are willing to check the certificate if required.

8. There is an oblique reference in the affidavit in regard to the nonpossession of the income by R-2 in the OA. Hence it cannot be said that the applicant has not made any contention at all. Having made certain contention it is not incorrect if that contention is also considered, especially when certain instructions are produced issued by the P&T department. We have checked the income certificate submitted by R-2 signed by M.R.O. That income certificate only indicates that R-2 derives income of Rs.11,000/- through lands at Bodaguttpalli village as per the revenue enquiry. The contention of the applicant is that the land is in his mother's name and hence the income stated to be ^{of} the applicant is right. Mr. Bharadwaj, A.S.P., Chittoor submitted that he verified the correctness of the certificate and income to ^{had come to the conclusion} the conclusion in regard to the income derived by the R-2. When we questioned about the verification made by the

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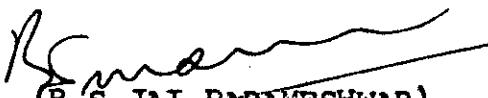
Was
department, the reply is very ~~confusiv~~ and did not
convinced us. It is only stated in the income certificate
that it is verified by the ASP. Such a cryptic answer
cannot be said to be ~~verifi~~^{provisional}. Hence the following direction
is given :-

9. The income certificate of the applicant as well as
R-2 should be checked in accordance with the rules and a
final decision should be taken in regard to the derivation
of the income by the applicant as well as R-2 and on that basis
the selection should be finalised. Till such time the
above direction is complied with, ^{the} R-2 should be continued
as a provisional candidate. In case the income derived
by the R-2 is found to be in order then the provisional
appointment
appointee as directed above is to be treated as ^a regular
appointment
appointee. From the date of his initial appointment as a
regular EDBPM of that post office.

10. Time for compliance is 3 months from the date of
receipt of a copy of this order.

11. The O.A. is ordered accordingly. No costs.

(The selection proceedings are perused and returned
back)


(B.S. JAI PARAMESHWAR)
Member (Judl.)

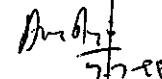
29/6/99

Dated : 29th June, 1999

(Dictated in Open Court)


(R. RANGARAJAN)
Member (Admn.)

sd


D. B. JAI PARAMESHWAR

1st AND 2nd COURT

COPY TO -

1. HDHNJ

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

2. HHRP M(A)

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

3. HDSOP M(J)

4. D.R. (A)

5. SPARE

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

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

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

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

ORDER, Date. 29/6/99

ORDER / JUDGMENT

MA./RA./GP.NO

IN

DA.NO. 1643/97

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.

केन्द्रीय व्यापारिक विविध विधायिक बोर्ड
Central Administrative Tribunal
श्रेष्ठ / DESPATCH

22 JUL 1999

हैदराबाद व्यापारिक
HYDERABAD BENCH