

43

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, Greampet,
Chittoor.

2. Shanmugham

.. Respondents.

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Counsel for the Applicant

..Mr.Krishna Devan

Counsel for the Respondents

.. Mr.B.N.Sharma

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CORAM :

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

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

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O R D E R

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

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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.

R

2

2. The applicant in this OA was aspirant for the post of EDDA for which he applied 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^s 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 ^{not} 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 Bodaguttapalli 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 ^{had come to the conclusion that the} income ~~to~~ ^{is} ~~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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department, the ^{was} reply is very confusive 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 ^{proper verification} verified. Hence the following direction ~~is~~ 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.)


(R. RANGARAJAN)
Member (Admn.)


Dated : 29th June, 1999

(Dictated in Open Court)

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1st AND 1Ind COURT.

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

TYPED BY
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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH-HYDERABAD.

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

~~P.A.~~ CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

