

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1669 OF 1997

DATE OF ORDER : 01-04-1998

BETWEEN :

Yerukala Eranna

... Applicant

AND

Union of India represented by :

1. Chief Post Master General,
Andhra Pradesh Postal Circle,
Hyderabad.
2. The Superintendent of Post Offices,
Kurnool Postal Division
Kurnool.
3. Assistant Superintendent of Post
Offices, Adoni Postal Sub Division,
Adoni, Kurnool District.
4. Y. Netteppa
EDMC, Chintakunta
A/W Halaharvi (Alur),
Kurnool District.

... Respondents

Counsel for the Applicant : Shri K.S.R. Anjaneyulu

Counsel for the Respondents : Shri V. Vinod Kumar, Sr. CGSC

CORAM :

THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (A)

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

(Order per Hon'ble Shri H. Rajendra Prasad, Member (Admn.))

Heard Mr D. Subrahmanyam, Learned Counsel for the
Applicant and Mr V. Vinod Kumar, Learned Counsel for the
Respondents.

Respondents No. 3 issued an open notification
on 19-8-1997 (Annexure I) inviting applications to fill
up the post of EDMC, Chintakunta EDBO. The said post
was reserved for SC candidates. The Applicant submitted his
application by Registered Post but did not receive call-

letter from the said Respondent. When Respondent No. 3 visited the village for verification of documents submitted by different candidates who responded to the notification, the Applicant, who was present there, submitted to the Respondent that he too was a candidate having submitted his application through Registered Post. The said Respondent, however, is stated to have refused to verify ^{the} documents proffered by the Applicant on the ground that his application had not been received by him. The selection process was completed and Respondent No. 4 appointed subsequently.

This OA has been filed challenging the appointment of Respondent No. 4, on the ground not only that he was denied an opportunity for competing for the post, but also ~~because of the fact~~ ^{that} the authorities had selected a candidate less meritorious than himself.

The Respondents maintain that they have not received the petitioner's application at all. On the other hand, the Applicant insists that he had sent it in Registered Letter No. 2411 dated 25-8-1997 of Adoni Head Post Office. He produces a postal acknowledgement dated 26-8-1997 as a token of despatch-and-delivery of the Registered Letter.

In these circumstances, we regard it just and proper to direct Respondent No. 2 (Superintendent of Post Offices) to enquire as to whether the application for the post of EDMC, Chintakunta was received from the petitioner in the office of the Respondent No. 3 (Asstt. Superintendent of Post Offices) and further to satisfy himself that the same, if received, was not inadvertently filed in the selection file of EDMC, Halaharvi EDBO which was ~~being~~ ^{and for which post too the applicant was a candidate.} processed at about the same point of time. If such a mistake has occurred, it certainly needs to be rectified in a suitable way. If it is established that an error had indeed taken

/also

Qs/n

place - in either not selecting the Applicant for Chintakunta even though he was the most meritorious of all the candidates, or his candidature being lost sight of because of a wrong filing of his application in an unconnected selection file - further necessary rectificatory action has to be taken by the Superintendent as per law and rules in the light of his findings; in actual terms this would mean that the selection already made may have to be cancelled by issuing a suitable notice to the selected candidate. If, on the other hand, the enquiry reveals that no error of the kind had occurred as has been assumed by the Applicant, nothing further needs to be done. The enquiry shall commence and be completed within thirty days of the receipt of a copy of these orders, and the outcome, or proposed further action, as the case may be, shall be intimated to the Applicant within fifteen days thereafter.

Thus the OA is disposed of. No orders as to costs.

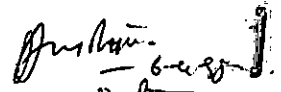
(B.S. JAI PARAMESHWAR)
MEMBER (J)


(H. RAJENDRA PRASAD)
MEMBER (A)

DICTATED IN OPEN COURT

DATED : 1-4-1998

...js/-


Deputy Registrar

(36

O.A. 1669/97.

To

1. The Chief Post Master General,
Andhra Pradesh Postal Circle,
Hyderabad.
2. The Superintendent of Post Offices,
Kurnool Postal Division, Kurnool.
3. The Assistant Superintendent of Post Offices,
Adhoni Postal Sub Division, Kurnool Dist.
4. One copy to Mr. K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr.V.Vinod Kumar, Addl.CGSC.CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm.

22/4/98

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

THE HON'BLE MR. B. S. J. P. P. LEWIS :M(J)

DATED: 14-4-1998

ORDER/JUDGMENT

C.A.NO. 1669/97

Disposed of with directions

Dismissed.

No order as to costs.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद ब्याचरीट
HYDERABAD BENCH
21 APR 1998
Despatch
RECEIVED
विभाग/PAAPAL SECTION