

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

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O.A. 50/99

Date: 07 APR 99

Between:

Kami Reddy Edukondala Reddy

.. Applicant

A N D

1. The Superintendent of Posts,  
O/O The Superintendent Post Offices,  
Narasaraopet Division,  
Narasaraopet.

2. Chinta Reddy Srinivas Reddy  
R/o. Pillutla,  
a/w Piduguralla, Narasaraopet  
Postal Division,  
Guntur Dist.

3. Rudurala Srinivas Rao  
S/o. Acha Rao  
R/o. Mallavolu Hamlet,  
Pillutla a/w  
Piduguralla, Narasaraopet  
Postal Division,  
Guntur Dist.

.. Respondents

Counsel for the Applicant : Mr. M. Tirumal Rao

Counsel for Respondent No.1 : Mr. P. Phalguna Rao

Counsel for Respondent No.2 : Mr. V. Mallik

Counsel for Respondent No.3 : Mr. T.V.P. Prabhakar

Coram:

Hon'ble Shri Justice D.H. Nasir, Vice-Chairman

Hon'ble Shri H. Rajendra Prasad, Member (A) ~~1/1~~

JUDGEMENT  
(Per Hon'ble Shri H. Rajendra Prasad, Member(A))

Heard Mr. M. Tirumal Rao for the Applicant, Mr. P. Phalguna Rao for Respondent-1, Mr. V.Mallik for Respondent - 2 and Mr. T.V.P. Prabhakar for Respondent-3.

2. The Applicant challenges the selection of Respondent-3 for the post of EDBPM, Pillutla EDBO, in Narasaraopet Postal Division and questions the action of Respondent-1<sup>-1 of</sup> in renotifying the said vacancy on 26th November, 1998, despite the fact that a notification issued on 12th October, 1998, had neither been cancelled nor acted upon. A number of allegations, including malafides, are made against Respondent-1. The Applicant prays for quashing the second notification issued by the said Respondent on 26th November, 1998, and a direction that selection be ordered to be made to the post in question only from among the candidates who had applied for it in response to the first notification issued earlier by the said Respondent.

3. A regular vacancy of EDBPM having arisen owing to the promotion of the incumbent, a requisition was placed by Respondent-1 on the Employment Exchange to sponsor suitable and eligible candidates for the post. When no candidates were sponsored by the Employment Exchange, an open notification was issued on 12th October, 1998. Twenty-two applications, including the one from the Applicant, were received. Before the selections could be finalised, however, a complaint was received, from the Sarpanch of the village that the fact of existence of the vacancy was inadequately publicised in the village and its surrounding hamlets and settlements. It was decided therefore to renotify the vacancy in pursuance to which the impugned

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notification was issued on 25th November, 1998, in response to which twelve candidates, including the Applicant, applied for the post. Respondent-3 was selected on merit to fill the vacancy and assumed charge of the post on 7th January, 1999.

4. The Applicant alleges that Respondents 2 and 3 had submitted incomplete applications in response to the first notification and Respondent-1, therefore, issued the second notification merely to accommodate them, that the complaint regarding inadequate publicity to the notification was untrue and without any basis, that the selections should have therefore been confined to the applications received in response to the first notification, that the issuing of the revised second notification was uncalled for and, finally, that he should have been selected as the most meritorious candidate.

5. Respondent-1 has filed a counter-affidavit in the case. Respondent-2 has not chosen to file a reply while the Applicant has filed a Rejoinder to the reply of Respondent-1.

6. On a careful scrutiny of facts, we find that it was not incorrect of Respondent-1 to have issued the second notification since a credible complaint had been received in writing from the Sarpanch of the village regarding insufficient publicity given to the first notification. The statement of the person who acted as drummer is not considered sufficient or reliable proof of adequate publicity. Likewise, there is no particular reason why the word of the Village Administrative Officer should evoke greater acceptance than that of the Sarpanch in this matter.

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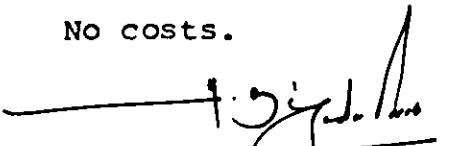
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We have disapproved of the issue of a second notification in certain specified circumstances in some of the recent cases disposed of by us. The facts and connected revelations in this case do not, however, persuade us to conclude that such action was in any manner incorrect or uncalled for in the instant case.

7. It is denied by the Respondents that the Applicant was the most meritorious of all the candidates who applied for the post in response even to the first notification. Such being the case, nothing can be hoped to be gained by him even if the selections were to be made only from among the applicants to the first notification. And since we have held that the issue of second notification was not wrong in this case, the selection of Respondent-3, being the most meritorious candidate, is not irregular or incorrect in any way.


8. The allegation of malafides made by the Applicant against Respondent-1 is seen to have no substance at all. Likewise, the allegations against the said Respondents regarding the issue of second notification in respect of vacancies in some other EDBOs., besides being of no relevance to the present case, have been satisfactorily explained by the said Respondent.

9. To sum up, we do not find any of the pleas raised by the Applicant to be acceptable. There is no merit in the OA, which is disallowed <sup>and</sup> disposed of. No costs.

  
(H. RAJENDRA PRASAD)  
Member (A)

  
(D.H. NASIR)  
Vice-Chairman

MD

  
RUSP.