

45

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.521/99

DATE OF ORDER : 25.11.1999.

Between :-

Ratnakaram Rama Raju

...Applicant

And

1. The Superintendent of Post Offices,  
Hindupur Division, Hindupur.
2. The Postmaster General, Kurnool  
Region, Kurnool.

...Respondents

-- -- --

Counsel for the Applicant : Shri S.Ramakrishna Rao

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

-- -- --

CORAM:

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

(Order per Hon'ble Shri Justice D.H.Nasir, Vice-Chairman).

-- -- --

...2.

- 2 -

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

---

Heard Sri S.Ramakrishna Rao, learned counsel for the applicant and Sri M.C.Jacob, for Sri B.Narasimha Sarma, learned Standing Counsel for the Respondents.

2. The applicant in this case is challenging the validity of second notification issued on 1.3.1999 for appointment of EDBPM, Gowkanapalli, Talupula SO, Hindupur Postal Division, Ananthapur District on the ground that since adequate number of applications were received in response to the first notification dated 11.12.1998, the issue of second notification was not warranted.

3. From the perusal of the notifications produced on the record of this case, it appears that in the first notification dated 11.12.1998 it is mentioned that the vacancy is reserved for <sup>SC</sup> ~~ST~~ but in case minimum number of eligible candidates do not offer their candidature, the vacancy will be treated as unreserved and offered to candidates belonging to other reserved community of ST/OBC or other community candidates as the case may be.

4. In the reply affidavit, it is mentioned by the respondents that six applications were received in response to first notification dated 11.12.1998. The particulars of the applicants who applied for the post in question are given on page-2 of the counter where the names of the six candidates are also mentioned. Three out of them are SC candidates, two OBC and one OC. In the list containing the names of six candidates, the first name is that of R.Rama Raju, the applicant.

5. In view of the fact that adequate number of applications were received in response to the first notification dated 11.12.1998, learned counsel for the applicant Sri S.Ramakrishna Rao contends that it was not necessary for the department to issue second notification dated 1.3.1999 and according to Sri S.Ramakrishna Rao this notification was illegal and deserves to be quashed. There is no reason why this submission made by the learned counsel for the applicant should not be accepted, having regard to the fact that sufficient number

- 3 -

of applications were received in response to the first notification. The OA therefore deserves to be allowed and the applicants who responded to the first notification dated 11.12.1998 should be considered for appointment after following the procedure prescribed for selection.

6. Learned counsel Sri S.Ramakrishna Rao submits that the present applicant, apart from making an application for the post in question in response to the first notification to be considered on merits, also claimed appointment on compassionate grounds in view of the fact that his father's brother had died in harness and he was eligible for compassionate appointment as there was no other eligible member in the family of the deceased. However, Sri M.C.Jacob points out that since the applicant was not covered within the definition of 'family' for appointment on compassionate grounds, being the son of the brother of the deceased, was not eligible for appointment on compassionate grounds. In that view of the matter, this OA is disposed of with the following directions :-

- (i) the second notification dated 1.3.1999 is hereby quashed;
- (ii) the applications received in response to the notification dated 11.12.1998 should be examined in accordance with law and selection could be made accordingly.

7. There is no order as to costs.

  
(D.H.NASIR)

VICE-CHAIRMAN

DATED: 25<sup>th</sup> November, 1999.

Dictated in open court.

*Per 2  
30/11/99*

AVL/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.  
HYDERABAD.

1ST AND 2ND COURT

COPY TO.

1. HDHNS ✓
2. HRRN M (ADMN) ✓
3. HSSJF.M. (JUDL) ✓
4. D.R. (ADMN) ✓
5. SPARE ✓
6. ADVOCATE ✓
7. STANDING COUNSEL

TYPED BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_  
COMPILED BY \_\_\_\_\_ APPROVED BY \_\_\_\_\_

THE HON'BLE MR. JUSTICE OH. NASIR  
VICE-CH. IRMAN

THE HON'BLE MR. B. RANGARAJAN  
MEMBER (ADMN)

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

\*\*\*\*

DATE OF ORDER 25/11/99

MA/RA/CP.NO.

IN  
CA. NO. 521/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISMISSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

7 copies

