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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.563/1999

DATE OF ORDER : 12-4-2000

Between :-

Mudunuru Satyanarayana Raju

...Applicant

And

1. The Superintendent of Post Offices,
Paravathipuram Division, Pafvathipuram,
Vizianagaram District.
2. The Sub Divisional Inspector, Post Offices,
Cheepurapalli, Vizianagaram District.
3. The Chief Post Master General, AP Circle,
Abids, Hyderabad.
4. L.Suryanarayana

...Respondents

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Counsel for the Applicant : Shri A.Rama Rao

Counsel for the Respondents : Shri B.N.Sarma, Sr.CGSC
Shri Y.Appala Raju for R-4

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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None for the applicant. Heard Sri Y.Appala Raju, learned counsel for the R-4 ~~xxxxxx~~ and Sri M.C.Jacob for Sri B.N.Sharma, learned Standing Counsel for Respondents 1 to 3.

2. The post of EDBPM, Merakamudidam Branch Office fell vacant with effect from 4-11-1996 on account of the death of the regular incumbent. As per the directions of Respondent No.1, Respondent No.2 made provisional appointment to the said post appointing the applicant on provisional basis. Subsequently they approached the Employment Exchange, Vizianagaram for filling up the post. The vacancy was notified on 26.6.1998, since no candidate was sponsored by the Employment Exchange. In response to the notification dated 26.6.1998 four applications were received within the due date. The applicant was also one of the candidates, responded to the notification. Out of the four applications, 3 applications were verified by the Respondent No.1. The applicant was directed to attend to the verification. At that time one Mr.S.Narayana Murthy Raju approached this Tribunal in OA 1270/98 against the non-consideration of his case for the said post who is a physically handicapped person. On 30.9.1998 the said OA was disposed of with certain directions. Respondent No.1 considered OBC candidate and appointed the Respondent No.4 in the said post.

3. The applicant has filed this OA challenging the selection and appointment of Respondent No.4 to the post and for a consequential direction to the Respondents to select and appoint the applicant as EDBPM with all consequential benefits.

4. The applicant claims that he is more meritorious than the Respondent No.4.


5. Respondents have filed reply. They interpreted the judgement in OA 1270/98 that if no single eligible candidate belongs to reserved community found eligible, then the physically handicapped person should be given higher priority for the appointment. The Respondents had felt that even if the applications received from a single reserved community candidate and if he is found eligible, then he should be posted. If such a reserved community candidate cannot be found, then only the direction to post the physically handicapped persons giving highest priority. *will have*


6. In the normal course if ~~if~~ ^{three} applications are received from a reserved community then only one of the reserved community candidate can be posted. If less than 3 reserved community candidates applications are received, then the reserved community will lose its priority and just a suitable person ~~should~~ ^{shall} be found from the next lower category. If that be the rule when only one OBC candidate applied, then it cannot be said that enough applications ~~are~~ ^{are} received from reserved community and ~~the~~ ^{that} next category of OC ~~should~~ ^{shall} be filled clubbing ~~with~~ that of the OBC treating all the applications as unreserved and the most meritorious candidate has to be appointed. As a judgement of this Tribunal in existence as stated earlier that all the OC candidates should be considered and the physically handicapped person should be given highest priority amongst those OC candidates considered. The list of OCs should also include the lone OBC treating him as OC due to non availability of the applications from 3 reserved community candidates in this

case. In our opinion the interpretation stated as above does not appear to be as per the judgement in OA 1270/98. In view of the above, the following directions are given :-

The appointment of Respondent No.4 is hereby set aside. Applications received in response to the notification dated 26.6.1998 should be considered treating them as OCs and the judgement of this Tribunal in OA 1270/98 should be applied in selecting the candidate as per the judgement dated 30.9.1998. Time for compliance is two months from the date of receipt of a copy of this order. Till such time the present incumbent ^{at} ~~for~~ of the post should be continued *as a provisional appointee*

7. O.A. Ordered accordingly. No order as to costs.


(S. S. JAI PARAMESHWAR)
Member (J)
12.4.00


(R. RANGARAJAN)
Member (A)

Dated: 12th April, 2000.
Dictated in Open Court.

*Any
source*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

~~1ST AND 2ND COURT~~

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

1. HDND
2. HRRN(ADMN) MEMBER
3. HBSJP(JUDL)MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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

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

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

DATE OF ORDER 12/4/2000

MA/RA/EP.NO.
IN

CA.NO. 563/99

(8 copies)

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

~~ORDER/REJECTED~~

~~NO ORDER AS TO COSTS~~

RECEIVED
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

27 APR 2000

Despatch Rep

RECEIVED

OFFICE OF THE DEPUTY SECRETARY
TO THE SECRETARY