

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

O.A.No.301 of 1999.

DATE OF ORDER: 31-3-2000.

Between:

S.Ram Mohan Rao.

..Applicant

a n d

1. The Senior Superintendent of Post Offices,
Nellore Division, Nellore.
2. The Assistant Superintendent of Post Offices,
Kavali, Nellore Division.

..Respondents

COUNSEL FOR THE APPLICANT :: Mr.Krishna Devan

COUNSEL FOR THE RESPONDENTS :: Mr.J.R.Gopal Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

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

: O R D E R :

(PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.Krishna Devan, learned Counsel for the
Applicant and Ms.Shakti for Mr.J.R.Gopal Rao, learned
Standing Counsel for the Respondents.

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2. A notification bearing Memo.No.B2/BPM/K.Konduru (BO, [REDACTED]) dated 26-2-1998, (Annexure.I to the reply) was issued for filling up the post of EDBPM, Kummaru Kondur BO under Kavali Headoffice. That notification was necessitated as all the sponsored candidates by the Employment Exchange were not found eligible. In response to the notification dated 26-2-1998, eight(8) applications were received including that of the applicant. However, that notification was cancelled by the impugned Order No.B2/BPM/K.Kondur BO, dated 9-2-1999, (Annexure.1, page 7 to the OA). Hence, the [REDACTED] vacancy was re-notified on 26-1-1999 to the Employment Exchange and Public simultaneously fixing the last date for receipt of applications as 3-3-1999.

3. This OA is filed to set aside the impugned Order dated 9-2-1999, (Annexure.1 to the OA) passed by the Respondent No.1 and for a consequential direction to the Respondent No.1 to give effect to the result of selection done in pursuant to the notification dated 26-2-1998.

4. An Interim Order was passed in this OA on 24-2-1999 for maintaining Status-quo. Hence, the second notification dated 26-1-1999 has not been processed further.

5. In the reply, it is stated that the applicant has submitted a Property Certificate signed by the MRO, wherein he states that he possessed 2 acres of land and derives an income of Rs.10,000/- from that property. An enquiry was made by the Assistant Superintendent of Post Offices, Kavali, whose

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report is enclosed as Annexure-III to the reply dated 16-1-1999. The respondents submit that the income from the property has been inflated and the enquiry revealed that the income is only to the extent of Rs.500/- and not more than that. In view of that the notification dated 26-2-1998 was cancelled and a fresh notification was issued.

6. We questioned the learned Counsel for the Respondents whether any enquiry was made from the MRO, who had signed the Income and Property Certificate so as to make sure that the details collected by the Assistant Superintendent of Post Offices, Kavali Sub-Division, enclosed as Annexure.III to the reply was acceptable. The learned Counsel for the Respondents submitted that no enquiry was made from the MRO.

7. The MRO is the main person who has issued the Income and Property Certificates. Submission of any report without hearing the said MRO, cannot be taken as a proper appraisal of the case.

8. Hence, in our opinion, the cancellation of the notification dated 26-2-1998 on the basis of the report of the Assistant Superintendent of Post Offices, Kavali, is irregular.

9. Hence, the following directions are given:-

'The impugned Order No.B2/BPM/K.Kondur BO, dated 9-2-1999 is hereby set aside.

The respondents are directed to consider all the applications received in response to the

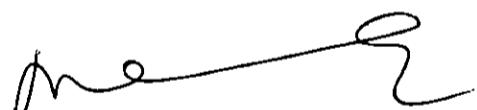
notification dated 26-2-1998 and select the most meritorious candidate for that post. The respondents are at liberty to contact the MRO and take a final decision, which should be recorded and got approved by a Competent Authority.

If the applicant is not eligible for consideration on the basis of the enquiry, the same should be indicated in the ~~DPC~~ ^{selection} Proceedings before selecting the most meritorious candidate.

Till the regular candidate is posted, the present incumbent shall be continued as a provisional candidate.'

10. With the above directions, the OA is disposed of.
No costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)
31.3.00


(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: this the 31st day of March, 2000

Dictated in the Open Court

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