

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 968/99

Date: 19/5/99

Between:

P. Gopalakrishna Murthy .. Applicant

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1. The Chief Post Master General,
A.P. Circle, Hyderabad.
2. The Superintendent of Post offices,
Guntur Division,
Guntur - 522007.

3. Netam Aruna Kumari
W/o. Gopal Rao,
R/o. Katrapadu Post,
Pedanandipadu Mandal,
Guntur Dist. .. Respondents

Counsel for the Applicant: Mr. P. Krishna Reddy

Counsel for R-1 & R-2 : Mr. V. Vinod Kumar

Counsel for R-3 : Mr. Y. Appala Raju

Coram:

Hon. Shri R. Rangarajan, Member (A)

Hon. Shri B.S. Jai Parameshwar, Member (J)

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O R D E R

(Per Hon. Shri R. Rangarajan, Member (A))

Heard Mr. P. Krishna Reddy for the Applicant, Mr. V. Vinod Kumar, for the official respondents and Mr. Y. Appala Raju for R-3.

2. The Applicant in this OA has applied for the post of EDBPM, Katrapadu Branch office in response to a notification No. B.II/264/PF/BPM/Katrapadu, dt. 7-1-99 (Annexure-I, page-6 to the OA). Applicant was not selected. R-3 was selected. This OA is filed to set aside the selection of R-3 as EDBPM who is less qualified than the Applicant and for a consequential direction to respondents 1 and 2 to appoint the applicant as EDBPM.

3. The main contention of the respondents in rejecting the case of the Applicant is that the Applicant had not enclosed the registered property document from the sub-registrar as per Item2 in page 7 of the OA.

4. A reply has been filed by R-3 also. The reply filed by R-3 contends that R-3 is the most eligible candidate for posting in that post as she fulfilled all the conditions and secured high percentage of mark in the SSC examination.

5. We have perused the selection proceedings. The case of the applicant was rejected as he had not enclosed the registered property documents from the sub-registrar along with his application. The Applicant submitted ^{the} ~~his~~ document after the last

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date of receipt of the application viz. 9-2-99 on the day when the documents were examined by the S.D.I(P) concerned.

6. The main contention of the Applicant is that in para-4 the documents to be submitted has been indicated. In that para-4 there is no mention that the registered property document from Sub-Registrar has to be included. When that is so, the insistence on the said document to be sent along with the applicant has got no relevance. He also submits that even in the application form nowhere it is mentioned that the said ~~document~~ ^{regd. property} should be enclosed along with application form. The said document is required to verify whether the MRO certificate in regard to the property is substantiated by the sub-Registrar's document. Since the registered ~~document~~ property document from Sub-Registrar is produced on the day of verification of the application the purpose is met with. Hence non inclusion of the registered property document from the Sub-Registrar ^{already} in the application cannot stand in the way of the Applicant to refuse his consideration for the post.

7. In order to verify whether those who were considered for the post had enclosed the registered property document from Sub-Registrar records were called for. Out of 30 applications so received 11 applications were considered for selection to that post. Case of the Applicant was also included in that ~~xxxx~~ Eleven. If the Applicant had not submitted property document along with his application the question of including his name in that 11 did not arise. His application should have been rejected ^{any application} and 10 should have been considered. That itself showed

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that the respondents were not very sure of the rule position. The Applicant having submitted the required MRO Certificate the department must have thought it ^{was} sufficient to consider his case also. For some unknown reason his case was rejected after taking up his case for selection to the post of EDBPM, Katrapadu.

8. We have checked up the earlier notifications issued in connection with the recruitment of EDBPM posts. In no notification the condition of enclosing the registered property document from sub-Registrar is included. It is not known why that condition was included in this notification dt. 7-1-1999, when an MRO issues the certificate, that itself will substantiate regarding the proof of property. If the respondents are not satisfied with the MRO's certificate they are at liberty to call for the registered property document either at the time of verification of the document or even earlier after receipt of the application. In this case the Applicant has reported to have shown his registered property document at the time of verification of the records. Hence, we feel that the rejection of his case on that score cannot be an appropriate rejection.

9. A clarification regarding income and ownership of property condition has been circulated to various circles by DG P&T vide letter No.17-104/91-ED & Trg. dt. 18-9-1995. A perusal of the letter indicated that the enclosure of registered property document from the Sub-Registrar is not a document to be enclosed along with the application. In view of that insisting on that document for consideration of his case for selection to the post of EDBPM Katrapadu

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is not borne by any rule.

10. It is also felt that calling for the registered property document from the Sub-Registrar at the time of submission of application may result some hardship to the Applicant as the time required for production of that registered document from the date of issue of notification before the closure of the notification is only one month. But if he is asked to produce at the time of verification of the documents ~~he will~~ have some more time. In that view also, insistence of inclusion of registered property document at the time of submission of application may not be a proper condition.

11. In view of what has been stated above the OA has to be allowed and accordingly it is allowed and the following direction is given :

Selection of R-3 is set aside.

Respondents are directed to

re-consider all the applications received in response to the notification dt.7-1-99 and select the most suitable candidate who fulfills all the conditions without insisting enclosure of registered document from sub-Registrar at the time of submission of the application. Till such time the regular candidate is posted, the present incumbent will be continued as a provisional candidate.

12. OA is ordered accordingly. No costs.

(B.6) JAI PARAMESHWAR
Member (J)

JAT PARAMETRISATION
Member (J)

15.1.99

MD

(R. RANGARAJAN)
Member (A)

Member (A)

May 1
1955.

1st AND 2nd COURT.

COPY TO:-

1. HDHNC
2. HHRP M(A)
3. HBSOP M(J)
4. O.R. (A)
5. SPRE

✓ *Applicant's Counsel*

✓ 4. *Counsel*
5. *R.D.'s Counsel*

TYPED BY
CHECKED BY
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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

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

THE HON'BLE MR. H. RAJENDRA PRASAD.
MEMBER (ADMN)

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

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

ORDER, Date. 15-9-99

ORDER / JUDGMENT

MA./RA./CP.NO.

IN
DA. NO. 968/19

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~C.P. CLOSED~~

~~R.A. CLOSED~~

~~O.A. CLOSED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED / REJECTED~~

~~NO ORDER AS TO COSTS.~~

सेन्ट्रल एडमिनिस्ट्रेशन ट्रिब्यूनल
Central Administrative Tribunal
प्रेस्पैच / DESPATCH

22 SEP 1999

हैदराबाद न्यायपीट
HYDERABAD BENCH