

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.609/99

Date of Order:10.8.99

BETWEEN:

S.Venkateswar Rao .. Applicant.

AND

1. The Postmaster General,
A.P., General Post Office,
Abids, Hyderabad.

2. The Superintendent of Post Offices,
Nalgonda Division, Nalgonda.

3. M.Mohan Reddy .. Respondents.

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Counsel for the Applicant .. Mr.M.Rama Rao

Counsel for the Respondents .. Mr.J.R.Gopala Rao
(for R-1 and 2)

.. Mr.M.VenkatramReddy
(for R-3)

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER(ADMN.)

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

— — —
O R D E R

)(As per Hon'ble Shri B.S.Jaiparameshwar,Member(Judl.)

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Mr.M.Rama Rao and Mr.V.Suryanarayana Sastry,
learned counsel for the applicant and Mrs.Shakthi for
MR.J.R.Gopala Rao, learned standing counsel for R-1
and 2 and Mr.M.Venkatram Reddy, for R-3.

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2. The Respondent No.2 had issued a notification dated 21.12.98 inviting applications to fill up the post of EDBPM, Vattipally village, Nalgonda District. The applicant, the R-3 and 2 others had submitted their candidature. It is also stated that one another candidate had submitted his candidature but it was beyond the last date fixed. After verification of the documents the R-2 appointed the R-3 to that post on regular basis.

3. The applicant feeling aggrieved by the selection and appointment of R-3 has filed this OA challenging the selection on the ground that the R-3 had manipulated the property certificate even though the properties described in the certificate ~~even~~ stood in the name of his father and for a consequential direction to the respondents to cancel the appointment of R-3 and the applicant's case may be cosidered.

4. A reply has been filed by R-1 and 2. In the reply it is stated that the applicant had secured 316 marks (excluding Hindi) in the S.S.C.Examinations and that he was the most meritoriolus candidate and that he was having adequate means of livelihood and property in his name as per the certificate issued by the M.R.O., Marrigudem . But however it was noticed that the name of the father of the applicant as

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indicated in the property and other certificates differed from the name of the father of the applicant as indicated in the educational records. On this ground they rejected the candidature of the applicant.

5. As regards the property and income certificate of R-3, they submit that they relied only upon the certificate issued by the M.R.O. Marrigudem. They did not insist upon the R-3 to produce any document/s supporting the possession of the property as indicated in the certificate.

6. The R-3 has filed his reply stating that he has been properly selected that the applicant had suppressed the fact of difference in the name of his father in the educational records and in the property certificates, and that he has filed this OA only to harass him. Further he submits that he had not manipulated the M.R.O. certificate, that he himself owned the property. He has also filed additional reply after going through the rejoinder. He submits that the applicant has not produced the residential certificate and that his candidature was not ~~in~~ complete in all respects.

7. After hearing the learned counsels, we are of the opinion that the respondent authorities had failed to verify whether the name of the father of the applicant as found in the property certificates and as

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found in the educational records related to one and the same person. It is only in the reply they submit that on verification they are now satisfied that Kishan Rao and Ramakishan Rao relate to one and the same person. Thus saying they left the matter to the Bench to decide the OA on merits.

8. As regards the property certificate produced by R-3 they have specifically stated that they ^{were} satisfied only with the M.R.O. certificate produced by the R-3 and they did not insist upon the R-3 to produce any document in support of certificate issued by the M.R.O., Marrigudem.

9. The R-3 no doubt submits that he owns a property and he has produced a copy of the property certificate. It is for the respondents 1 and 2 to consider whether the property certificate produced by him is sufficient or not and if necessary to call upon him to produce necessary document in support of the certificate issued by the M.R.O., Marrigudem.

10. When the respondent authorities themselves admit that the candidature of the applicant was rejected only on a technical ground, we feel their action is improper.

11. The R-3 contends that the applicant had not produced the residential certificate. As seen from the reply the R-1 and 2 ^{which} clearly states that the applicant had produced the residential certificate.

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Residence is not a condition precedent for selecting a candidate.

12. The learned counsel for R-3 submits that the name of the father of the applicant was reviewed by the respondent authorities and on that basis ~~they~~ submitted their contentions in the reply ~~which~~ is not permitted. We do not consider it as a review. It is only putting forth the facts revealed to them before us. Hence we are ordering the decision on the basis of the facts now placed.

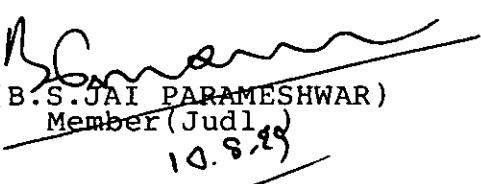
13. In this view of the matter we feel it proper to direct the respondent authorities to make ^a proper selection from amongst the candidates who responded to the notification dated 21.12.98.

(a) The respondent authorities shall select the most suitable and meritorious candidate for the post.

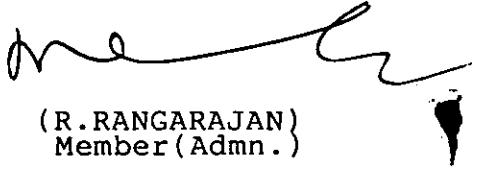
(b) Till such time, the present incumbent of the post shall be treated as a provisional appointee.

(c) Time for compliance is 3 months from the date of receipt of a copy of this order.

17. With the above direction the OA is disposed of
No costs.


(B.S.JAI PARAMESHWAR)
Member (Judl)

10.8.99


(R.RANGARAJAN)
Member (Admn.)

Dated : 10th August, 1999

(Dictated in Open Court)

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COPY TO:-

1. HDHNJ
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

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)

ORDER DATE, 01/8/99

MA/RA/CP.NO
IN
DA.NO. 609/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

(8 copies)

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
झेष्ठ / DESPATCH

23 AUG 1999

हैदराबाद स्थायी बैठक
HYDERABAD BENCH