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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 610/99

Date of Order : 16.6.99

BETWEEN :

P.Nageswara Rao

.. Applicant.

AND

1. The Supdt. of Post Offices,  
Anakapalli Division,  
A nakapalli.

2. The Post Master General,  
Visakhapatnam.

3. The Chief Postmaster General,  
AP Circle, Hyderabad.

4. R.Varahalu .. Respondents.

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Counsel for the Applicant

.. Mr. K.VenkateswaraRao

Counsel for the Respondents

.. Mr.V.Vinod Kumar

Mr.Y.V.Ravi Prasad  
for R-4

— — —

CORAM :

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

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

— — —  
O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (Judl.) X

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Mr.K.Venkateswara Rao, learned counsel for the applicant, Mr.V.Vinod Kumar, learned standing counsel for the official respondents and Mr.Y.V.Ravi Prasad, for R-4.

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2. The post of EDBPM, Rachapalli under Makavarapalem S.O. fell vacant. The first respondent issued notification in Memo No.B/ED-3/351 dated 30.9.98 inviting applications from the eligible candidates. The applicant, R-4 and others responded to the said notification.

3. After considering the applications, the R-4 was selected and appointed to that post.

4. The applicant has filed this OA challenging the selection and appointment of R-4 to the said post on the ground that he is meritorious candidate.

5. The respondents have filed a reply stating that the candidature of the applicant even though he was meritorious was rejected on the ground that the accomodation offered by him to run the post office was in ~~the extre~~ <sup>-me</sup> corner of the village.

6. The respondents stated in the reply that the applicant had a tiled house located <sup>in</sup> ~~extreme~~ corner in the village as reported by the Assistant Superintendent of Post Offices, Narsipatnam. This is the ground for rejecting the candidature of the applicant.

7. Today the respondents produced the selection proceedings. We have perused the report of the ASPO. The fact that the applicant was meritorious is not <sup>in</sup> dispute. But from the report of the A.S.P.O. who examined made 2

observations. They are (1) that the house of the applicant is at extreme corner of the village (2) the applicant stated that he would locate the post office in the centrally located place in the village.

8. On perusal of the report we are unable to see whether the appointing authority had accepted the report of the ASPO before making selection of R-4. The report of the ASPO is only for consideration of SPO who is the appointing authority. The appointing authority has to take a decision whether the report of the ASPO stating that the applicant is meritorious and has possessed the <sup>.. in the extreme corner is -</sup> tiled house, was sufficient to reject his candidature and also whether the submission of the applicant that he will locate the post office at a central place is to be taken note of.

9. The learned counsel for the applicant relied on the DGP&T letter No.38-26/78-PRP dated 31.3.80. Wherein it is observed as under :-

"In rural areas, the branch postmasters usually provide their own accommodation for running the post office. Therefore, the location of post office in a village would depend upon the choice of the branch postmaster. Instructions already exist for giving preference to SC/ST candidates for appointment as ED Agents. In cases where under the existing instructions the ED Agents appointed is from a Scheduled Caste he is likely to open the post office in his own area. It has to be ensured that no unnecessary objections are raised in such cases".

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10. It appears that in accordance with the observations made by us in OA.393/94 regarding the accommodation to be offered by the ED staff, the CPMG has issued circular instructions dated 2.9.97.

11. The appointing authority may take note of the circular instructions on the subject while selecting the suitable candidate.

12. In view of the above, the selection and appointment of R-4 is to be treated as a provisional one.

13. Hence the following directions are given :-

(a) The appointing authority shall consider all the candidates who responded to the notification dated 30.9.98, and make a suitable selection from among them considering report of the ASPO and also the circular instructions issued by the DG P&T and CPMG referred to above.

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

(c) Time for compliance is 45 days from the date of receipt of a copy of this order.

14. The OA is disposed of with no costs.

B.S. JAI PARAMESHWAR  
Member (Judl.)

16.6.99

R. RANGARAJAN  
Member (Admn.)

Dated : 16th June, 1999

( Dictated in Open Court )

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Amulya  
16/6/99

1ST AND 2ND COURT

COPY TO:-

1. HON. J.
2. HHRA M(A)
3. HBSOP M(J)
4. D.R. (A)
5. SPARE

TYPED BY: CHECKED BY  
COMPARED BY 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 (A)

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

THE HON'BLE MR. B. S. JAI PARAMESWAR  
MEMBER (J)

ORDER: 16.6.99

ORDER / JUDGEMENT

MA./RA./CP NO.

in  
OA. NO. 610/99

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.

SRR

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal  
शेष्प / DESPATCH

-7 JUL 1999

हैदराबाद न्यायालय  
HYDERABAD BENCH