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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,
Anakapalli.
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.Venkateswara Rao

Counsel for the Respondents

.. Mr.V.Vinod Kumar

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

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CORAM :

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

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

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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.



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 accommodation offered by him to run the post office was in ^{-me}the extreme corner of the village.

6. The respondents stated in the reply that the applicant had a tiled house located ⁱⁿextreme 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 ⁱⁿdispute. But from the report of the ^{A.S.P.O.} who examined made 2

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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 tiled house ^{in the extreme corner is -} ~~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 accomodation 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 accomodation 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.

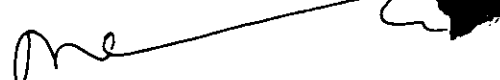
(b) Till such time the present incumbent of the post shall be continued as a provisional appointee.

(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 (Adm.)

Dated : 16th June, 1999

(Dictated in Open Court)

COPY TO:-

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

1ST AND 2ND COURT

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. 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

GA. No. 610/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

D.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS

SRR

