

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.668 of 1999.

DATE OF ORDER:23-3-2000.

Between:

Yedlapalli Narayana Rao.

..Applicant

a n d

1. The Senior Superintendent of Post Offices, Bhimavaram Division, Bhimavaram, West Godavari District.
2. The Assistant Superintendent of Post Offices, Head Office, Palakol, West Godavari District.
3. The Postmaster General, Vijayawada, Krishna District.
4. Varada Venkateshwarlu, r-o A.Vemavaram, Achanta Mandalam, West Godavari District.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Chidambaram

COUNSEL FOR THE RESPONDENTS::: Mr.B.Narsimha Sharma (for R1 to R3)

:: Mr.S.Ramakrishna Rao (for R-4)

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))

the  
Heard Mr.V.Suriyanarayana Sastry for Mr.K.Chidambaram for/Applicant  
and  
Heard Ms.Padma Priya for Mr.B.Narsimha Sharma, learned Standing  
Counsel for the Official Respondents 1 to 3, and Ms.Parvati for  
Mr.S.Ramakrishna Rao, learned Counsel for the Private Respondent  
No.4.





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2. The applicant herein was appointed as a provisional EDSPM of A.Vemavaram ED Post Office due to the promotion of the regular incumbent to the cadre of Postman. He joined on 25-1-1999. At the same time a notification bearing No.B/10/220, dated 4-1-1999, (Annexure.A-I, page 6 to the OA), was issued for filling up the post regularly reserving the post for OBC category. It is stated in the reply that 42 applications had been received in response to the notification and only six applications were found to be eligible for consideration. The applicant was not called for the Interview.

3. Aggrieved by the above, the applicant has filed this OA praying for a declaration that the inaction of the respondents in not calling him to the Interview held on 22-4-1999 is irregular even though lessor qualified persons were called for the Interview, and for a consequential direction to the respondents to call ~~for~~ the applicant <sup>to</sup> the interview to the above said post.

4. An Interim Order was passed in this OA on 29-4-1999 for maintaining Status-quo as obtaining that date.

5. It is stated in the reply that the applicant has not filed the Property Certificate issued by the Mandal Revenue Officer(MRO), but he had enclosed the Property Certificate issued by the VAO. Hence, he was not eligible for consideration. It is also stated that in the notification dated 4-1-1999, it has been stated that the Income and Property Certificate has to be obtained from the MRO. As the applicant failed to get the Property Certificate from

the MRO, his case was not considered and hence he was not called for the Interview. The applicant has not filed any rejoinder to rebut that. He has also not filed the Property Certificate submitted by him in that connection. Hence, it has to be held that the submission of the respondents is in order and the  rejection of the candidature of the applicant for his failure to submit the Property Certificate signed by the MRO, is the reason for not calling him for the Interview.

6. The applicant states that one Sri Veera Venkateshwara Rao was selected, who is less meritorious. At the outset it has to be said that no final selection has been made in view of the Status-quo order as Respondent No.4 who was posted had handed over the charge back to the applicant herein due to the Status-quo order. Hence, technically it can be said that the post is not filled by any regular candidate.


7. The respondents quoted the names of six candidates who ~~are~~ called for the Interview. One of them is Veera Venkateswarlu, who has got 205 marks, but the regular candidate who was posted and gave back the charge to the applicant herein in view of the Status-quo is one Sri Varada Venkateswarlu, who had obtained 314 marks and he happened to be the meritorious candidate amongst those as Sri G.Venkata Rao declined <sup>the post</sup> at the time of Interview.

8. Hence, we find that there is no irregularity committed by the respondents in appointing/Respondent No.4 <sup>temporarily</sup> to the said post.


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9. In view of the above, we dismiss the OA and the respondents are at liberty to appoint the most meritorious candidate in accordance with the law in pursuance of the notification dated 4-1-1999. No costs.

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

23.302

  
( R. RANGARAJAN )  
MEMBER (ADMN.)

DATED: this the 23rd day of March, 2000

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Dictated in the Open Court

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23.302

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