

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION No.837/99

DATE OF ORDER : 10-3-2000

Between:-

D.Ravi Naik

...Applicant

And

1. The Union of India, rep. by the Chief Post Master General, AP Circle, Hyderabad.
2. The Superintendent of Post Offices, Hindupur Postal Division, Hindupur, Ananthapur Dist.
3. D.Siva Naik

...Respondents

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COUNSEL FOR THE APPLICANT : Shri R.Yogender Singh

COUNSEL FOR THE RESPONDENTS: Shri J.R.Gopal Rao, Addl.CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).



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..2.



(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Mrs.Shakti for Sri J.R.Gopal Rao, learned Standing Counsel for the Respondents. None for the applicant.

2. The regular incumbent of EDMC/DA<sup>(1424)</sup> kept in put-off duty with effect from 18-11-1995. Consequently the applicant herein was appointed on provisional basis as EDMC/DA. The regular EDMC was dismissed from service with effect from 23-4-1998 and he did not preferred an appeal. The appeal period ended on 23-7-1998. Hence the Employment Exchange was approached on 27-7-1998 reserving the vacancy for ST community. There was no response from the Employment Exchange. Hence a local notification was issued on 31.8.1998 reserving the post for ST candidates (Annexure-V Page-8 the reply affidavit). Four applications from ST community, 1 from SC and 3 from OBC community were received in response to the open notification and respondent No.3 was selected on that basis.


3. This OA is filed to set aside the appointment of Respondent No.3 and for a consequential direction to the official respondents to appoint the applicant on regular basis.


4. In the reply it is clearly stated that out of four applications received from ST candidate, both the applicant and Respondent No.3 passed SSC Examination in compartmentally. Among the candidates passed in compartmentally, Respondent No.3 was found to be more meritorious as he had obtained more marks compared to others including that of the applicant. Hence the Respondent No.3 was selected as he fulfilled all the other conditions also<sup>an</sup> stated in the notification.

5. The applicant has not filed any rejoinder rebutting the averments made in the reply affidavit. The main contention of the applicant is that he belongs to that village and that he should be selected. It is not a valid contention for appointing the applicant. Even though the applicant contends that he had put in more than 3

years of service, his services as EDDA should be regularized, which in our view is not a valid contention. Hence this contention is also rejected. No further valid contention is made.

6. In view of what is stated above, the O.A. is dismissed. No order as to costs.

  
(B.S. JAI PARAMESHWAR)  
10.3.00  
MEMBER (J)

  
(R. RANGARAJAN)  
MEMBER (A)

Dated: 10<sup>th</sup> March, 2000.

Dictated in Open Court.

Avl/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,  
HYDERABAD.

1ST AND 2ND COURT

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

COPY TO

1. HDHND
2. HSN ( ADMN ) MEMBER.
3. HBSJP. M. (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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 PRAKASHESHWAR  
MEMBER (JUDL)

DATE OF ORDER 10/3/2000

MA/RA/CF. NO

IN

G.A. NO. 837/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO

केन्द्रीय प्रशासनिक अपील  
Central Administrative Tribunal  
दस्तावेज / DESPATCH

21 MAR 2000

हैदराबाद ब्याचपीठ  
HYDERABAD BENCH