

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.117 OF 1999.

DATE OF ORDER:29-4-1999.

BETWEEN:

Srisailam.

.....Applicant

a n d

1. Union of India, Rep. by:
the Chief Postmaster-General,
Andhra Pradesh Circle,
Hyderabad-500 001.
2. The Director of Postal Services,
Hyderabad City Region, Hyderabad-500 001.
3. The Senior Superintendent of Post Offices,
Secunderabad Division, Hyderabad-500 016.
4. The Sub-Divisional Inspector (Postal),
Tandur Sub-Division, Tandur-501 141.
5. M.Narasimloo, s/o Kanakaiah,
r/o Agnoor Village & Post, Yalal Mandal,
Ranga Reddy District.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.Y.Appala Raju

COUNSEL FOR THE RESPONDENTS:: Mr.P.Phalguna Rao for R-1toR-4
: Mr.S.Satyam Reddy for R-5

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R:

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.Y.Appala Raju, learned Counsel for the
Applicant, Mr.P.Phalguna Rao, learned Standing Counsel
for the Official Respondents, and Mr.Sai Laxman for
Mr.S.Satyam Reddy, learned Counsel for the Private
Respondent No.5.




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2. The applicant and the Respondent No.5 applied for the post of EDBPM, Agnoor in pursuance of the notification bearing No.83/ED-Agnoor, dated:11-11-1996 (Annexure.III, page.14 to 15 to the OA). Respondent No.5 was selected.

3. This OA is filed for setting aside the selection of Respondent No.5 and for appointing the applicant as he is the meritorious candidate.

4. In the reply it has been clearly stated that the applicant has not produced the Property Certificate. Only a Sale Deed of the said land was produced. But the respondents are not satisfied with that as that Sale Deed was of the year 1994, whereas the selection took place two years thereafter. In the meantime, there was a possibility of the land having been sold. There was no MRO Certificate to certify that the land as per the Sale Deed is under the custody and ownership of the applicant herein. The applicant had secured more marks than the Private Respondent No.5. In view of the fact that the applicant had not produced the Certificate as per the stipulation in the notification, he was not selected and the Respondent No.5 was selected and thus there is no irregularity in the selection of Respondent No.5.

5. In the Rejoinder the applicant submits that, he has produced a proper registered Sale Deed and that would suffice the necessity of producing the Property Certificate and even if the Property Certificate issued by the MRO is not fair, the case of the applicant cannot





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be rejected as he is the meritorious candidate having obtained more marks than the Respondent No.5. It is also stated for the applicant that the Pattedar Pass Book has been obtained by him and it shows the same Survey Numbers as in the Sale Deed. Hence, the question of non-consideration of the application of the applicant is irregular.

6. The applicant relies on the Judgment of this Tribunal in DA.No.687 of 1998 (E.PURUSHOTHAM REDDY Vs. UNION OF INDIA & OTHERS), to state that the registered documents may be produced in lieu of the Certificate issued by the MRO and that the registered document should be taken into consideration for making selection even if the MRO Certificate is not available.

7. We have considered both sides. The reliance of the applicant on DA.No.687 of 1998 may not be appropriate as there was a Certificate issued by the Sarpanch in regard to the applicant therein. Even though that Sarpanch Certificate was not equivalent to the MRO Certificate, some document was available to prove that on the date of the last date of receipt of the applications, the applicant was possessing the property in that case. In the present case, the Sale Deed was registered in the year 1994. In the year 1996, when the selection took place, the respondents apprehension that the said land might have been sold off, is a possible apprehension. If the applicant had produced the MRO Certificate along with the Sale Deed or atleast could have stated that the

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MRO Certificate could not be obtained as the Sale Deed Proceedings have not been supplied to him and that he will produce the proper documents to prove that the land in question is in his custody even on the date of the selection. But the applicant has not stated so in his application. The only reason given by the applicant is that the applicant thought it fit that the Sale Deed is the sufficient proof to support his case. When the Sale Deed is not supported by the MRO Certificate, it is **for** the applicant to convincingly prove that the land in question is under his custody on the date of the selection and that he will produce the necessary documents in due course. If such a statement had been made in the application then the respondents should not have rejected the application. But his selection is subject to the production of the Pattedar Pass Book issued and other related documents subsequently as and when received. But in view of the deficiency in stating so by the applicant, the respondents have correctly rejected his application and selected Respondent No.5 as he was the next meritorious candidate on the basis of the marks obtained in the SSC.

8. In view of what is stated above, we find no merit in this OA. Hence, the OA is liable only to be dismissed. Accordingly, it is dismissed. No costs.

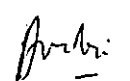

(S.S. JAI PARAMESHWAR)
MEMBER (JUDL)


(R. RANGARAJAN)
MEMBER (ADMN)

24.4.99
DATED: this the 29th day of April, 1999

Dictated to steno in the Open Court

DSN


125/11

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HBSJP 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: 29.4.99

ORDER / JUDGEMENT

MA./RA./CP No.

in
O.A. No. 117/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS

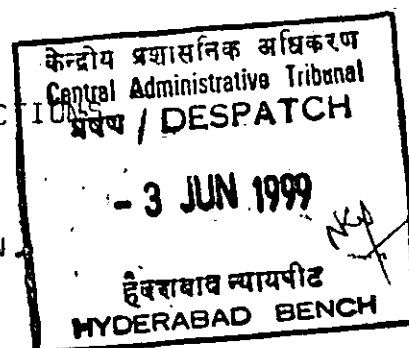
DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS.

SRR



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