

W9

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

No.O.A.882 of 1999.

Date of Order : 26.4.2000

BETWEEN :

A.CHAKRADHAR

... Applicant

A N D

1. The Superintendent of Post Offices,  
Srikakulam Division,  
Srikakulam.
2. The A.S. P.O.'s,  
Amadalavalasa Sub-Division,  
Amadala Valasa, Srikakulam Dist.
3. The Post Master General,  
A.P.Circle, Abids, Hyderabad.
4. N.Vasudeva Rao,  
S/oVishnumurthy,  
r/o Kandyam,  
Regidi Amadalavalasa Mandal,  
Srikakulam Dist.

... Respondents

Counsel for applicant : Mr.A.Rama Rao.

Counsel for respondents: Mr.B.Narasimha Sharma.  
Mr.B.Bhaskara Rao for Res.4.

CORAM :

1. The Hon'ble Mr.R.Rangarajan, Member (A).
2. The Hon'ble Mr.B.S.Jai Parameshwar, Member (J).

O R D E R

B.S.Jai Parameshwar, Member (J).

Mr.A.Rama Rao for the applicant. None for Respondent-4.

Notice served upon respondent no.4. Heard Mr.M.C.Jacob, the  
ld.counsel for the respondents.

2. The post of E.D.B.P.M. Khandyam Branch Office <sup>account</sup> ~~alongwith~~  
Burja Sub-Office, fell vacant w.e.f. 1.7.1998 due to the retirement

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..2/-

of the regular incumbent ~~of~~ to the post. Earlier to his retirement, the respondent-authorities approached the employment exchange to sponsor a list of eligible candidates reserving the post to a person belonging to ST Community. The employment exchange furnished a list of 5 SC, 5 OBC and 5 OC and among them, only 1 was found eligible.

3. Hence, the respondents issued <sup>an open</sup> another notification dated 29.6.1998 reserving the post <sup>to</sup> for ST Community and further indicating that in case a candidate of ST Community was not available, the post would be filled up by a candidate belonging to SC/OBC/OC in the order of preference. In response to the said notification, 11 applications were received. Among them, no candidate belonged to the ST Community, had responded.

4. The respondents considered the 11 applications and the 1 which was sponsored by the employment exchange and out of them 7 applications remained in the zone of selection. As no candidate belonging to ST Community responded to the notification, the respondent-authorities were required to select a candidate from <sup>Candidates</sup> SC/OBC/OC. However, out of the 7 applications received, no application from a candidate belonging to SC Community was received. There were 4 applications from the OBC Community and 3 applications from OC Community.

5. The respondents completed the verification of documents.

6. The applicant apprehending that the respondents may select <sup>the</sup> respondent-4 for the post, approached this Tribunal with this application to declare that the action of the first respondent proposing to appoint the respondent-4 as E.D.B.P.M. of Khandyam Branch Office, <sup>in</sup> Srikakulam District, as illegal, arbitrary, unjustified, unsustainable and unconstitutional and for a consequential direction to the respondents to continue the applicant as E.D.B.P.M. Khandyam Branch Office, Srikakulam District.

7. As the respondents could not select a regular candidate before the retirement of the regular incumbent, the applicant was

appointed to the post on a provisional basis and he was continuing as such till 11.7.1998.

8. The respondents have filed a reply. The applicant has challenged the proposed selection of respondent-4 to the post on the grounds that he is more meritorious than respondent-4 and that respondent-4 also does not possess <sup>any</sup> property.

9. The respondents in their reply have categorically stated that the applicant is less meritorious than respondent-4 and that respondent-4 possessed property as he is having Ac.1.08 cents ~~own~~ ~~any~~ wet lands and one tiled house in Khandyam village and, therefore, the contentions of the applicant that the respondent-4 does not possess any property is not correct.

10. It is to be noted that the applicant belongs to OC Community. The selected candidate belongs to OBC Community. Further the respondents have categorically stated that respondent-4 had secured more marks in the SSC Examination than the applicant i.e. the marks scored by respondent-4 is 253 and that of the applicant is 215.

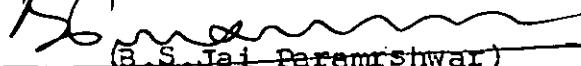
11. Therefore, the contention of the applicant that he is more meritorious than respondent-4 cannot be accepted.

12. The other challenge to the selection of respondent-4 is that he does not possess property. The respondents have produced a xerox copy of the property certificate dated 24.6.1998, issued by the Mandal Revenue Officer, Regidi Amadalavalasa, certifying that respondent-4 possesses 1.08 cents of land and a tiled house in the village.

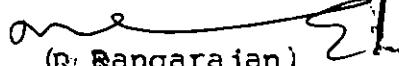
13. The applicant has not filed any rejoinder to the reply filed by the respondents. Moreover, the applicant belongs to OC Community and consideration of his candidature does not arise when a OBC candidate is available for filling up the post.

14. In that view of the matter, we find no reasons to interfere with the selection and appointment of respondent-4 to the post of E.D.B.P.M. Khandyam Branch Office.

15. Hence the O.A. is dismissed. No order is made as to costs.

  
B.S. Jai Parameshwar  
26.4.00 Member (J)

Am  
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R. Rangarajan  
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

COPY TO:

1. HON. CHIEF JUSTICE
2. HON. (ADMN.) MEMBER
3. HON. (JUDL.) MEMBER
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

~~1ST AND 2ND COURT~~

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR  
VICE CHAIRMAN

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

THE HON'BLE MR. S. JAI PARAMESHWAR  
MEMBER (JUDL.)

DATE OF ORDER 26/4/2000

MA/RATE/EP. NO.

IN

CA. NO. 882/99

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 COSTS

केन्द्रीय प्रशासनिक अधिकार सभा  
Central Administrative Tribunal  
हैदराबाद वायरपोर्ट  
HYDERABAD BENCH

8 MAY 2000

Despatched by Naresh

RECORDED

Recd. by Naresh / Dated: 8/5/2000