

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1188/99

DATE OF ORDER : 23-8-1999.

Between :-

Ch.Vijaya Laxmi

... Applicant

And

1. The Superintendent of Post Offices,
Hanmakonda Division, Hanmakonda,
Warangal District.
2. The Sub Divisional Inspector (Postal),
Jangon (East) Sub Division,
JANGAON-506 167, Warangal Dist.

... Respondents

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Counsel for the Applicant : Shri M.Raja Sekhar

Counsel for the Respondents : Shri M.C.Jacob, CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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

(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 Sri M.Raja Sekhar, counsel for the applicant and Sri B.N.Sharma for Sri M.C.Jacob for the Respondents.

2. The post of EDBPM Konnur Village, Ghanpur Station fell vacant. Hence a notification was issued on 13.5.1999 (page-5 Annexure-I to the OA) for filling up that post regularly. That post was reserved for SC candidate as per notification. However, if no SC candidate is available, it can be filled by ST/OBC or ^{an} by OC candidate. The applicant, who is an OBC candidate applied for the post in response to the notification dated 13.5.1999. However, without selecting anybody as per that notification a second notification dated 21.7.1999 (Annexure-IV page-10 to the OA).

3. This OA is filed to set aside the second notification dated 21.7.1999 and for a consequential direction to the Respondents to select the applicant who had applied in response to the first notification.

4. An interim order was passed in this OA on 16.8.1999 whereby it was directed that "till such time the second notification will not be taken to its logical conclusion". Hence the second notification is not processed further.

5. When the OA was taken up today, the learned counsel for the Respondents, on the basis of the records available with him submitted that in response to the first notification dated 13.5.1999 nine applications from SC candidates were received but none of




- 3 -


^{who} them found eligible. Hence they appointed the applicant on 7.7.1999 who is an OBC candidate and fulfill^{ed} the conditions ~~for appointment~~ as EDBPM on provisional basis. There were four applications from other candidates were also received. Under the rule only if three effective applications were available, the applications received can be considered for selection of the meritorious candidate. Even in the OBC three effective applications were not available. Hence the notification dated 21.7.1999 was issued. || The method of reckoning the effective application had already been explained by this Tribunal in **decided on 7-4-1999** OA 1434/98 / and on the basis of that direction if minimum three applications were received it ^{held} should be ~~reckoned~~ that the rule of receipt of the effective number of applications had been fulfilled. Hence the respondents are bound to select one of the OBC or other reserved or unreserved candidate who is meritorious and fulfills conditions for selection and appointment as EDBPM of that village in pursuance of the notification dated 13.5.1999.

5. In view of what is stated above, the respondents are forbidden to issue second notification dated 21.7.1999. In the result the following direction is given :-


- (i) The second notification dated 21.7.1999 is hereby set aside;
- (ii) Respondents are directed to select the most suitable SC/ST or OBC applicant amongst those who applied in response to the notification dated 13.5.1999.

6. Original Application is ~~is~~ ordered accordingly at the admission stage itself. No order as to costs.


(R. RANGARAJAN)
Member (A)


(D.H. NASIR)
Vice-Chairman

Dated: 23rd August, 1999.
Dictated in Open Court.


26/8/99

avl/

1st AND 11th COURT

- TYPED BY
COMPARSED 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. R. RANGARAJAN
MEMBER (ADMN)

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

ORDER DATE: 23/8/99

MA/RA/CP.NO

IN.

IN.
DA. NO. 1188/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. \ CLOSED

R.A. ~~C~~LOSED

O.A. ~~CLOSED~~

DISPOSED\ OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS~~

