

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1065/99

DATE OF ORDER : 22-9-1999.

Between :-

Belamara Lakshminarayana

..Applicant

And

1. The Superintendent of Post Offices, Srikakulam Division, Srikakulam-532001.
2. The Asst. Superintendent of Post Offices, Tekkali Sub Division, Tekkali.
3. The Union of India, rep. by the Director General, Dept. of Posts, New Delhi-110 001.
4. Sri M. Neelaiah

.. Respondents

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Counsel for the Applicant : Shri T.V.V.S.Murthy

Counsel for the Respondents : Shri V. Vinod Kumar, 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 Sri T.V.V.S.Murthy, counsel for the applicant and Sri V.Vinod Kumar, Standing Counsel for the Respondents. Notice served on Respondent No.4 but called absent. Sri P.Satyanarayana, Asst.Superintendent of Post Offices, HQ, Office of Superintendent of Post offices, Srikakulam was present and produced the proceedings.

2. The post of BPM, Nowgam B.O. under Tekkali Head Office fell vacant on 30.6.1999. The Respondents approached the local Employment Exchange for sponsoring the eligible candidates to fill up the post. Further a local notification was issued fixing the last date as 8-4-1999. The vacancy was reserved for SC candidate. In response to the said notification 16 applications were received within the prescribed date and one application was received beyond the last date. Among the 16 applications 10 were received in response to the local notification and 6 were received in response to the sponsored eligible candidates from the Employment Exchange. Out of 16 applications 13 applications were found to be not in order and hence they were rejected. Remaining four applications were scrutinised and it was noticed that a candidate had submitted two applications ^{which} and hence only 3 applications found valid for consideration. Among the 3 applications one application was from reserved community candidate and other two applications were from OBC community candidates. As the vacancy was reserved for SC candidate, Respondent No.4 was selected and appointed to that

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post.

3. The applicant ^{being} aggrieved by the selection and appointment of Respondent No.4 to the post has filed this OA to call for the records relating to the selection and to quash para-3 of D.G.P & T letter No.43-198/85 dt.14.8.1985 regarding verification of property and income prior to selection and consequently to set aside the selection of Respondent No.4 and to direct the Respondent No.1 to consider the case of the applicant for appointment.

4. From the above relief it appears that there are two distinct reliefs in this O.A. Although income and property certificate has to be considered for appointment to the post of EDBPM, quashing of such a rule requires lot of consideration before taking a final decision in this connection. A perusal of the O.A. affidavit will clearly indicate that to accept the second prayer there is no enough material available in this O.A. A check of the grounds for setting aside ^{letter dated 14.8.95} ~~second~~ ¹ prayer we find that the applicant relies on the Talwar Committee report and also relies on the judgements of ~~this~~ Tribunal of Ernakulam and Calcutta Benches of this Tribunal. A study of the orders of both the Tribunals makes us believe that both the judgements are not squarely applicable to the present case. The Talwar Committee report is ~~not~~ only recommendations and it is to be accepted by the Department and suitable amendment has to be made by the Department. There is no such material that the recommendations of the Talwar Committee was accepted by the

Department. The ED service rules ^{are} ~~were~~ not amended. ~~Even~~ ^{Only if} ~~only~~ presuming that the respondents accepted the Talwar Committee report then there may be a case to consider the second prayer. Hence no direction can be given in regard to the second prayer. However, that prayer is kept open for ^{consideration} ~~agitation~~ as and when it arises ^{in future}.

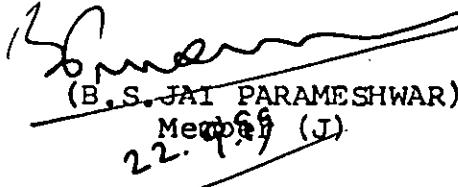
5. The only point for consideration is whether the rejection ^{of the} ~~Candidature~~ of the applicant is in order or not. The case of the applicant was rejected mainly on the ground that he did not possess the property required as per the notification. Hence we called for the selection proceedings in this connection and we perused the application submitted by the applicant for consideration of his case for that post. We carefully scrutinised the income certificate and property certificate. The applicant submitted Pattedar Pass book in proof of having property. That certified document cannot be set aside by the respondents in case the Mandal Revenue Officer certificate is not available. The Pattedar Pass book is a valid document for coming to the conclusion that applicant possess the property or not. In case the respondents feels that they are not sure of the details provided in pattedar pass book, they can ask for registered documents of the property indicated in the pattedar pass book. Hence the case of the applicant cannot be rejected on the ground of non filing of M.R.O. certificate.

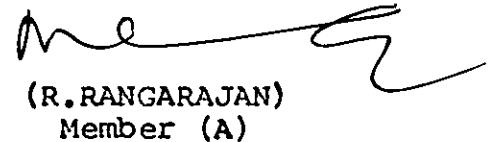
6. Income certificate was examined. The english version of the income certificate of the applicant is attached at

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page-20 of the OA. In this income certificate left thumb impression of Belamara Appalamma, mother of the applicant is taken. The Village Assistant also states that it is ascertained that the above statement is true. That would mean that the Village Assistant ~~is~~ ^{had} agreed that the income was possessed by the mother of the applicant. But for unknown reasons the M.R.O. has given the annual income as if it is in the name of the applicant viz., Belamara Lakshminarayana. When two certificates are contrary to the 3rd certificate given by the M.R.O., rejection of the applicant's case is in order. The applicant's case was rejected as he did not possess income as required by in the notification. Hence the applicant cannot ^{now} ~~ask~~ to appoint him as EDBPM just because he has obtained ^{the} more marks than Respondent No.4 herein.

7. In view of what is stated above, we find no merit in this case. Hence the same is dismissed. No costs.


(B.S. JAI PARAMESHWAR)
Member (J)
22.


(R. RANGARAJAN)
Member (A)

Dated: 22nd September, 1999.
Dictated in Open Court.


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25/10 ✓
1ST AND 2ND COURT

COPY TO :-

1. HONM
2. HRRM (A)
3. HSSOP M (J)
4. D.R. (A)
5. SPARE ✓
6. ADVOCATE ✓
7. STANDING COUNSEL

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. R. RANGARAJAN :
MEMBER (ADMN.) ✓

THE HON'BLE MR. S. S. JAI PARAMESWAR
MEMBER (JUDGE.)

* * *

DATE OF ORDER: 22/9/99

MA/RA/SP.NO.

IN
CA. No. 1065/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

OCT 1999

हैदराबाद अधिकरण
HYDERABAD BENCH