

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1089/99.

DT. Of Decision : 06-09-99.

B.Jairam

.. Applicant.

Vs

1. The Superintendent of Post Offices,
Hanumakonda, Warangal District.

2. P.Veera Reedy

.. Respondents.

Counsel for the applicant : Mr.J.Siddaiah

Counsel for the respondents : Mr.B.N.Sharma, Sr.CGSC.

CORAM:-

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

THE HON'BLE SHRI R. RANGAAJAN : MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.P.Krishna Reedy for Mr.J.Siddaiah, learned counsel for the applicant and Mr.B.N.Sharma, learned counsel for the respondent. Notice served on R-2 called absent.

2. A notification for filling up the post of EDBPM, Manchipahad B.O, Raghunathpalli S.O was issued by the notification No.B3/Manchipahad dated 17-03-99 (Annexure-I). The said post is ^{an} unreserved post. Since 20 candidates sponsored by the Employment Exchange were addressed and none of them were found eligible, it had become necessary to issue the said notification on 17-03-99. In response to the open notification 9 applications including that of the applicant and R-2 were received. Out of the 9 applications received, 8 eligible applications were sent on 19-05-99 to the SDI(P), Janagoan (East) Sub-Division by the letter No.B3/Manchipahad dated 13-05-99 (Annexure R-1 to the reply) for verification of the applications. The candidates were asked to attend

2

the Local Branch post office along with the relevant original certificates on the given date and time for verification by the SDI(P). The five candidates including that of the applicant herein were not found to be eligible. ~~Hence,~~ The case of the applicant was rejected as, (i) he submitted only the Xerox copy of the income certificate along with his application and (ii) he failed to submit the original income certificate at the time of verification and the income certificate was submitted by him without showing the income from landed property. The applicant submits that he is ^{an} meritorious candidate and hence he should have been selected. As he was not selected and R-2, was selected he filed this OA to set aside the selection of R-2, praying for a direction to the official respondent to appoint the applicant in that post.

3. The main contention of the respondent is that the applicant did not submit the original copy of the property certificate and he had submitted only Xerox copy of the income certificate. It is also stated that the income certificate submitted by the applicant issued by the MRO, is not from the landed property but from other sources viz., business etc. This Tribunal had already held that income from the landed property is not an essential requirement and that ED staff should have some income from some other sources. In this case, the applicant had produced the income certificate from other sources other than landed property. That certificate cannot be rejected just because the income is not from the landed property. Further, it is also to be noted that, in the notification, nowhere it is stated that the income should be only from landed property and not from other sources. Hence the rejection of the case of the applicant on that score is irregular.

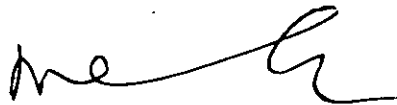
4. We asked the learned counsel for the respondent to show whether the applicant, at the time of verification, was asked to produce the original copy instead of Xerox copy of the income certificate. Probably the applicant may be having the original income certificate in his custody. No proof has been produced before us to show such a query was asked to the applicant and that the applicant has failed to produce the original certificate.

5. In view of what is stated above, it is necessary to allow this application and direct the respondent to reconsider all the eligible applications received in pursuance of the

notification dated 17-03-99 and select ^{the} most meritorious candidate in accordance with law.

Till such time the most meritorious candidate is selected to fill up the post, the present incumbent of that post will be continued as provisional EDBPM.

6. The OA is ordered accordingly at the admission stage itself. No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)



(D. H. NASIR)
VICE CHAIRMAN

Dated : The 06th September, 1999.
(Dictated in the Open Court)

*Amal
Jee.*

SPR

1ST AND 2ND COURT

21/9/99

COPY TO :-

1. HDHND
2. HRRN M (A)
3. HBSJP 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. RAJAGOPALAN :
MEMBER (ADMN.)

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

* * *

DATE OF ORDER:

6/9/99

MA/RA/CP.NO.

IN

CA. No.

1089/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

CA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

5 copies

