

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1130/99

dt.4-9-2000

Between

P. Srinivasu

: Applicant

and

1. Supdt. of Post Offices  
Suryapet Divn., Suryapet

2. Asstt. Supdt. of Post Offices  
Suryapet Sub Divn.,  
Suryapet, Nalgonda Dist.

3. Postmaster General  
Hyderabad Region, Hyderabad

4. Dist. Collector & Magistrate  
Nalgonda Dist., Nalgonda

5. Revenue Diwnl. Officer  
Miryalaguda, Dist. Nalgonda

6. Ganji Satyam  
EM BPM (S elected candidate)  
Kukkudam, a/w Vemulapalli  
Suryapet Divn., Nalgonda Dist.

: Respondents

Counsel for the applicant

: S. Ramakrishna Rao  
Advocate

Counsel for the Respondent No.6

: Y. Appala Raju,  
Advocate

Counsel for the official respondents

: K. Narahari, CGSC

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. V.K. Majotra, Member (Admn.) (PB)



## Order

Oral order (per Hon. Mr. V.K. Majotra, Member(Admn))

This application is made against the selection of Shri Ganji Satyam, Respondent No.6 alleging that he did not fulfil the conditions for the appointment as EDBPM, Kukkudam, a/w Vemulapalli, Suryapet Division, Nalgonda District, pursuance<sup>-t</sup> to notification No.B2/PF/Kukkudam dated 22-10-1997 in preference to the claim of the applicant who had fulfilled the prescribed conditions. Earlier Respondent No.1 had issued notification dated 22-10-1997 for filling up of the post on regular basis for the post of EDBPM, Kukkudam, fixing the last date as 21-11-1997. The applicant had applied for the same being eligible along with Respondent No.6. Four candidates had submitted defective certificates and <sup>were</sup> found ineligible for consideration and they <sup>were</sup> ~~are~~ rejected due to defect in the property statements. Respondent No.6 according to the applicant had submitted a bogus property certificate but was appointed by Respondent No.1. Aggrieved by this he had appealed to the Respondent No.3 on 27-3-1998 seeking his intervention in the matter and conduct<sup>y</sup> inquiry into the circumstances leading to the appointment of Respondent\_6. As his appeal remained unresponded the applicant moved the present application seeking setting aside of the selection and appointment of Respondent No.6 despite defective property certificate submitted by him and a direction to the respondents to select a suitable candidate from amongst the other candidates including the applicant.

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2. According to the respondents, in response to notification dated 22-10-97 whereby the applications were called by 21-11-1997, nine applications were received by the respondents, which were considered and an inquiry was held into the question where Respondent No.6 was the genuine pattadar of the property claimed by him. It was certified by MRO, Vemulapalli, vide his letter dated 31-12-1997 that the pattadar Pass book No. 7343 issued in favour of the Respondent No.6 is genuine. Later on the District Collector, Nalgonda, had also clarified <sup>on 30.12.98</sup> that the selected candidate, Respondent No.6 had saleable rights in the property in question. Thus the respondents contend that Respondent No.6 fulfilled all the conditions requisite for appointment as EDBPM and was rightly selected on merit.

3. In the reply statement submitted by Respondent No.6 it has been stated that not only <sup>that</sup> he fulfilled all the conditions, he had also submitted land records and ownership Pattadar Pass book No.7343 with pattadar No.221 issued by MRO, Vemulapalli Mandal, <sup>in b</sup> ~~in~~ proof of his title to the property in question. Further more, it was stated by the Respondent No.6 that he had secured higher marks i.e.75% in the SSC examination in the first attempt whereas the applicant in this OA ~~only~~ secured only 43% marks.

4. We have heard the learned counsel of <sup>all</sup> the parties and gone through the material available on record carefully.

5. The learned counsel of the applicant drew our attention to Annexure A-XII dated 24-10-1998 issued by RDO, Miryalguda, stating that Sy.No.290 to an extent of Ac.1.20 and Sy.No.88 Ac.0.12 Gts, belong to Respondent No.6's father, G. Biksham, as the pattadar and it had been given on magta basis for cultivation to Shri Vuribandi Saidulu. The name of Respondent No.6 does not exist in pattadar <sup>cultivation</sup> column, of

the aforestated Survey numbers.

5. The learned counsel of the applicant referred to Annexure A-XIII dated 30-12-1998 issued by the Collector, Nalgonda, to the effect that the lands in Sy.No.88, 290, and <sup>b</sup>326 to an extent of Ac.26.01 stand in the name of Ganji Satyam, son of G. Biksham, i.e. Respondent No.6. According to him since this certificate had been issued much later <sup>b</sup>than the prescribed date in the notification inviting the applications it cannot be taken into account and the state of affairs existing as on 21-11-1997 should only be material in deciding the eligibility of the candidates.

6. The learned counsel of Respondent No.6 contended that despite the records, the RDO had issued letter dated 24-10-98 against Respondent No.6's title <sup>Nos. <sup>b</sup> and <sup>b</sup></sup> to Sy.290, 88, 88. Afterwards on requisitioning the records the Collector had gone into the complaint and Annex.A-XIII dated 30-12-98, certifying that patta in relation to Sy.88, 290 and 326 stood in the name of G. Satyam, Respondent No.6. In view of the fact that inquiry had been conducted <sup>into the complaint <sup>b</sup></sup> and certificate had been issued by the Collector on 30-12-1998, it should be deemed as if the certificate related to the concerned land prior to the last date of submission of the applications i.e.21-11-1997. The learned counsel of Respondent No.6 also brought to our notice the judgement dated 24-7-98 in WP.1985/96 passed by the Hon. High Court of Andhra Pradesh, Hyderabad, in which it was held that when there was a document showing the name of the father of the respondent as the holder of the property it is right to hold that the father may be Karta of the joint family of which the respondent <sup>b</sup>is <sup>b</sup>a member and in that context it cannot be stated that the respondent does not have any property.

for Respondent No. 6 <sup>h</sup>

7. The learned counsel, <sup>pleaded</sup> ~~pleaded~~ that even if <sup>for arguments sake</sup> ~~for arguments sake~~ property in question was held by the father of the Respondent No. 6 as pattadar, the Respondent No. 6 could be deemed to be having the property in the light of ratio of the aforesaid judgement.

8. The learned counsel of the <sup>Respondents</sup> ~~other~~ than the Respondent No. 6 reiterated the point made by the Respondent No. 6 and also contended that it had been certified on verification that the pattadar Pass Book No. 7343 issued in favour of Respondent No. 6, the selected candidate was genuine.

9. In view of the fact that the Collector had conducted an inquiry into the income and property certificate and Patta Pass Book issued by MRO, Vemulapalli and certified vide Annexure A-XIII dated 30-12-1998 that the lands in Sy. 88, 290 and 326 to an extent Ac. 2.01 stood in the name of the Respondent No. 6 and also because Respondent No. 6 had secured much higher marks in SSC examination vis-a-vis the applicant, who had passed SSC examination only compartmentally, we do not find any reason to interfere with the selection of Respondent No. 6 made by the Respondents, on the basis of merits.

10. Accordingly, we do not find any merit in the claim of the applicant and the OA is dismissed accordingly. No costs.

V.K. Majotra  
(V.K. Majotra)  
Member (Admn.)

D.H. Nasir  
(D.H. Nasir)  
Vice Chairman

Dated : 4 September, 2000  
Dictated in Open Court

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD.

COPY TO

1. HDHNU
2. HRRN (ADMN.) MEMBER
3. HBSJP (JUDL.) MEMBER
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY                      CHECKED BY  
COMPARED 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. V.K. MAHOTA (A)  
THE HON'BLE MR. B.S. JAI PARAMESHWAR  
MEMBER (JUDL.)

DATE OF ORDER 4.9.2000

MR/PA/CP.No.

IN  
OA.No. 1130/99

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

10. Copy

