

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.1145/99

Date of Order:1.9.99

BETWEEN:

K.Prabhakar

.. Applicant.

AND

1. Union of India, rep. by
Director General of Posts,
New Delhi.

2. The Sr.Superintendent of Post Offices,
Chittoor Division, Chittoor. .. Respondents

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Counsel for the Applicant .. Mr.Krishna Devan

Counsel for the Respondents .. Mr.V.Vinod Kumar

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CORAM :

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

HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER(JUDL.)

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O R D E R

)(As per Hon'ble Shri B.S.Jai Parameshwar,Member(J)))(

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Mr.Krishna Devan, learned counsel for the
applicant. and Mr.V.Vinod Kumar, learned standing
counsel for the respondents.

Mr.Narsimhulu, Inspector of Post Offices present
with the records.

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2. R-2 issued notification dated 20/23.11.98 to fill up the post of EDBPM at Manuguru village, Chittoor District fixing the last date as 22.12.98. The applicant submitted his candidature in response to the said notification. In the said notification it is stated that the post is reserved for OBC. In response to the notification 6 OBC candidates and 5 OC candidates had applied. The applicant submits that even according to the conditions of the notification more than 3 OBC candidates had responded. Instead of calling the OBC candidates for verification ^{of documents only} / OC candidates were ^{also} called for verification. Even among those candidates the applicant herein was not called for interview scheduled on 27.1.99.

3. Then the applicant ¹approached this Tribunal in OA.136/99 along with 2 others. The said OA was decided on 25.1.99 directing the respondents to consider the candidature of the applicant ¹ therein for verification and interview. However the respondents ^{addressed} ~~filed~~ a letter dated 5.3.99 informing the applicant that he could not be called for interview as he ~~did~~ ^{fulfil} not ² the income and property conditions for selection.

4. The applicant challenged that order in OA.425/99. On 31.3.99 the OA was allowed setting aside the order dated 5.3.99 and directing the respondents to consider the application of the

Dr. ...

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applicant which was found to be fulfilling all the eligibility conditions.

5. In response to that the R-2 issued the impugned order bearing No.33/156, dated 29.7.99 and ordered the applicant to appear before the Inspector (South) Chittoor for verification. The respondent had in the impugned order issued call letters to all the OBC candidates including OC candidates totaling 11, and thereby OBC candidates were also brought into the zone of consideration even though the post was reserved for a candidate belonging to OBC and there were more than 3 applications.

6. Hence the applicant has filed this OA to call for the records relating to impugned order No.33/156, dated 29.7.99 passed by R-2 and to set aside the impugned order in respect of non OBC candidates by holding that the action of the 2nd respondent herein in considering the non OBC candidates also for verification and interview to be held on 7.8.99 as arbitrary, illegal and violative of article 14 and of Constitution of India and for a consequential direction to direct to R-2 to confine the proposed interview and verification to the OBC candidates only to which community the applicant belongs.

7. The learned counsel for the respondents submits that in response to the said notification 5 candidates belonging to OBC had responded. However he submits that out of them



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it was found that less than 3 candidates were found to be eligible. The above submission is not in order. If there are 3 applications from the OBC candidates whether 2 of them are ~~not~~ eligible or not they shall be considered first for filling up the post which is reserved for a candidate belongs to OBC and thereafter only the applications from OC candidates can be considered.

8. This point was considered in OA.1434/98 decided on 7.4.99.


OBC

9. As there are 5 candidates from the category the eligibility of the 5 candidates for filling up that post shall be considered first and thereafter the respondents

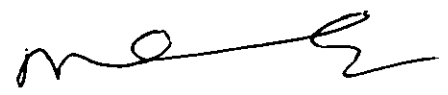
may consider the other community candidates *if none of the 5 OBC candidates can be selected.*

10. With the above direction the OA is disposed of.

No costs.



(B.S. JAI PARAMESHWAR)
Member (Judl.)

1.9.99


(R. RANGARAJAN)
Member (Admn.)

Dated : 1st September, 1999
(Dictated in Open Court)

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7/9/99

COPY TO :-

1. HDHMZ
2. HRM M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

IST AND II ND COURT

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. RAJGARAJAN
MEMBER (ADMN.)

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

* * *

DATE OF ORDER: 1-9-99.

MA/BA/CP.NR.
IN

CA. No. GA 1145/99

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

