

40

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1220/99.

DT. Of Decision : 21-10-99.

S.Seetha Mahalakshmi Kumari

..Applicant.

Vs

1. The Sr. Superintendent of Post Offices,
Vijayawada Postal Division,
Vijayawada-1.

2. The Postmaster General,
APEastern Region, Vijayawada.

3. Smt.K.Satyavathi

.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.J.R.Gopala Rao, Addl.CCSC.

CORAM:-

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

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

ORDER

ORAL ORDER (PER HON. SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mrs. Sakthi for Mr.J.R.Gopal Rao, learned counsel for the respondents. Notice of R-3 served called absent.

2. The applicant has submitted his candidature in response to the notification No.BE.144 dated 4-2-99 (Annexure-3) for the post of EDBPM, Akunuru S.O. Chinaogirala B.O. The applicant had submitted the income certificate ^{standing} ~~standing~~ in the name of her husband. The Respondents No.1 & 2 considered the candidature of the applicant and others and selected Respondent No.3 to the post.

3. Being aggrieved the applicant has filed this application praying to call for the records pertaining to the issue of the notification No.B3/144 dated 4-2-99 and



the resultant selection of R-3 and to set aside the selection and appointment of R-3 in pursuance to the notification dated 4-2-99 ignoring the merit of the applicant on fictitious grounds, declaring the same as arbitrary, illegal, unwarranted, misconceived and for a consequential direction to the Respondent No.1 to select and appoint the meritorious candidate to the post.

4. The respondents have filed their reply stating that the income certificate produced by the applicant along with her application was in the name of her husband and that the applicant had produced a property document and that they were not able to ascertain whether the applicant was in receipt of any income from the document produced by her. They thus justified the rejection of the candidature of the applicant and submit that R-3 was selected to that post even though R-3 ^{was} ~~is~~ less meritorious on the basis of the marks obtained in SSC examination.

5. The applicant in support of her contention that her candidature has been rejected ^{on} ~~on~~ unjustifiable ground relied upon the observation made by us in OA.1657/98 decided on 11-03-99 (Smt. M.Suvarna Vs. The Supdt., of Post Offices and another).

6. It is not in dispute that the income certificate produced by the applicant was in the name of her husband Mr.Srinivasa Rao. When the applicant and her husband are living jointly it cannot be said that the applicant has no share in the income derived by Mr.Srinivasa Rao as indicated in the certificate issued by the MRO. Further the applicant has also got land registered in her name earlier to the last date for submission of the application in pursuance of the said notification. The applicant submits that since the registered document is not mutated income certificate cannot be obtained on the basis of the property possessed by her. In that connection the observation made by us in OA.1657/98 is reproduced below:-

"When the applicant had property in her name and from the Certificate produced by her which clearly showed that her husband was having income, it cannot be said that the applicant had not possessed any income. Hence, the rejection of the candidature of the applicant for the post on the ground that the applicant had not possessed the income is not justified."

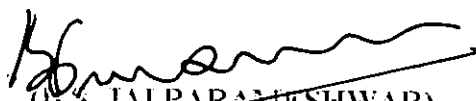
2

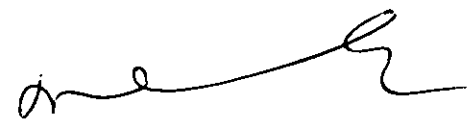
That observation squarely holds good in this OA also. In that view of the matter we feel that the rejection of the candidature of the applicant for that post was not justified. Hence, the OA is liable to be allowed.

7. Hence the following directions are given:-

- (1) The selection and appointment of R-3 to the post of EDBPM, Akunuru S.O. Chinaogirala B.O. is hereby set aside.
- (2) The respondent authorities are directed to select a suitable meritorious candidate from among the candidates who responded to the notification dated 4-2-99 and also the candidate from the Employment Exchange.
- (3) Till such time the present incumbent of that post shall be continued as provisional appointee.
- (4) Time for compliance is three months from the date of receipt of a copy of this order.

8. With the above direction the OA is allowed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDGE)
21-10-99


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 21st October, 1999.
(Dictated in the Open Court)

SPR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

1ST AND 2ND COURT

COPY TO :-

1. BBHNJ
2. HRRN M (A)
3. BBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

8/11/99

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 (JUDL.)

* * *

DATE OF ORDER: 21/10/99

MA/RA/CP NO.

in

OR. NO. 1220/99

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

7 copies

