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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

No.O.A.1262 of 1999

Date of Order : 11.4.2000

BETWEEN :

S.SURESH KUMAR REDDY

... Applicant

AND

1. The Senior Superintendent of
Post Offices,
Secunderabad Division,
Hyderabad - 500 016.

2. Shri M. Mallesh,
EDBPM, Nuthankhal B.O.
(selected candidate)
a/w Medchal S.O., R.R.District.

... Respondents

Counsel for the applicant : Mr.S.Pamakrishna Rao.

Counsel for the respondents: Mr.J.R.Gopal Rao.

CORAM :

1. The Hon'ble Mr.R.Pangarajan, Member (A).
2. The Hon'ble Mr.E.S.Jai Parameshwar, Member (J).

O R D E R

R.Rangarajan, Member (A)

Heard Mr.S.Pamakrishna Rao for the applicant and Mr.J.R.
Gopal Rao for the respondents.

2. Notice served on respondent 2. Called but found absent.
3. The post of E.D.B.P.M. Nuthankhal BO a/w Medchal P.O.
fell vacant on account of the promotion of the regular incumbent
as Postman. A notification was issued vide a memo of even
no. dated 3.4.1998 and approaching the employment exchange to
sponsor eligible candidates. Since there was no response from
the employment exchange on the notification dated 3.4.1998, an
open notification was issued on 5.5.1998. As the post was

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reserved for ST, it was stated in the said memo that in case 3 effective applications from ST Community were not received, the vacancy would be reserved for the next Community OBC/PHC/OC in the order of preference.

4. In response to the said notification, total 4 applications were received from different Communities i.e. 1 candidate belonging to SC Community, 2 candidates from OBC and 1 OC.

5. As per ED Agents Rule, 3 effective applications should be received to consider the selection, but we have interpreted as 3 applications, whether effective or not in almost all the O.A.s so far in regard to appointment of ED staff.

6. In the present case, 3 effective applications were not received from any of the Communities. When that is so, the respondent-authorities could not process for selecting a candidate on the basis of the notification dated 5.5.1998.

7. As per the instructions of the department, 3 effective applications must be received to consider the selection process. But the 3 applications, as we stated earlier, were only 3 applications, as interpreted by this Tribunal. Even that interpretation is resisted every now and then by the respondent-authorities. If so it is not understood as to how a selection can be finalised with 2 eligible applications from a particular community vide D.G.'s letter no.19-11/97-ED&Trg. dated 27.11.1997.

8. Hence, we do not think that the D.G.'s letter dated 27.11.1997 is in order as it is against their own principles as laid down by the department itself.

9. As no 3 applications were received either from SC, OBC or OC candidates, it has to be held that the whole selection procedure has to be redone by issuing a fresh notification.

10. In view of what has been stated above, the impugned notification dated 5.5.1998 is hereby set aside. Respondent no. 1 is directed to issue a fresh notification for filling up the post of E.D.B.P.M. Nuthankhal BO, in accordance with law and select the most meritorious candidate. Till such time a meritorious


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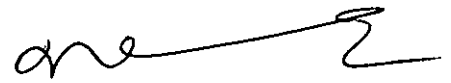
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candidate is selected, respondent no.2 be allowed to work in that Post Office *as a provisional Candidate*.

11. The time for compliance of this order is 4 months from the date of receipt of a copy of this order.

12. The O.A. is disposed of accordingly. No costs.


(B.S. Jai Parameshwar)
Member (J)
11.4.00


(R. Rangarajan)
Member (A)

DATED 11th APRIL, 2000

Dictated in Open Court

r.s.