

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A.260/99.

Dt. of Decision : 16-07-99.

Jami Narayana Rao

.. Applicant.

Vs

1. The Supdt., of Post Offices,  
Vizianagaram Division,  
Vizianagaram District.
2. The Union of India, rep. by  
its Post Master General,  
Visakhapatnam Circle,  
Visakhapatnam District.

.. Respondents.

Counsel for the applicant : Mr.K.V.Subrahmanyam Narasu

Counsel for the respondents : Mr.V.Vinod Kumar, Addl.CGSC.

CORAM:-

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

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

.. 2/-

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ORDER

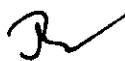
CRAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

None if for the applicant. Heard Mr.V.Vinod Kumar, learned counsel for the respondents.

2. The respondents approached the employment exchange for filling up the post of EDBPM, Pathavalasa Branch Office, under Kothavalasa S.O., Vizianagaram District. The respondents approached the employment exchange, Vizianagaram and the Sub-Employment Exchange, Parvathipuram. Both the employment exchanges sponsored 25 candidates. Those candidates were directed to submit their candidatures. Out of them 7 applicants had responded. Among the 7 applications 6 were rejected as they did not fulfill the required conditions.

3. As Pathavalasa Village came under Visakhapatnam District, the Employment Exchange, Visakhapatnam and I.T.D.A.Paderoo were also addressed by the Superintendent of Post Offices on 12-3-98 to sponsor the candidates including the candidates belonging to the reserved community. There was no response from the employment exchanges.. Hence an open notification was issued on 6-5-98. In response to that 3 applications were received. Out of 3 application only one candidate had submitted his application with all the necessary documents. However, the respondents cancelled the said notification and issued another notification dated 28-1-99.

4. The applicant has challenged the action of the respondents in renotifying the post by the notification dated 28-1-99.



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5. The applicant has filed this OA to declare that the action of the Respondent No.1 in cancelling the earlier notification dated 6-5-98 by the subsequent impugned notification No. B/ED-3/282/98-99 DTD VZM-2 dated 29-1-99 as arbitrary, illegal and liable to be declared as such and for a consequential direction to the respondents to appoint the applicant as EDBPM of Pathavalasa B.O. Kothavalasa S.O. Vizianagaram District.

6. The respondents have filed their reply stating that the number of eligible candidates who responded to the notification were less than 3 and in accordance with the instructions given by the Directorate Letter No.19-11/97 ED & Trg dated 27-11-97 the respondents issued the renotification dated 28-1-99. Further they submit that there were complaints regarding non-publicity of the earlier notification dated 6-5-98.

7. It is not made clear whether the respondents made enquiry into the complaints received in regard to the earlier notification dated 6-5-98 and were satisfied with the ~~non-publicity~~ non-publicity. Further when the respondents had approached the employment exchange there were 7 candidatures. Apart from that, in response to the notification dated 6-5-98 they had received 3 applications. Thus there were 10 applications received in ~~total~~ total.

8. On an earlier occasion this Bench had clearly stated that once selection process has started then the respondents have to finalise the same irrespective of the fact the number of applications received and decide on the basis of the applications received, if it is 3 or more. Merely because the number of eligible candidates amongst those applied is less than 3, the notification cannot be cancelled. In response to the notification number of applications received is the criteria and not the number of eligible applications. If the total number of applications received is more than, 3, then there is no need to cancel the notification on the ground that out of 3, eligible applications were less than 3. The respondents must finalise the selection process.

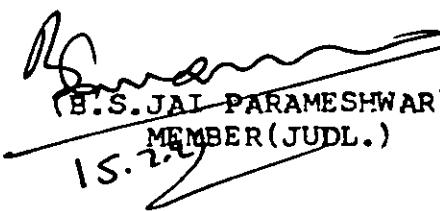
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9. In the present case there were 10 applications received from employment exchange and the first notification. Hence, total number of applications received is more than 3. Hence the question of cancelling the notification because only less than 3 eligible candidates were available amongst them is not in order in view of the earlier decision in another case. The public complaint in regard to the non-publicity to the first notification was not enquired into and a decision was taken by the respondents as is evident from the reply.

10. In view of the above the second notification No. B/ED-3/282/98-99 dated 28-1-99 is hereby set aside. The department is directed to finalise the selection for the said post from amongst the applications received from the employment exchange and the applications received from the first notification dated 6-5-98 in accordance with rules and post the eligible candidate in accordance with the rules.

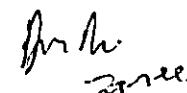
11. The OA is disposed of at the admission stage itself. No costs.

  
 B.S.JAI PARAMESHWAR  
 MEMBER (JUDL.)  
 15.7.99

  
 R. RANGARAJAN  
 MEMBER (ADMN.)

Dated : The 16th July, 1999.  
 (Dictated in the Open Court)

spr

  
 Mr. B. R. Rangarajan

1st AND 2nd COURT

COPY TO:-

1. HDHO

TYPED BY  
COMPIRED BY

CHECKED BY  
APPROVED BY

2. HHRP M(A)

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD;

3. HOSDP M(C)

4. D.R. (A)

5. SPARE

THE HON'BLE MR. JUSTICE D. H. NASIR  
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD.  
MEMBER ( ADMN )

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

THE HON'BLE MR. D. S. JAI P. PARAMESHWAR:  
MEMBER ( JUDL )

ORDER, Date. 16/7/99

ORDER / JUDGMENT

MA./RA./CP.NO

IN  
CA.NO. 260/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED..

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

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