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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 322/99

Date of Order : 28.6.99

BETWEEN:

B.Subrahmanyam

.. Applicant.

AND,

The Superintendent of Post Offices,
Tirupathi Division,
Tirupathi, Chittoor District.

.. Respondent.

Counsel for the Applicant

.. Mr.V.Jagapathi

Counsel for the Respondent

.. Mr.B.N.Sharma

CORAM :

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

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

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

Mr.V.Jagapathi, learned counsel for the applicant
and Mr.MC.Jacob for Mr.B.N.Sharma, learned standing counsel
for the respondents.

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2. The respondents issued notification dated 12.9.97 inviting eligible candidates belonging to SC community to fill up the post of EDBPM, Gangireddypalle, EDBPO A/W K.V.Puram SPO, in Chittoor District. The applicant belongs to SC community. He had submitted his candidature. The Sub Divisional Inspector (P) Tirupathi had verified the documents submitted by the applicant on two occasions.

3. While the matter stood thus, the respondent cancelled the notification dted 12.9.97 and issued a fresh notification dated 21.1.99 inviting applications from the candidates belonging to O.C. category.

4. The applicant being aggrieved has filed filed this OA praying to call for the records relating to notification No.B3/532 dated 21.1.99 issued by the respondent, to quash the notification declaring it as illegal, arbitrary and contrary to law and for a consequential direction to the respondent to appoint the applicant to the post of EDBPM at Gangireddypalle ED Branch Post Office.

5. The respondents have filed a reply narrating the circumstances under which notifications were issued repeatedly reserving the post for SC community. They submit that the applicant had in his application in response to the notification dated 12.9.97 produced

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the M.R.O. certificate with respect to land bearing Survey No.27/8B measuring 25 cents situated at Gangireddypalle. But he had not produced copy of the document with respect to the said land, on the otherhand, the applicant had produced the copy of the document with respect to land bearing Survey No.182/1 measuring 33 cents situated in Panakam, Tirupathi Taluk and that the said property is classified as "Mettu Kalva".

6. Further they submit that they had not selected the applicant. Since no eligible candidate belonging to SC community had responded to the notifications issued earlier they felt it proper to issue the notification dated 21.1.99.

7. As already submitted earlier notification was issued reserving the post for the candidate belonging to SC community. The impugned notification is issued for OC category candidate. It is not made clear whether the respondents had obtained necessary approval from the competent authority to issue the impugned notification inviting the applications from the general category by dereserving the post earmarked for SC community candidate.

8. As regards the case of the applicant was concerned he had submitted property certificate issued by the M.R.O., Ramachandra Puram with respect to land

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bearing Survey No.27/8B measuring 0.25 cents situated at Gangireddypalle. Further he had produced a property only to show that he had property in another village. The Sub Divisional Inspector (P) Tirupathi was directed to verify the property indicated in the certificate issued by the M.R.O. Ramachandrapuram. He should have verified the documents relating to the said property. The notification issued only calls for a property certificate. It does not indicate that a registered document also should be produced. But the MRO certificate is a must.

9. The applicant had produced the M.R.O. certificate. Non production of a copy of the property document is not a reason for rejecting the application especially when the post is reserved for SC community and that the applicant belongs to SC community.

10. The applicant unnecessarily created a situation by filing a copy of the registered document for which no M.R.O. certificate was enclosed. This he should not have done. Merely by enclosing the property document the applicant cannot loose the opportunity for being considered for that post as he has produced the M.R.O. certificate to establish that he owned property. The respondents are at liberty to call for the registered document in respect of the property certified by the M.R.O. if they need and decide accordingly.

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11. It is stated that in pursuance of the impugned notification dated 21.1.99 none has been selected and posted. The post is still vacant for posting a regular candidate. As we feel that the case of the applicant was irregularly rejected when he had applied in response to the notification dated 12.9.97, the impugned notification dated 21.1.99 has to be set aside.

12. We feel direction has to be given to the respondents to consider the applications received in response to the notification dated 12.9.97 and select the most meritorious candidate in accordance with the law.

13. (a) In the result, the notification dated 21.1.99 is hereby set aside.

(b) The respondents are directed to consider those who applied in response to the notification dated 12.9.97 and select the most meritorious candidate as expeditiously as possible.

14. The OA is ordered accordingly at the admission stage itself. No costs.

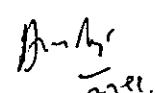

(B.S.JAI PARAMESHWAR)
Member (Judl.)

28/6/99

Dated : 28th June, 1999

Dicated in Open Court


(R.RANGARAJAN)
Member (Admn.)


B.S.JAI
PARAMESHWAR