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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.376/99

dt.21-3-2000

Between

P. Ramanamma

: Applicant

and

1. Supdt. of Post offices
Srikakulam Divn.
Srikakulam 532001

2. Postmaster General
AP Eastern Region
Visakhapatnam

3. Chief Postmaster Genl.
AP Circle, Hyderabad

: Respondents

Counsel for the applicant

: S. Ramekrishna Rao
Advocate

Counsel for the respondents

: P. Phalguni Rao
CGSC

Coram

Hon. Mr. R. Rangrajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

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Order

Oral order (per Hon. Mr. R.Rangarajan, Member (Admn))

Heard Mr. S. Ramakrishna Rao for the applicant and Mr. P. Phalgun Rao for the respondents.

1. A notification bearing No.BED/3-342 dated 23-11-1998 was issued for filling up the post of ED BPM Korlakota, Srikakulam, vide Annex.viii.

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2. The post ~~not~~ was filled by SC failing which by ST/OBC OC candidates. It was stated that no (ST) candidate was available, and one SC candidate responded to the notification, but he was not found successful as his application was incomplete. There was no ST who responded to the notification. The next choice ^{fell} falls on OBC for selection ^{to the} post as regular EDRPM. The applicant is an OBC and her case was rejected by the impugned order No.B.II/3-342 dated 26-2-99 (Annex.A.I) on the ground that the income certificate submitted by her was that of her husband and not her own.

3. This OA is filed to set aside the rejection order dated 26-2-99 (Annex.I) of the respondents and for consequential direction to consider her case for the post of ED BPM Korlakota, without reference to the defective income certificate submitted by her and select her being the most meritorious candidate from among the candidates who applied in response to the notification referred to above.

4. The main point for consideration in this OA is whether the income certificate of her husband is valid for consideration of her case for the said post or not.

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5. In number of cases we had held that wife and husband are part and parcel of the same^{family}. Hence, income derived by the husband can be taken note of while considering the case of candidates who had submitted income certificate of their husbands. In this connection judgement in OA.1220/99 decided on 28-10-99 is very relevant. It is stated that, "when the applicant and her husband are living jointly it cannot be stated that the applicant had no share in the income derived by Mr. Srinivasa Rao as indicated in the certificate issued by the MRO".

6. Hence the case of the applicant cannot be rejected just because the income certificate submitted is that of her husband.

7. Further it has to be noted that earlier MRO gave her an income certificate by order No.111/99 dated 4-3-99 (A-VII). That certificate was submitted by her before the closing date for applying in response to the notification. Subsequently it is stated that the applicant had pointed out to the MRO that the income is that of her husband and not of her^{husband}. Hence, the MRO had certified that the income is that of the applicant herein but erroneously the certificate quoted above states that income is that of her husbands. That endorsement can be seen in the same certificate (A-VII) at the bottom. Even though that correction was informed by the applicant to the respondents, as the last date of notification was over, it cannot be read in isolation. It is only a correction of the earlier income certificate given by the MRO and her earlier certificate was given by the MRO. Hence, the rejection of the application of the applicant as the remark of the MRO is conveyed^{late} should not stand in the

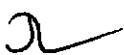
way to reject her case. Further the applicant possessed immovable property to the value of Rs.2,50,000/- as can be seen from the property certificate (A.VI). When she had ^{with} got huge property of Rs.2,50,000/- it cannot be stated that she has no income. Further if any misconduct is noticed in the working of the applicant the respondents can definitely fall on the property of the applicant if any amount has to be recovered.

8. The learned counsel for the respondents submitted that the corrected income certificate was not submitted before the impugned rejection order dated 26-2-99 was issued.

9. Now that the application is clear of the doubts and we see no reasons to reject her application.

10. The respondents also submitted that she has not challenged the conditions incorporated in the notification under the heading 'Income & Ownership of Property'. In view of what is stated above we feel that it is not necessary to challenge the same as the income by the husband cannot be treated as not belonging to the applicant, who is wife of the person whose income certificate has been enclosed.

11. In view of what is stated above the impugned rejection order dated 26-2-1999 is hereby set aside. It is stated that in view of the interim order dated 6-4-99 status-quo is maintained and none is posted as EDBPM, Korlakota, in response to the notification dated 23.11.98. Hence, the respondents are directed to consider all the applications received in response to the notification dated 23.11.98 and select the most meritorious candidate in accordance



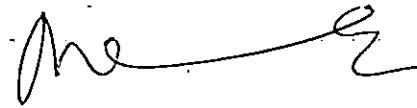
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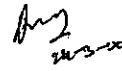
with the law. The impugned rejection order No.B.II-3/
342 dated 26-2-99 is set aside.

12. Hence, the OA is ordered accordingly at the admission stage itself. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)
21.3.00


(R. Rangarajan)
Member (Admn.)

Dated : 21 March, 2000
Dictated in Open Court



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HON. MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

2. HON. MR. R. RANGARAJAN
MEMBER (ADMN)

3. HON. MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

4. HON. MR. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 21/3/00

MA/R/CP. NO.

IN

C.A. NO. 376/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

