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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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C.A.No.425/1999.

Date of decision: 31-3-1999.

Between:

K.Prabhakar. Applicant.

And

1. The Senior Superintendent of
Post Offices, Chittoor Division,
Chittoor, Chittoor Dt. .. Respondent.

Counsel for the Applicant: Sri M.Chandrasekhar Reddy.

Counsel for the Respondents: Sri J.R.Gopal Rao.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.M.Chandrasekhar Reddy, learned Counsel for the
Applicant and Ms.Shakti for Mr.J.R.Gopal Rao, learned Standing
Counsel for the Respondent.

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2. In response to the Notification bearing No.83/156, dated:20/23-11-1998, issued by the respondent inviting applications for filling up the post of EDBPM, Mangunta Branch Office, S.R.Puram Mandal, Chittoor District, the applicant submitted his candidature. To his application dated:19-12-1998, he had enclosed the Income Certificate and a xerox copy of the registered Sale Deed dated:23-9-1998. The sale deed is jointly in the name of the applicant and one Sri Sudhakar. The respondents rejected the candidature of the applicant by the impugned Letter No.83/156, dated:5-3-1999 on the grounds that the Income Certificate/Property Certificate submitted by him was not in the prescribed proforma, that the Income Certificate showed the net income derived for his father/guardian and that as per the copy of the Registered Deed, the property was held jointly.

3. The applicant has compared his case with one Smt. G.Shobha, who is also a candidate for the said post. He submits that a similar Income Certificate submitted by her has been accepted and the respondents discriminated him by rejecting his Income Certificate.

4. The applicant has filed this OA praying for a declaration that the action of the respondents in rejecting his application for the post of EDBPM at Mangunta Village, vide impugned letter dated:5-3-1999 is illegal, arbitrary and for a consequential direction to the respondents to consider his application afresh for appointment to the said post on merits.

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5. By the Interim Order dated:17-3-1999, this Tribunal directed the respondents to produce the file containing the application forms and the Caste/Income/ Nativity/Residential Certificates submitted by all the candidates in response to the Notification dated:20/ 23-11-1998, and further directed that the Notification No.83/156, dated:20/23-11-1998 should not be processed until further orders.

6. Pursuant to the above directions, Sri M.Guruvaiah, Sub.Divisional Inspector(Posts), Chittoor South Sub-Division, Chittoor was present today and had produced the file containing all the applications and the Certificates of the Income submitted by the applicants.

7. We perused the file containing the application forms, certificates and other relevant material in this regard.

8. The applicant had produced the Income Certificate bearing No.1100/98, dated:18-12-1998 issued by the M.R.O., S.R.Puram. Smt.G.Shbba also had produced the Income Certificate in the similar proforma as the applicant had produced the Income Certificate. Both the Income Certificates produced by the applicant and Smt.Shoba are similar. The copies are at Annexure.II(a) and V). The respondents had not indicated the proforma of the income certificate in the notification. When the respondents accepted the Income Certificate of Smt.G.Shoba, we find no justification for him to reject the Income Certificate produced by the applicant.

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9. The respondents in the impugned letter stated that the Income Certificate showed the annual income of the applicant's father/guardian. A copy of the Income Certificate produced by the applicant is at Annexure.II(a), page.15 to the OA). The last but two sentences in the Income Certificate read as follows:-

"His Father's/Guardian's/Annual Income
is Rs. _____ (Rupees _____
_____)."

10. The MRO, S.R.Puram while issuing the Income Certificate should have deleted the words which ^{were} ~~are~~ not applicable. The lapse on the part of the MRO has led to the respondents to interpret that the income showed therein was the applicant's father/guardian. Same is the case with the income certificate produced by Smt.G.Shoba. Even in the said Income Certificate the MRO has not deleted the particulars which were not applicable to her case. However, the respondents interpreted the said Income Certificate as the proper one and accepted the same. This we feel is not proper.

11. We may observe here that the applicant was not diligent when he obtained the Income Certificate from the MRO in not verifying whether it is in proper form or not. We feel that he should have been more careful especially when he was applying for a post carrying public dealings. This observation made by us equally applies to Smt.G.Shoba.

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12. Lastly, the respondent rejected the candidature of the applicant on the ground that as per the registered document submitted by him, the property was held jointly. No doubt the document produced by the applicant was in his name and ^{Sri Sudhakor} in the name of one ~~Smt. G. Shoba~~. Under the Sale Deed the applicant was said to have become owner atleast to the extent of 0.34½ guntas of land in Survey Nos.25/2, 26/6 and 26/8 of D.B.R.Bailu Village. It is on this basis the MRO, S.R.Puram has issued the Property Certificate in favour of the applicant. When that is so, the respondent could have verified whether or not the applicant was in receipt of any income therefrom. We feel that the rejection of the candidature of the applicant is not proper. The Property Deed is in the joint names of the applicant and another cannot be a ground to reject the application of the applicant.

13. The contentions of the applicant that the respondent has discriminated his case in rejecting his candidature and accepting that of Smt.G.Shoba appears to be well founded.

14. For the reasons stated above, we are of the considered view that the grounds on which the respondent rejected the application dated:19-12-1998 of the applicant are not sustainable in law or on facts. The impugned letter dated:5-3-1999 is liable to be set aside.

15. Hence, the OA is allowed. The impugned letter dated:5-3-1999 is hereby set aside;


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(b) The respondent is directed to consider the application dated:19-12-1998 of the applicant along with others who have responded to the notification dated:29/23-11-1998 and select the most meritorious and suitable candidate for the post of EDBPM, Mangunta Village as expeditiously as possible.

(c) No costs.


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


(R.RANGARAJAN)
MEMBER (ADMN)

DATED: this the 31st day of March, 1999

Dictated to steno in the Open Court

For the
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