

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.No.449 OF 1999.

DATE OF ORDER:28-4-1999.

BETWEEN:

Swarna Ravikenth.

...Applicant

a n d

1. The Superintendent of Post Offices,
(SP-for short), Tenali Division,
Tenali-522 201.
2. The Post Master General,(PMG for short),
Vijayawada Region, Vijayawada-520 002.
3. The Union of India, rep. by the
Director General, Department of
Posts (D.G.(P) for short), Dak Bhavan,
New Delhi-110 001.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.TVVS.Murthy

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

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

Heard Mr.TVVS.Murthy, learned Counsel for the Applicant and Mr.M.G.Jacob for Mr.B.Narasimha Sharma, learned Standing Counsel for the Respondents. Mr.K.Ramesh, SDI(P), Tenali is present today. He has produced the Selection Proceedings. We have perused the same.



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2. In response to the notification bearing Memo No.BII/269, dated:9-11-1998 (Annexure.A-I, page.10 to the OA), issued by the Respondent No.1, the applicant submitted his candidature for the post of EDBPM, Komali Branch Office, account with Machavaram S.O.,. The Superintendent of Post Offices, Tenali Division, vide his letter dated:2/1999, directed him to appear before the Asst.Superintendent of Post Offices, Bapatla, for verification of the documents. Accordingly, he appeared before the A.S.P.,Bapatla on 19-2-1999.

3. Without finalising the said notification, the Respondent No.1 issued fresh notification bearing Memo. No.BII/269, dated:3-3-1999 (Annexure.A-X, page.28 to 30 to the OA), inviting applications from the eligible general category candidates.

4. Being aggrieved by the issue of the second notification, the applicant has filed this OA for the following reliefs:-

- i) To call for the relevant records such as, the selection file No.B-II/269,dated:9-11-1998 of the SP,Tenali (R-1) and peruse the same;
- ii) To declare that the applicant is entitled to be considered for selection and appointment as the EDBPM,Komali B.O., with reference to the first notification No.B-II/269, dated:9-11-1998(Annexure. A-I) of the SP, Tenali(R-1);
- iii) to consequently, quash the impugned second notification No.B-II/269, dated:3-3-1999, (Annexure.A-X) of the SP,Tenali(R-1) as

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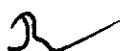
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unwarranted and illegal and direct R-1 and R-2 to consider the case of the applicant for selection and appoint him as the EDBPM, Komali, B.O., with reference to the first notification No.B-II/269, dated:9-11-1998(Annexure.A-I) of R-1; and

- iv) to direct the D.G.(Posts) (R-3) to modify his letter No.19-11/97-ED & Trg. dated:27-11-1997 (Annexure.A-XII), suitably by deleting the condition that the appointing authority cannot select and appoint an eligible candidate in the post of EDA, unless there are a minimum number of 3 eligible or effective candidates with reference to an open notification, as such condition or restriction is absurd, arbitrary, unjust and illegal and violative of Articles 14 and 16 of the Constitution of India.

5. In substance the applicant challenges the issue of the second notification for the post and submits that the said notification was issued without any justification.

6. The case of the respondents is that, in the said notification, it was stated that the persons belonging to ST/SC/OBC would be preferred, that no person belonging to ST had submitted his candidature, that the application of the applicant was received ^{after} ~~before~~ the last date, that the applicant had not furnished the Income ^{Certificate} or the sources of income, that even though he stated to have owned a house, he had not specifically stated that he was in receipt of any income from the said house property, that the Department made verification and that from the said verification, it was disclosed that the applicant was




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eking out ^{asa} ~~from~~ Coolie. Hence, it is submitted that the candidature of the applicant was rejected.

learned Counsel for the
7. The/applicant submits that he is in possession of the house property and that he has produced the Property Certificate issued by the Mandal Revenue Officer, and therefore, rejection of his candidature is not proper. The applicant, has already narrated, the application of the applicant was received on 14-12-1998, whereas the last date fixed was 11-12-1998. In the first instance, the application of the applicant was received beyond ^{the last} date. The respondent-authorities could not have verified further when they received the application of the applicant beyond the date prescribed, even though they verified and noticed that the applicant had no source of income and that he could not make out a case that he was deriving any income from the house property. They further made verification from the M.R.O. as to the Income Certificate produced by the applicant. The endorsement made reads as follows:

"Verified with MRO, Mangalagiri, and found genuineness and the source of income is said to be from Coolie".

8. Therefore, the Mandal Revenue Officer could not certify that the applicant was deriving any income from the house property. The applicant has not been able to satisfy the respondents-authorities that he was deriving some income from the house property he ~~is~~ owned or from other source.




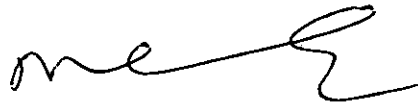
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9. Hence, we feel that the rejection of the candidature of the applicant for the said post is in order. The respondent-authorities may proceed further in accordance with the second notification issued and complete the selection process.

10. With the above direction, the OA is dismissed.
No order as to costs.

The Selection Proceedings were perused and returned back to the respondent-authorities.

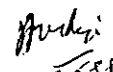

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)


(R. RANGARAJAN)
MEMBER (ADMN)

DATED: this the 28th day of April, 1999

Dictated to steno in the Open Court

OSN


J. S. S. P.

Copy to:

1. HONJ
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

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

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

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

THE HON'BLE MR. B.S. JAI PARAMESWARA:
MEMBER (J)

DATED: 28.4.88

ORDER/ JUDGE/ JET

MR. / PA / 22. 10. 87

IN

O.A. NO. 449/99.

IN INTERIM DIRECTIONS