

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/20/917/2013

Dated: 22/11/2019

Between

Bhojanapu Bhaskara,
S/o. Late Narasimhulu,
Aged about 46 years,
Working as G.D.S.B.P.M.,
M-Kothapalli Branch Post Office,
Chintaparthy S.O., Tirupati Division,
A.P. 517 277.

... Applicant



AND

1. The Union of India rep. by its
Director General,
Dept. of Posts, Dak Bhavan,
Sansad Marg,
New Delhi 110 001.
2. The Chief Post Master General,
A.P. Circle, Dak Sadan,
Abids, Hyderabad.
3. The Post Master General,
A.P. Southern Region, Kurnool.
4. The Joint Director,
CBI/ ACB, Kendriya Sadan,
Koti, Hyderabad.
5. The Superintendent of Post Offices,
Tirupati Division,
Tirupati, Chittoor District, A.P.
6. The Inspector of Post Offices,
Puttur Sub-Division,
Puttur, Chittoor District, A.P.
7. Sri A. Bhaskar,
S/o. Late Adinarayana,
Aged about 32 years,
Working as Post Man,
Panagal Post Office,
Tirupati Division, A.P.

... Respondents

Counsel for the Applicant : Mr. Krishna Devan
Counsel for the Respondents : Mrs. Megha Rani Agarwal,
Addl. CGSC (R-1 to R-6)
Mr. M. Venkanna (for R-7)

CORAM:

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mrs. Naini Jayaseelan, Admn. Member



ORAL ORDER

(Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

Steps for appointment of Postmen in the A.P. Circle were initiated in the year 2011. GDS is one of the categories eligible for being appointed. An examination for that purpose was held on 6.3.2011. The applicant, the 7th respondent and various other candidates appeared. The list of six selected candidates in the order of merit was published on 14.06.2011. The orders of appointment were also issued to them on 24.06.2011.

2. The applicant contends that the 7th respondent herein, who was selected and appointed as Postman, visited the house of the Superintendent of Posts on 07.03.2011, with a bag, claiming to be of fruits. It is stated that the CBI visited the house of the Superintendent of Posts, and a case was also registered in this behalf.

3. The applicant contends that once the 7th respondent was found to have indulged in such practices, he ought not to have been appointed. It is also pleaded that in case the appointment of the 7th respondent is set aside, he would stand to a chance of being selected and appointed as

Postman. In this background, the applicant filed this O.A., with a prayer to review and set aside the selection of the 7th respondent, and to consider his case for appointment as Postman.

4. On behalf of Respondents No.1 to 6 on the one hand and the Respondent No.7 on the other hand, separate counter affidavits are filed. The gist of the counter affidavits is that the proceedings initiated by the CBI are taking place in accordance with law, and that the same cannot be the subject matter of the O.A. It is also stated that the selection and appointment of the 7th respondent, would depend upon the proceedings the department may initiate, and the applicant cannot have *locus standi* in the matter. The applicant also filed rejoinder to the counter affidavits.

5. We heard Sri Krishna Devan, learned counsel for the applicant, Smt. Megha Rani Agarwal, learned counsel for the official respondents and Sri ABLN Pavan Kumar representing Sri M. Venkanna, learned counsel for Respondent No.7.

6. The selection for the post of Postman in the A.P. Circle took place in the year 2011. As observed earlier, the applicant, the 7th respondent and various other GDSs have applied. The selection list was published on 14.06.2011 and that was followed by an order of appointment dated 24.06.2011. One of the six candidates appointed was the 7th respondent herein.

7. It may be true that the CBI initiated proceedings against the then Superintendent of Posts and thereafter the 7th respondent also. Though it is represented that the 7th respondent was also made an accused in the

case, the record is not clear before us. We are of the view that all these issues are totally outside the purview of this O.A.

8. Assuming that the selection and appointment of the 7th respondent is vitiated and his order of appointment is liable to be set aside, the applicant does not stand to benefit. The reason is that he was not next to the 7th respondent in the merit list. Even otherwise, in case appointment of the 7th respondent is set aside, the department is not under obligation to fill the resultant vacancy immediately. Eight years have lapsed. At this length of time, we cannot undertake such an exercise. The assertion by the learned counsel that since no other candidate is forthcoming, the candidature of the applicant needs to be considered; cannot be accepted. The reason is that the occasion for any candidate to come forward would arise, if only a notification or intimation is given in this behalf. The applicant cannot assume that except himself, no other candidate is interested in getting appointed.

9. We do not find any merit in the O.A. and it is accordingly dismissed. There shall be no order as to costs.

(NAINI JAYASEELAN)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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