

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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WRIT PETITION No.3973 of 2015

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This Writ Petition is preferred against the order passed by the Central Administrative Tribunal ("Tribunal" for short), Hyderabad in O.A.No.599 of 2012 dated 22.09.2014. The petitioner herein is the applicant in the O.A. He questioned the show cause notice issued by the third respondent dated 14.05.2012 calling upon him to show cause why his name should not be deleted from the select list of Postman, and his candidature not be cancelled. The petitioner submitted his reply thereto on 26.05.2012 and, even before a final order could be passed, he invoked the jurisdiction of the Tribunal. When the matter was pending before the Tribunal, the third respondent passed final order dated 01.06.2012 deleting the petitioner's name from the select list of Postman.

The petitioner and the fifth respondent both appeared for selection to the post of Postman. The petitioner was, among those, found to have qualified and was, therefore, selected as Postman. He underwent training vide memo dated 20.01.2011. He was subsequently posted as Postman, Sivaraopeta by order dated 05.05.2011. The fifth respondent, who also appeared for the Postman examination along with the petitioner but did not qualify, applied for revaluation of answer paper-B. In the Review D.P.C. held on 29.08.2011 the fifth respondent was found to have stood first in the selected merit list and, as such, was appointed as Postman on 15.09.2011. As the D.P.C. recommended cancellation of the selection of the last candidate, and as the petitioner was stated to be the last candidate, show cause notice dated 14.05.2012 was issued and, thereafter, the final order dated 01.06.2012 was passed. In the order under challenge in this Writ Petition, the Tribunal held that, even at the time when the petitioner was appointed and posted as Postman, he was informed that his appointment was purely temporary, and was liable to be terminated at any point of time without assigning any reasons; and as he was, thereafter, put on notice

and given an opportunity of being heard, there was no illegality in the order passed by the third respondent.

Before us, Sri B.Chandrasekhar, learned counsel for the petitioner, would contend that no procedure is prescribed for revaluation of the answer sheets; and the respondents had acted illegally in revaluating the answer sheets, and in selecting the fifth respondent based on such an exercise of revaluation. The show cause notice dated 14.05.2012 itself records that, on revaluation of the answer paper-B, the fifth respondent had been selected in the Review D.P.C. held on 29.08.2011 and he stood first in the selected merit list of the OC category. The petitioner herein has neither questioned the decision of the Review D.P.C. dated 29.08.2011, nor the exercise of revaluation of the answer sheets of the fifth respondent, before the Tribunal. We see no reason, therefore, to examine this contention urged for the first time before this Court. As the fifth respondent was found to have stood first in the merit list, he was required to be appointed as Postman. As the petitioner was the last candidate in the merit list, the respondents were justified in deleting his name from the merit list, and in appointing the fifth respondent as Postman. We see no error in the order of the Tribunal warranting interference under Article 226 of the Constitution of India.

The Writ Petition fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

23rd February, 2015.

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