

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/823/2019



Hyderabad, this the 12th day of March, 2020

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

G. Madhava, S/o. Malakondaiah,
Aged about 31 years, Working as Postman,
Ministry of Communication, Department of Post,
Stone House Peta SO, Nellore Division,
Nellore – 524 002.

... Applicant

(By Advocate: Smt. Rachna Kumari)

Vs.

1. Union of India, Rep. by
The Director General Posts and Secretary,
Ministry of Communications,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi -1.
2. The Assistant Director General (SPN),
Ministry of Communications,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi -1.
3. The Assistant Director (Recruitment),
O/o. The Chief Postmaster General,
A.P. Circle, Vijayawada.
4. The Chief Postmaster General,
A.P. Circle, Vijayawada.
5. The Superintendent of Post Offices,
Nellore Division, Nellore – 524001.

... Respondents

(By Advocate: Mr. D. Satyaveer, Addl. CGSC)

ORAL ORDER
{As per B.V. Sudhakar, Member (Admn.)}

2. The OA has been filed by the applicant to permit him to appear in the examination conducted for the post of Postal assistant/ Sorting Assistant vide respondents notification dated 5.8.2019.



3. Brief facts are that the applicant joined as Grameen Dak Sewak in the respondents organisation on 15.04.2008 and later, promoted as Postman in the year 2017. Thereafter, respondents issued a notification on 5.8.2019 to fill up the posts of Postal Assistant (PA) and Sorting Assistant (SA) for GDS employees. Applicant's candidature to appear in the exam when rejected, he approached the Tribunal and as an interim measure, the respondents were directed to allow the applicant to appear in the exam as an interim measure with a stipulation that the selection is subject to finalisation of the OA, taking support of the interim order of the Honourable High Court in a similar case in W.P. No.19829/2019. Applicant appeared in the exam and on the direction of the Tribunal, the result was let known through their result statement dated 17.2.2020.

4. The contentions of the applicant are that the PA/SA vacancies are meant for Lower Grade officials working in the Postman, Mail Guards and MTS cadres as per notification as well as the Recruitment Rules 2015 of PA/SA cadre. Applicant fulfils the eligibility conditions in the notification and therefore, the limitation that since he is working as a Postman, he is ineligible to apply for the exam does not arise.

5. Heard both the counsel and perused the pleadings on record.

6. I) The dispute is about appearing in an exam held for selection to the post of PA/SA from the GDS cadre. Respondents claim that since the applicant is a Postman, he is not eligible to appear in the exam, but based on the interim order of this Tribunal he was allowed to appear in the exam on 15.09.2019. Thereafter, on the directions of this Tribunal vide order dated 26.02.2020, respondents have produced the result of the exam wherein the applicant has scored marks as under:



II) Applicant being an OBC candidate, Ld. Counsel for the respondents has pointed out the cut off mark for selection for the years in respect of OBC candidate ----- as under:

Name of the candidate	Paper I	Paper II	Paper III
L.R. Anandaraao	74	21	24.6
A. Naganjaneyulu	81	35	20.74

III) Ld. Counsel for the respondents has submitted that primarily the applicant is not eligible to appear in the exam as the posts of PA/SA have been identified only for those working in the GDS cadre. Respondents cannot deviate from the terms and conditions stipulated in the notification. Besides, even on merit the applicant is disqualified as explained above. In response Ld. Counsel for the applicant submitted that the applicant can be considered for unfilled vacancies in neighbouring divisions within the

Postal region as per the marks obtained by him keeping in view the letter vide F. No. 04-08/2019-SPN-I dated 26.7.2019 issued by the Dept. of Posts.

IV) After hearing both the sides, without going into the merits respondents are directed to examine the relief sought by the applicant in accordance with law and in terms of extent rules and regulations of the respondents organisation as well as reckoning the contents of the letter dated 26.7.2019 referred to by the Ld. Counsel for the applicant and thereafter issue a speaking and reasoned order within a period of 8 weeks from the date of receipt of this order.

V) With the above direction the OA is disposed of with no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

/evr/

