

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application Nos.21/597/2019 & 21/598/2019

Hyderabad, this the 27th day of December, 2019



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

Mudavath Mahesh Kumar,
S/o. M. Dhanya Nayak,
Age 25 years, GDS BPM,
Gonekal BO a/w. Alladurga SO – 502 269,
Presently working as Territory Officer,
IPPB, Sangareddy.

... Applicant (OA No.21/597/2019)

Munagala Kanaka Raju,
S/o. M. Dasharath,
Age 25 years, GDS BPM,
Sikkindaspur BO, a/w. Ismail Khanpet SO – 502 269,
Sangareddy.

... Applicant (OA No.21/598/2019)

(By Advocate Mr. M. Venkanna)

Vs.

1. Union of India, Represented by
its Secretary, Government of India,
Ministry of Communications and I.T.,
Department of Posts – India,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General,
Telangana Circle,
Hyderabad – 500001.
3. The Superintendent of Post Offices,
Sangareddy Division, Sangareddy.

... Respondents (in both OAs)

(By Advocates: Mr. N. Parameswara Reddy, Sr. PC for CG in OA 597/19,
Mrs. B. Gayatri Varma, Sr. PC for CG in OA 598/19)

COMMON ORDER (ORAL)
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}



2. OAs are filed challenging the Recruitment Rules 2015 in regard to selection of Postal Assistants/Sorting Assistants published vide Notification dated 21.5.2015 of the respondents, circulated vide letter No.4-5/2015-SPB-I, dated 05.06.2015. The issue raised in both the OAs against the same respondents, being one and the same, a common order is issued.

3. Brief facts are that the applicants while working as Grameen Dak Sewak Branch Post Masters (GDS BPM) in the respondents organisation, responded to the notification dated 4.6.2019 issued by the respondents for conducting LDCE for selecting GDS officials to the post of Postal Assistants/ Sorting Assistants for the vacancies that arose in 2015-16, 2016-17, 2017-18 and 2018. Applicants were not issued hall ticket since there were no vacancies available in the division in which they were working, although there were vacancies in other divisions of the circle. Aggrieved, OAs have been filed.

4. The contentions of the applicants are that the LGOs (Lower Grade Officials) are allowed to appear for vacancies available in other divisions, but the GDS are discriminated by permitting them to appear only if vacancies were available in the respective divisions in which they were working. Recruitment Rules should not be hostile to the interest of the

GDS. More so with merit, syllabus and pattern of the examination prescribed for both LGOs and GDS being the same.

5. Heard both the counsel and perused the pleadings.



6. I) The OAs were heard on 11.7.2019 and the respondents were directed, as an interim measure, to allow the applicants to appear in the exam for Postal Assistants/ Sorting Assistants pursuant to the notification dated 4.6.2019, subject to the exam results in respect of the applicants being declared based on the final outcome of the OAs. The issue *per se* was in regard to denying GDS employees to appear in the examination for selection to the posts of Postal Assistants /Sorting Assistants, if there are no vacancies in the division in which the GDS employees are working. However, such a restrictive condition did not exist in respect of LGOs though the exam was the same.

II) When the cases came up for hearing on 27.12.2019, learned counsel for the applicants has informed that the respondents have modified the Rules and are now allowing GDS employees to appear for vacancies available in other divisions, albeit there were no vacancies in the respective divisions they are working.

III) Learned counsel for the respondents filed the instructions dated 4/25.11.2019 received from the respondents wherein, it was stated that surplus allotment of GDS to PA candidates can be made to other divisions of the Circle and that the applicants are eligible to appear in the

exam as per Postal Directorate letter dated 26.7.2019. Applicants have appeared in the exam.

IV) Hence the purpose of filing the OAs has been served. Nevertheless, as prayed by the Ld. applicant counsel for the applicants, the OAs are disposed of by granting liberty to the applicants to approach the Tribunal in case their grievance persists at a later date on the issue. No order as to costs.



/evr/

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