

**Central Administrative Tribunal
Hyderabad Bench**

OA No.020/628/2014

Hyderabad, this the 21st day of January, 2020

Hon'ble Shri Ashish Kalia, Member (J)
Hon'ble Mr. B. V. Sudhakar, Member (A)

N. Rajeshwar Rao
S/o Lingaiah, aged about 54 years,
Occ: Working as Senior Gramina Dak Sevak
EDDA, Warangal Head Office, Warangal Division
Warangal District. Applicant(s)

(By Advocate: None present: Mr. M. Bhaskar)

Vs.

1. The Union of India, rep. by its Secretary
Government of India, Ministry of Communications & I.T.
Department of Posts – India, Dak Bhavan, Sansad Marg
New Delhi – 110 001.
2. The Chief Postmaster General, A.P. Circle,
Dak Sadan, Abids, Hyderabad – 500 001.
3. The Superintendent of Post Offices, Warangal Division
Warrangal – 506 002.
4. The Post Master, Warangal, Warangal Head Post Office
Warangal – 506 001, Warangal District.
5. Sri Shaik Yusuf Ali,
Son of not known to the applicant,
Aged about 52 years,
Occ: Multi Tasking Staff
Wardhannapet, through Superintendent of Post Offices
Warangal Division, Warangal – 506 002. ... Respondents

(By Advocate: Mr. M. Venkataswamy)

ORDER (Oral)

By Shri B.V.Sudhakar, Member (A):

2. The OA has been filed in regard to selection as Multi Tasking Staff (in short, MTS) under 25% vacancies through Gramin Dak Sewak (in short, GDS) seniority quota for the year 2012.

3. Brief facts of the case are that the applicant is working as GDS in the respondents organization since 06.01.1981, whereas the 5th Respondent is working in the same grade from 28.02.1981. The respondents issued a Notification on 04.09.2013 for conducting Limited Departmental Competitive Examination (in short, LDCE) for the GDS to fill up MTS vacancies under 25% quota for the years 2011 and 2012. The applicant belongs to OBC category and the 5th Respondent belongs to OC category. Further, in the gradation list, the applicant figured at Sl.No.118 and the 5th Respondent at Sl.No.124. In the Notification cited, the upper age limit is 50 years as on 01.01.2011 for OC candidates and for OBC candidates it is 53 years. The applicant though senior to Respondent No.5, was not considered for the post of MTS. Aggrieved, applicant made several representations to the respondents but of no avail. Hence, the OA.

4. The contentions of the applicant are that he is the senior most GDS, and therefore, considering a person, junior to him, for the said

promotion is irregular. Representations made did not yield the desired results.

5. The respondents in the reply statement, state that the Date of Birth of the applicant is 16.09.1958 and his Date of Appointment is 06.09.1981. The Departmental Promotion Committee (in short, DPC) was constituted to consider promotions for the post of MTS for the years 2011-2012 in the year 2013 with certain terms and conditions to be fulfilled for promoting the eligible candidates. For the vacancies, pertaining to the year 2011, the GDS officials, who were senior to the applicant, were selected. Coming to the year 2012, there was only one vacancy under OC category. The age limit prescribed for OC candidates is 50 years. The applicant was considered against this vacancy but since he has crossed the 53 years as on 01.01.2012, he could not be considered. However, his junior, who fulfilled the age condition, was selected. Nevertheless, the selected candidate(s) declined to join the post. As the candidate(s) selected have declined to join, the Post Master General (in short, PMG), Hyderabad permitted the filling up of the unfilled vacancies of MTS through seniority of casual labour for the year 2011 and the posts left unfilled due to declining the offer of appointment by the candidate selected for the post of MTS for the year 2012. Hence, another DPC was held on 20.09.2013 to fill up the MTS post for the year

2011 which could not be filled up due to non-availability of a casual labour candidate. For this post, Shaik Nazeer, a GDS was selected as he was senior to the applicant. Besides, Shaik Yousuf Ali was also selected for the post of MTS for the year 2012 as he fulfilled the conditions of recruitment rules. Essentially, the applicant could not be selected since he crossed the 50 years as on 01.01.2012, therefore, his junior Shaik Yousuf Ali was selected.

6. Heard the learned counsel for the respondents and perused the pleadings on record. No one present on behalf of applicant.

7. (I) The issue is about promotion to the post of MTS. Respondents constituted a DPC to select eligible candidates for the vacancies of the years 2011 and 2012 based on the seniority of the GDSs. The eligibility conditions prescribed are as under:

“a) The age limit for appointment of Gramin Dak Sevaks shall be 50 years as on 1st January of vacancies lies i.e 2011 and 2012 separately (relaxable by 3 years for OBC, 5 years for SC/ST)

- i. For 2011 vacancies age should be calculated as on 01.01.2011.
- ii. For 2012 vacancies age should be calculated as on 01.01.2012.

b) There is no minimum service condition.

c) Educational qualification is not applicable in case of GDS.”

(II) For the year 2011, the number of vacancies identified are 3 for selecting GDS on the basis of selection cum seniority. The break up of the vacancies is as under:

YEAR	OC	OBC	SC	ST	TOTAL
2011	2	1	0	0	3

The DPC selected 3 candidates as under:

Sl. No.	Name and Designation of GDS official	Community	Date of Birth	Date of Entry	Selected against
1	Shaik Masood Ahmed, GDS LB Peon Warangal HO	OBC	20-02-59	23-04-77	OBC
2	G. Eilas GDSMD Thorrur SO	SC	01.05.61	29.02.80	OC
3	M. Krishna Murthy GDSBPM Gudenga BO Chennaraopet SO	OC	06.09.62	27.09.80	OC

As can be seen from the above, 3 GDS, who were senior to the applicant, have been selected, therefore the applicant could not be selected.

(III) Coming to the year 2012, the vacancies are as under:

YEAR	OC	OBC	SC	ST	TOTAL
2012	1	0	0	0	1

Shri P. Laxmaiah, who fulfilled the eligibility conditions, was selected. The applicant could not be selected since he crossed the age limit of 50 years fixed for OC vacancies.

(IV) Later, when the PMG, Hyderabad, permitted for filling up of the unfilled vacancies for the years 2011 and 2012, through GDS, again the applicant could not be considered for reasons of seniority and crossing the age limit for the vacancies notified. Shri Shaik Nazeer and Shri Shaik Yousuf Ali, who satisfied the conditions of recruitment rules, were selected. Therefore, the action of the respondents in selecting candidates, who fulfilled the recruitment rules, is in order. Juniors to the applicant were selected since they were satisfying the age criteria, which the applicant did not. Applicant expecting selection against recruitment norms is against rules and law. We do not find any error in the decision of the respondents. Hence, OA merits dismissal and hence dismissed with no order as to costs.

(B. V. Sudhakar)
Member (A)

(Ashish Kalia)
Member (J)

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