

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/020/00069/2020**

HYDERABAD, this the 14<sup>th</sup> day of October, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member**  
**Hon'ble Mr. B.V. Sudhakar, Admn. Member**



U.V.Krishnaiah S/o U.Polaiah,  
Age 49 years, Occ : Mail Overseer-I,  
Nellore West Sub Division,  
NELLORE 524 001.

...Applicant

(By Advocate : Mr.M.Venkanna)

Vs.

- 1.The Union of India represented by  
The Director General of Posts-India,  
Department of Posts, Ministry of Communication & IT,  
Department of Posts-India, Dak Bhavan, Sansad Marg,  
**New Delhi – 110001.**
2. The Chief Postmaster General,  
A.P.Circle,  
**VIJAYAWADA-520 013.**
3. The Superintendent of Post Offices,  
NELLORE Division,  
**NELLORE-524 001.**

....Respondents

(By Advocate : Mrs. M.Swarna, Addl. CGSC)

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**ORAL ORDER**  
**(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)**

**Through Video Conferencing:**



2. The OA has been filed challenging the notification issued by the 3<sup>rd</sup> respondent on 13.01.2020 inviting applications for the post of Mail Overseer-I, Nellore West Sub Division and Mail Overseer-II, Udaigiri Sub Division, when the said posts were being manned by regularly selected persons like the applicant.

3. Brief facts of the case are that the applicant was initially appointed as GDSBPM, Patha Bitragunta BO a/w. Bitragunta SO on 24.02.2002. He passed the Limited Departmental Competitive Examination and was appointed as Postman, Stonehousepet SO on 10.05.2011 and he joined the said post on 12.05.2011. The applicant was posted as Mail Overseer (for short **MO**) -II, Nellore West Sub Division on officiating basis, in which the applicant assumed the charge on 07.10.2011. The respondents issued two notifications – one in the year 2012 and the other in 2018. No person joined in the post of Mail Overseer-II, West Sub Division and he continued in the said post till 13.12.2018. Later volunteers were called for and the two vacant posts were filled up by eligible officials. However, when the employee who was appointed as Mail Overseer-I in West Sub Division, opted for reversion, the applicant was posted as MO-I, Nellore West Sub division on 13.12.2018. Thereafter, respondents issued the impugned order dt. 13.01.2020 calling for volunteers to fill up Mail Overseer post occupied by the applicant though he has not completed his tenure in the said post. Aggrieved over the said notification, the OA has been filed.

4. The contentions of the applicant are that his services were utilized for the last 8 years as MO without any complaint and to the best satisfaction of the superior officers. The applicant was given a specific promise that he will be allowed to complete his tenure in the said post of MO-I Nellore West Sub Division. There is no condition specified in the letter dt. 13.12.2018 when he was appointed as MO-I Nellore West Sub Division that his services will be terminated without notice. Hence, any reversion of the applicant from the said post to fill it up post by the impugned notification will be irregular.



5. The respondents in their reply statement, while confirming the career details of the applicant, stated that the applicant made a transfer request to the 3<sup>rd</sup> respondent to the post of MO, Nellore West Sub Division on 15.09.2011 and the same was considered on 20.09.2011 by posting him as MO, Nellore West Sub Division only on officiating basis vide Memo dt. 20.09.2011 and the applicant assumed charge on 07.10.2011. There are different designations viz., Mail Overseer, Cash Overseer, Head Postman, Sorting Postman in the Department which are part of Postman cadre. While filling up these posts, volunteers are called from among the officials in the Postman cadre and the senior-most willing official having prescribed length of service in the Postman cadre or junior most unwilling candidate having prescribed length of service, if none of the eligible candidate submits willingness, are posted as Mail Overseer based on the recommendations of the Transfer and Placement Committee. The posts referred to are not promotional posts since they are in the cadre of Postman cadre and therefore, a common gradation list is maintained. As explained, to fill up

the vacant posts of Mail Overseer, Head Postman and Sorting Postman posts in the Division from the volunteers among the Postman cadre, a notification was issued on 13.08.2012 and in response thereto, the applicant made an application to the post of MO-II, Nellore West Sub Division. One Sri P. Kesavulu was posted as MO-II on being found eligible and consequently, the officiating arrangement of the applicant was terminated and he was allotted to IP, Nellore East Sub Division as Postman. However, candidates/ seniors officials who were transferred to the post of MO-I & II expressed their unwillingness to join the posts due to personal problems. Consequently, the applicant was allowed to continue on officiating basis to the post of MO-II, Nellore West Sub Division. Subsequently, volunteers were called for vide letter dt. 13.07.2018 and in response thereto, the applicant submitted his willingness to work as MO-I/MO-II of Nellore West Sub Division. However, the officials who were senior to the applicant also submitted willingness to the post opted by the applicant. The Transfer and Placement Committee met and recommended senior officials to the applicant for the post of MO-I & MO-II. Accordingly, Smt. P. V. Subhashini and Sri B.C. Tirupalaiah, who were senior to the applicant were posted as MO-I & MO-II, Nellore West Sub Division. On making regular arrangement in the said posts, officiating arrangement of the applicant was terminated and he was directed to join his parent post as Postman, Stonehousepeta SO. In the meanwhile, Smt. P.V. Subhashini, who was transferred and posted as MO-I, Nellore West Sub Division has submitted a representation requesting to revert her to her earlier post of Sorting Post Woman, Nellore in view of her personal problems. Her request was considered and simultaneously posted the applicant as MO-I Nellore West





Sub division based on the seniority amongst the Postmen, who submitted their willingness in response to the earlier notification. Service Unions objected to the posting of the applicant as MO-I, Nellore West Sub Division without calling for volunteers as per instructions on the subject. Therefore, the Postmaster General, ordered to rectify the mistake and hence, a fresh notification has been issued on 25.09.2019 calling for volunteers to fill up the posts of Sorting Postman, Nellore HO and Mail Overseers. Smt. P.V. Subhashini filed OA 980/2019 before this Tribunal being aggrieved over the notification to fill up the post of Sorting Postman. While preparing a reply to the cited OA, the respondents found that the posting issued to the applicant on 13.12.2018 was irregular since it was not filled up by calling volunteers afresh. Hence, another notification was issued on 13.01.2020 in continuation to the notification dt. 25.09.2019 calling for volunteers to fill up the post of MO-I, Nellore West Sub Division occupied by the applicant.

When the instant OA came up for admission, this Tribunal granted an interim order on 21.01.2020 to maintain status quo in regard to the applicant who was working as MO-I, Nellore West Sub Division.

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

7 (I) It is not under dispute that the applicant while working as Postman volunteered to work in the post of Mail Overseer and conceding to his request he was posted as MO-II in Nellore West Sub Division. The general practice prevailing in the respondents organization is to call for volunteers from the Postman cadre and those willing are transferred and posted as Mail Overseer. In fact, when there are no volunteers for the said



post, the junior most Postman is posted as Mail Overseer in administrative interest. Mail Overseer post is not a promotional post from the cadre of Postman. Hence, common seniority for the cadre of Postman, Head Postman, Sorting Postman, Mail Overseer and Cash Overseer is maintained. While the applicant was working in the post of Mail Overseer-II, Nellore West Sub division, volunteers were called for by the respondents and two officials seniors to the applicant were transferred and posted to the posts of Mail Overseer I & II, Nellore West Sub division. However, when one of the officials Smt. P. V. Subhashini posted as MO-I, Nellore West Sub. Division, represented to revert her to her original post of Sorting Post Woman as she was unable to working as MO due to personal problems of looking after adopted child, respondents considered her request and posted the applicant as MO-I, Nellore West Sub Division. Service Unions complained about posting officials for the posts of Mail Overseer and Sorting Postman etc. without calling for volunteers. Respondents, on verification, found that the posting of the applicant as Mail Overseer-I was done without calling for volunteers as per prevailing instructions on the subject. Hence, in order to rectify the mistake, they have issued a fresh notification which is under dispute. Aggrieved over the same, applicant approached the Tribunal stating that he has rendered more than 8 years of service in the Mail Overseer post and while he was given the posting as MO-I, Nellore West Sub division, the order did not carry any condition saying that he will be reverted without notice. His further contention is that his transfer and posting to the Mail Overseer was done by a Transfer and Placement Committee. Once the posts are filled up and if any vacancy arises later then the procedure of selection should start afresh and any

selection made by considering the candidates who appeared for the previous selection is invalid under law. Respondents have made the mistake of selecting the applicant based on candidature in a selection process which was completed and hence any further selection shall have to be by calling for volunteers afresh. Nevertheless, it is proper under law to correct a wrong. The Tribunal being aware of the fact that the respondents have made a mistake by posting the applicant without calling for volunteers as required under rules, which they have admitted, it would not be proper for the Tribunal to grant relief to the applicant as sought for and perpetuate the wrong committed by the respondents. The respondents have only issued a notification and the applicant can apply for the same and in case, he is senior and eligible, he would obviously be considered by the respondents. Rules of the respondents organization have to be respected and followed.



II. Therefore, in view of the above, we are of the view that the respondents should be permitted to go ahead with the notification cited or by issuing a fresh notification if required and allow them to select senior-most willing official among those who have volunteered for the post of MO-I, Nellore West Sub Division.

III. Hence, the OA is disposed of by directing the respondents to call for volunteers as per the relevant rules prevailing in the respondents organization and in case the applicant applies for the same, his candidature may be considered as per his eligibility and in accordance with law and rules. Till the selection is made to the post of Mail Overseer-I, Nellore

West Sub Division, the applicant shall be continued in the said post. Time allowed to implement the direction is 3 months from the date of receipt of this order. No order as to costs.



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

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

*evr*