

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/01035/2014

Date of CAV : 23.09.2020

Date of Pronouncement : . . .2020



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

V.Rajesham S/o V.Rajaiah,
Aged about 57 years,
Occ : Working as GADS MD,
Kukatpally Post Office, Hyderabad.

...Applicant

(By Advocate : Mr. P. Lakshmana Rao)

Vs.

1. The Union of India rep by its Secretary,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi.1.
2. The Chief Postmaster General, A.P.Circle,
Dak Sadan, Hyderabad.
3. The Director of Postal Services (Hqrs),
O/o Chief Postmaster General,
A.P.Circle, Hyderabad.500001.
4. The Assistant Postmaster General (Vig),
O/o Chief Postmaster General,
A.P.Circle, Hyderabad-500001.
5. The Senior Superintendent of Post Offices,
Secunderabad Division, Hyderabad.
6. Jogi Raju, Postman,
Himmathnagar Post Office,
Hyderabad.25.
7. B.Satyanarayana, Postman,
Hakimpet Post Office,
Hyderabad 500014.

8.E.Rama Rao, Group D,
Balarum Post Office,
Secunderabad 500010.

....Respondents

(By Advocate : Mr.T.Sanjay Reddy representing Mr.T.Hanumantha Reddy, Sr.PC for CG, for Respondents 1 to 5,
Mr. S. Bhagaiah, for Respondent No.7,
Mr.M.Venkanna, for Respondents 8 & 6)



ORDER

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

Through Video Conferencing:

The present O.A. is filed to declare the action of the respondents in not considering the claim of the applicant for promotion to the post of Postman on par with his juniors.

2. The brief facts of the case are that the applicant was appointed as Grameena Dak Sevak in 1981. In 2013, he requested the respondent authorities to consider him for promotion to the post of Group-D/ MTS on humanitarian grounds. However, the respondents did not take any steps in this regard whereas his juniors were considered and given promotions. Later, respondents issued proceedings dated 21.11.2013 wherein it was stated that the DPC has committed some irregularities in selecting candidates for the post of Postman. The irregularities came to light as the applicant brought the same to the notice of the Senior Superintendent of Post Offices, Secunderabad Division. In this connection, the applicant intimates that his name was also examined by the DPC for promotion to the

post of Postman, which met on 6.7.2007 & 27.4.2010. The applicant submits that the two candidates selected in the DPC dated 6.7.2007 belong to OBC community and in the DPC dated 27.4.2010, the selection of Sri Balaraj was found to be correct and that of Sri Jogiraj was found to be irregular and the matter has to be inquired into. Similarly, in the DPC which met on 29.4.2011, the selection of Sri E. Rama Rao was found to be irregular and an inquiry has been ordered. The applicant claims that the respondents have informed him that he did not come into the zone of consideration which is fixed based on the ratio of 1:5. Hence, in the DPC held on 29.4.2011 to select candidates for posting, his name did not figure. Aggrieved over the same, the O.A. has been filed.

3. The contentions of the applicant are that he is senior and is fully eligible to be considered for the post of Postman. The DPC has committed irregularities when it met for scrutinizing the selection of candidates for promotion to the post of Postman on 6.7.2007. The applicant has referred about the selection of candidates namely Sri Balraj, Sri Ramakrishna Reddy, Sri Jogiraj, Sri E. Rama Rao & Sri B. Satyanarayana, who are all working as Grameena Dak Sevaks. The applicant has also made a representation on 12.6.2013, which was not responded to. However, in the meanwhile, respondents have promoted applicant's juniors as Postmen. The applicant has cited the judgements of the Hon'ble Supreme Court in *Mohanlal Sharma & Others Vs UOI & Others { 2001 (1) SLJ 344 }* and in *Kuppu Swamy Vs State of Tamil Nadu { 1998 SCC (L&S) 694 }* in support of his contentions.

4. Respondents in their reply statement informed that the applicant was engaged as Grameena Dak Sevak in 1981. The DPC for selection to the post of Postman met on 27.4.2010 & 29.4.2011. The DPC prepared a zone of consideration of GDS officials and in the same, name of the applicant did not figure because he was junior to many others. As the applicant was not senior enough, his case could not be considered. The representation of the applicant dated 15.4.2013 and not 12.6.2013 as stated by the applicant, was examined and he was informed that his candidature for selection to the post of Postman could not be considered as he was not coming under the zone of consideration in all the DPCs which met for the purpose. The criterion for selection is service of 15 years with 8th class qualification. Sri Balraj, GDS, who was senior to the applicant, was selected. However, when Sri Balraj declined, the next candidate Sri S. Ramakrishna Reddy was selected, who was also senior to the applicant. After 3 years when a fresh DPC met on 27.4.2010, Sri Balraj, who declined promotion earlier was once again selected, after the lapse of one year i.e. after the period of debarment was over. The erroneous selection of Sri G. Jogiraj to the cadre of Postman was cancelled by conducting a review DPC, which met on 27.8.2014. However, Sri G. Jogiraj has been later selected to the post of Postman for the vacancy years of 2009-2010 when he fulfilled the conditions of selection. Similarly, in respect of Sri E. Rama Rao, the erroneous selection was cancelled. The selection of Sri B. Satyanarayana was also set aside as the selection was irregular. Therefore, the respondents state that since the applicant was not coming in the zone of consideration, he could not be selected as Postman.

5. The 7th respondent filed a reply statement, wherein he claims that he belongs to the OBC community and, therefore, he is eligible for promotion. The 7th respondent states that because of his good record and seniority, he was eligible under both the quotas i.e. OC & OBC. The applicant is not eligible for promotion and, therefore, he has no locus standi to challenge his appointment. The selection of the 7th respondent is based on his eligibility.



6. Heard Sri P Lakshmana Rao, learned counsel for the applicant, Sri T. Sanjay Reddy representing Sri T. Hanumantha Reddy, learned Senior Panel Counsel appearing for the official respondents, Sri M. Venkanna, learned counsel appearing for Respondents No.6 & 8 and Sri S. Bagaiah, learned counsel appearing for Respondent No.7 and perused the pleadings on record.

7. The applicant pleads to be appointed as Postman because of his seniority. The respondents in their reply statement have made it clear that since the applicant did not come into the zone of consideration, he could not be selected in the DPC which met for selection to the post of Postman. The ratio fixed for the zone of consideration is 1:5. Hence, when the applicant does not come into the zone of consideration, he has no case to seek the relief sought for in this O.A. Moreover, it is observed that he is seeking promotion on humanitarian grounds. There is no rule which facilitates promotion on humanitarian grounds. However, in regard to the selection of other candidates, the respondents have explained clearly that the selection of Sri Jogiraj which was done irregularly, was cancelled. Similarly in case of Sri Balraj, his case was considered after the debarment period for declining promotion is over. Further, selection of Sri E. Rama

Rao was cancelled after it was found to be irregular. Same is the case in respect of Sri B. Satyanarayana. The competent authority had ordered cancellation of the irregular selections by conducting a review DPC. The review DPC has the power to review selections wherein mistakes have been committed. The respondents followed the proper procedure and took necessary action. The contention is that the applicant has brought the irregular selection to the notice of the respondents and the latter have acted as per rules on the subject. However, it does not mean that when the selection of other candidates is set aside, the applicant has a right to be selected. Selection is based on seniority and having 8th class qualification. The applicant was not senior enough to be included in the zone of consideration. Hence, he has no case to seek the relief sought for in the O.A. The applicant cited the judgements of the Hon'ble Supreme Court, which are not relevant. In view of the aforesaid, we find no merit in the case and hence, the O.A. is dismissed. No order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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