

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/287/2015

HYDERABAD, this the 24th day of March, 2021

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



M. Praveen Kumar, S/o. Manga,
aged about 32 years, S.C,
Plot No.37, Huda Colony,
Near Dream Valley,
Marikonda, Hyderabad – 500 008.

...Applicant

(By Advocate : Sri M.V. Raja Ram)

Vs.

1. Department of Posts,
India, O/o. The Chief Postmaster – General,
A.P. Circle, Hyderabad – 500 001.
2. Assistant Director (Rectt & Welf),
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad – 500 001.
3. Government of India rep. by its
Chief Postmaster General,
India, DOC Bhavan, New Delhi.
4. Departmental Selection Committee,
Through Assistant Director (Rectt &Welf)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad – 500 001.

... Respondents

(By Advocate: Smt. K. Rajitha, Sr. CGSC)

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

2. The OA is filed in regard to non selection of the applicant under sportsman quota as per notification issued by the respondents dated 11.7.2011 and in pursuance of the Hon'ble High Court order in WP No. 11641/2013 dated 24.4.2014.



3. Brief facts of the case are that the applicant applied for the post of postman against notification dated 11.7.2011 in power lifting category of Sportsman by submitting relevant certificates testifying his participation in National and International events. However, when the candidate Sri K. Stephen was selected, OA 651/ 2012 was filed wherein the Tribunal suspended the order of Sri K. Stephen on 22.6.2012. The said candidate moved MA 851/2012 in OA 651/2012 and the Tribunal vacated the interim order dated 22.6.2012 observing that Sri K. Stephen was selected to the post of Postal Assistant and not for postman. Aggrieved applicant filed WP No.40516 /2012 wherein it was directed to dispose of the OA within 2 months. The Tribunal allowed the OA 651/2012 on 31.1.2013 directing the respondents to appoint the applicant as postman by not comparing him with candidates who applied for the post of Postal Assistant. Sri K.Stephen approached the Hon'ble High Court against the order of the Tribunal in OA 651/2012, though his candidature for the post of Postal Assistant was not effected. Hon'ble High Court has observed that the applicant in the present OA has applied for the post of Postman and gave liberty to the present

applicant to move the Tribunal for appointment as Postman if he so advised and if he is eligible to be considered.



4. The contentions of the applicant are that the applicant is fully eligible as per the notification under reference and that he has participated in the international events when compared with the other candidates. 4th respondent is biased and he has not verified the records while making the selection and therefore the selection is null and void. Condition IV (b) of the notification prescribes granting priority to international participation and thereafter for National participation etc. No one has applied for the post of Postman.

5. Respondents state that the notification was issued on 11.7.2011 to select meritorious sportsmen and for the power lifting category the weight specification was shown as 90 Kgs & 60/59 Kgs. Only for the 60/59 Kgs category 2 applications were received including that of the applicant. DPC met in April/May 2012 on several dates and decided to select eligible candidates who have participated in recent events and are eligible to be appointed as Postman/Postal Assistant. The applicant candidature for skill test was not considered since his participation in the relevant sports event was in Aug 2007 whereas Sri K.Stephen participated in August 2011. Aggrieved, applicant filed OA 651/2012 wherein by an interim order the impugned order dated 11.5.2012 was suspended and on filing MA for vacate stay the interim order was vacated on the ground that Mr K.Stephen was selected to the post of Postal Assistant (PA). Thereafter, applicant

moved the Hon'ble High Court where in it was directed to dispose the OA in 2 months on 3rd June 2013 and the Tribunal allowed the OA 651/2012 on 31.1.2013. When the order of the Tribunal was contested by Sri K.Stephen, it was observed by the Hon'ble High Court that the present applicant can move the Tribunal for appointment to the post of Postman if he is otherwise eligible. The final selection of the applicant will depend on the assessment of his performance in the field by the senior coaches. Thus the OA filed is premature and that only one post was identified for power lifting category for which Sri K.Stephen was shortlisted and hence the question of selecting the applicant as postman would not arise.



6. None appeared for the applicant. Even earlier, there was no representation for the applicant on several occasions. The OA is of the year 2015 on the subject of recruitment. Hence, the matter was taken up for adjudication. Heard the learned counsel for the respondents and perused the pleadings on record.

7. I. The dispute is about non selection of the applicant in the power lifting category of sportsmen as per notification dated 11.7.2011. The number of vacancies advertised for selecting meritorious sportsman was 2 – Postal Assistants, 2- Sorting Assistants and 2 Postman. For the Power lifting category of 59 Kgs only one post was identified as per the notification. The selected candidate would be appointed against Postman/ Postal Assistant depending on performance and educational qualifications. The selection was by a Departmental Selection Committee (DSC) which

met in April/ May 2012 and decided to consider candidates who are eligible to be appointed as Postman/ Postal Assistant by considering their participation in the recent related events. Accordingly, respondents evaluated the performance of the candidates as under:



Name of the applicants S/Sri	Educational Qualifications	Particulars of Certificates
K. Stephen	Intermediate	a) One Sr. National Certificate in Aug-2011 got 555 points b) One Jr. National certificate in Dec-2002 Latest participation in Aug-2011
M. Praveen Kumar	SSC	a) International in Aug-2006. b) One Sr. National certificate in Aug-2007 got 500 points. Latest participation in Aug-2007.

II. As can be seen, the applicant with SSC qualification participated in the related events in Aug 2007, whereas Sri K.Stephen with Intermediate qualification participated in Aug 2011. Hence, Sri K.Stephen was shortlisted for field trial wherein senior coaches make the assessment of the candidate in regard to his performance in the concerned sports event.

III. The matter was adjudicated on multiple occasions as narrated at para 3 supra and finally the Hon'ble High Court in WP No. 40516 of 2012 has observed that the applicant can apply for the post of Postman post if he is otherwise eligible. The respondents have shortlisted Sri K.Stephen against one post identified for the Power Lifting category of 59/60 kgs in view of his latest participation in the event coupled with better educational qualification. Therefore, there being no additional post available as per the notification, the applicant could not be shortlisted. The action of the respondents is as per notification and in accordance with the norms laid by the Departmental Selection Committee.

IV. In view of the aforesaid circumstances, we do not find any merit in the OA and hence, the same is dismissed with no order to costs.



(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/