

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

APPLICATION NO(s). 158,171 to 178 and 473 of /1993.

Applicant(s) K.S.Devarej & 10 Ors. v/s Respondent(s) Secretary, Deptt. of Posts, N Delhi & Ors.

- To
- | | |
|--|---|
| 1. Sri.K.S.Devaraj,
S/o.M.M.Sidderamaiah,
Ijoor,Ramanagar,
Bangalore District. | 7. Sri.N.P.Narayana,
S/o.Puttaswamaiah,
Nagohalli,Kailanthe Post,
Ramanagar Tq.Bangalore Dist. |
| 2. Sri.H.Puttarengaswamy Gowda,
S/o.H.Hanumaiah,Hosur,
Kootagal Post,Ramanagar Tq.,
Bangalore Dist. | 8. Sri.R.Girish,
S/o.Ramaiah,
Savathappagalli,
Aralepet,Ramanagar Tq,
Bangalore Dist. |
| 3. Sri.R.Yogananda,
S/o.Ramakrishnaiah,
Dasagowdanadoddi,
Nagavara Post,
Channapatna Taluk,
Bangalore Dist. | 9. Sri.B.M.Ramesh,
C/o.K.M.Siddaramaiah,
Ijoor,Ramanagar Taluk,
Bangalore Dist. |
| 4. Sri.S.Prabhakar,
S/o.Shiverudraiah,
Near New Water Tank,
Ijoor,Ramanagar Tq.,
Bangalore Dist. | (Applicants from Sl.No.1 to 9 are
in OA.No.158,171 to 178/93). |
| 5. Sri.R.Ramakrishnaiah,
S/o.Ramaiah,
Govt.Silk Farm,
K.P.Doddi Post,
Ramanagar Taluk,
Bangalore Dist. | 10. Sri.Vasudevachar,
S/o.Nerayanachar,
Kustagi,Near Vittal Mandir,
Raichur Dist. |
| 6. Sri.Pandu,
S/o.Venkatappa,
Gowdeyyana Doddi,
Kailanthe Hobli,
Ramanagar Taluk,
Bangalore Dist. | 11. Sri. Vishnukumar,
S/o.Narayanachar,
Kushtagi,Near Vittal Mandir,
Raichur Dist. |
| | (Applicants at Sl.No.10 & 11 are
in OA.No.473/1993) |
| | 12.Sri.B.C.Seetha Rama Rao,
Advocate,No.1101,OTC Road,
Nagarthpet,Bangalore-2. |
| | 13. Sri.P.H.Gotkhindi,
Advocate,No.1-1/2,
IV-A-Main,Obaleppa,
Garden,Bangalore. |

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on ---14-02-93.----- (Continued to page no.2/-)

A/c
Issued
En

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

-:2:-

Dated: 27 JUL 1993

APPLICATION NO(s). 158, 171 to 178 and 473 of /1993.

Applicant(s) K.S. Deveraj & 10 Ors. v/s. Respondent(s) Secretary, Deptt. of Posts, N Delhi & Ors.

To

- | | |
|---|---|
| 14. Secretary,
Deptt. of Posts,
New Delhi-1. | 25. Sr. Supdt. of Post Offices,
Nanjangud Division,
Nanjangud-571301. |
| 15. Chief Post Master General,
Bangalore-1. | 26. Sr. Supd. of Post Offices,
Puttur Dvn. Puttur-574201. |
| 16. Senior Supdt. of Post Offices,
Bangalore East Division,
Museum Road, Bangalore-1. | 27. Sr. Supd. of Post Offices,
Shimoga Division-577202. |
| 17. Senior Supdt. of Post Offices,
Bangalore West Division,
Bangalore-10. | 28. Supdt. of Post Offices,
Chitradurga Dvn-577501. |
| 18. Senior Sudt. of Post Offices,
Bangalore South Division,
Bangalore-41. | 29. Supdt. of Post Offices,
Chickmagalur Dvn-577101. |
| 19. Superintendent of Post Offices,
Channapatna Division,
Channapatna-571501. | 30. Supdt. of Post Offices,
Hassan Division-573201. |
| 20. S.S.R.M. Bangalore Stg. Division,
Bangalore -26. | 31. Supdt. of Post Offices,
Kadagu Division-571201. |
| 21. Chief Post Master,
Bangalore GPB, Bangalore-1. | 32. Supdt. of Post Offices,
Mandya Division-571401. |
| 22. Sr. Superintendent of Post Offices,
Kolar Dvn., Kolar-570001. 563101. | 33. Supdt. of Post Offices,
Tumkur Division-575101. |
| 23. Sr. Sudt. of Post Office, Mysore Dvn. K,
Mysore-570 020 | 34. Supdt. of Post Offices,
Udupi Division-576101. |
| 24. Sr. Supd. of Post Offices,
Mangalore Dvn., Mangalore-575002. | 35. RMSQ Dvn, Bangalore-26
by Superintendent. |
| | 36. Post Master General,
N.K. Region, Bharwad-580001 |

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 14-07-93. (Continued to page no. 3/-)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

-:3:-

Dated: 27 JUL 1993

APPLICATION NO(s) 158, 171 to 178 and 473 of / 1993.

Applicant(s) X.S. Degare & 10 Ors. v/s. Respondent(s) Secretary, Deptt. of
Posts, N Delhi & Others.

To

37. Superintendent of Post Offices,
Raichur Division,
Raichur-584102.
38. Superintendent of Post Offices,
Bellary Division,
Bellary-583102.
39. Sri. Hanumanth Rao,
Postal Assistant,
Bewoor Sub Post Office,
Bewoor, Raichur Dist.
40. Sri. M. Vasudeva Rao,
Central Government Standing Counsel,
High Court Building,
Bangalore-560 001.

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 14-07-93.


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

27/7/93

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 14TH DAY OF JULY, 1993

PRESENT:

Hon'ble Mr. Justice P.K. Shyamsundar,

.. Vice-Chairman

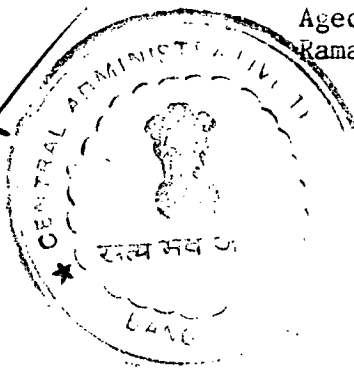
And

Hon'ble Mr. V. Ramakrishnan,

.. Member(A)

APPLICATION NUMBERS 158, 171 TO 178 AND 473 OF 1993

1. K.S. Devaraj,
23 years, S/o K.M. Siddaramaiah,
Ijoor, Ramanagara,
Bangalore District.
 2. H. Puttarangaswamy Gowda,
23 years, S/o H. Hanumaiah, Hosur,
Kootagal Post, Ramanagar Taluk,
Bangalore District.
 3. Yogananda R,
Aged 22 years, S/o Ramakrishnaiah,
Dasegowdana Doddi, Nagavara Post,
Channapatna Taluk, Bangalore District.
 4. S. Prabhakar,
22 years, S/o Shivarudraiah,
near New Water Tank, Ijoor,
Ramanagar Taluk, Bangalore District.
 5. R. Ramakrishnaiah,
23 years, S/o Ramaiah,
Government Silk Farm, K.P. Doddi Post,
Ramanagar Taluk, Bangalore District.
 6. Pandu, 22 Years,
S/o Venkatappa, Gowdayyana Doddi,
Kailancha Hobli,
Ramanagar Taluk, Bangalore District.
 7. N.P. Narayana,
22 years, S/o Puttaswamaiah
resident of Nagohalli, Kailancha Post,
Ramanagar Taluk,
Bangalore District.
 8. R. Girish,
19 years, s/o Ramaiah,
Savathappagalli, Aralepet,
Ramanagar Taluk,
Bangalore District.
 9. B.M. Ramesh,
C/o K.M. Siddaramaiah,
Aged about 19 years, Ijoor,
Ramanagar Taluk, Bangalore District.
- .. Applicants.
1 to 9 in A.Nos. 158, 171 to 178
of 1993.



10. Vasudevachar,
S/o Narayanachar,
Aged about 22 years, Occ: Nil,
R/o Near Vittal Mandir at Kustagi,
District Raichur.

11. Vishnukumar,
S/o Narayanachar,
Aged about 25 years, Occ: Nil.
Near Vittal Mandir at Kushtagi,
District Raichur.

.. Applicants
1 & 2 in A.No.473 of 1993.

(By Sri B.C.Seetha Rama Rao, Advocate for Applicants in
A.Nos. 158, 171 to 178 of 1993 and Sri P.H.Gotkhindi,
Advocate for Applicants in A.No.473 of 1993.

v.

1. Union of India,
represented by its Secretary
to the Department of Posts &
Telegraphs, New Delhi-110 001.
2. Chief Post Master General,
Bangalore-560 001.
3. Senior Superintendent of Post Offices,
Bangalore East Division,
Museum Road, Bangalore-560 001.
4. Senior Superintendent of Post Offices,
Bangalore West Division,
Bangalore-560 010.
5. Sr.Superintendent of Post Offices,
Bangalore South Division,
Bangalore-560 041.
6. Superintendent of Post Offices,
Channapatna Division,
Channapatna - 571 501.
7. S.S.R.M., Bangalore Stg.Division,
Bangalore-560 026.
8. Chief Post Master,
Bangalore G.P.O, Bangalore-560 001.
9. Sr.Superintendent of Post Offices,
Kolar Division, Kolar-563 101.
10. Sr.Superintendent of Post Offices
Mysore Division, Mysore-570 020.
11. Sr.Superintendent of Post Offices,
Mangalore Division, Mangalore-575 002.
12. Sr.Superintendent of Post Offices
Nanjangud Division, Nanjangud-571 301.
13. Sr. Superintendent of Post Offices
Puttur Division, Puttur-574 201.

.. Respondents
Contd..

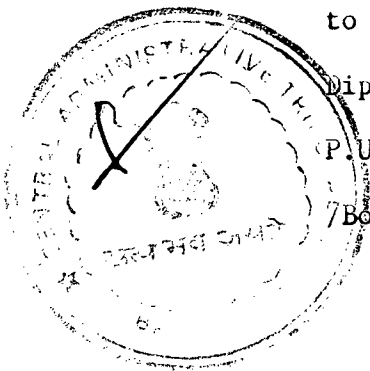
14. Sr. Superintendent of Post Offices,
Shimoga Division, Shimoga-577 202.
15. Superintendent of Post Offices,
Chitradurga Division, Chitradurga 577 501.
16. Superintendent of Post Offices,
Chickmagalur Division,
Chickmagalur - 577 101.
17. Superintendent of Post Offices,
Hassan Division, Hassan-573201.
18. Superintendent of Post Offices,
Kodagu Division, Kodagu - 571 201.
19. Superintendent of Post Offices,
Mandya Division, Mandya - 571 401.
20. Superintendent of Post Offices,
Tumkur Division, Tumkur-575 101.
21. Superintendent of Post Offices,
Udupi Division, Udupi-576 101.
22. R.M.S.Q. Division,
Bangalore-560 026 rep. by Superintendent. .. Respondents
1 to 22 in A.No.158, 171 to 178/93.
23. The Post Master General,
North Karnataka Region,
Karnataka Circle, Dharwad - 580 001.
24. The Superintendent of Post Offices,
Raichur Division, Raichur-584 102.
25. The Superintendent of Post Offices,
Bellary Division, Bellary 583 102.
26. Sri Hanumanth Rao,
Postal Assistant, Bewoor Sub
Post Office, Bewoor,
District Raichur. .. Respondents 1 to 4
in A.No.473 of 1993.
(By Sri M.Vasudeva Rao, Standing Counsel)

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These applications having come up for admission after notice
Hon'ble Vice-Chairman made the following:-

ORDER

In these batch of applications numbering nine, we have
been treated to a very interesting argument centering on a com-
plaint of discrimination by the postal department in electing
to keep out the applicants with qualification of Vocational
Diploma in P.U.C. in preference to people who had just completed
P.U.C. (12 year course)/10+2 standard from a recognised University
Board (excluding vocational streams). The contention urged



herein on behalf of the applicants by their learned counsel Sriyuths B.C.Seetha Rama Rao and P.H.Gotkhindi is that the Government acting through the postal department is guilty of perpetrating discrimination made apparent by unreasonably excluding people like the applicants who had completed the P.U.C.Vocational Course but not the regular P.U.C. Course.

2. The simple argument, certainly ^{very} effectively projected by both counsel, is that the postal department being ^{the} ~~one~~ looking out for appointing people as Postal Assistants and Sorting Assistants could not have done away with people who had acquired a diploma in P.U.C. Vocational Course on no rationale or principle because the job requirement of a Postal Assistant and Sorting Assistant which is the avocation in focus in these applications although may not have needed somebody who had completed a professional course like the Sericulture course done by the applicants ~~in applications~~ in Applications Nos. 158, 171 to 178 of 1993 or the two applicants in Application No. 473 of 1993 who hold a P.U.C. diploma in Building and Road Construction Technology, and Horticulture respectively but would have done equally well and effectively discharged the responsibilities attached to the simple job of Sorting Assistants and Postal Assistants which was nothing more than sitting at a counter, vending postal stamps and sorting postal articles etc. which did not require professional expertise. It is, therefore, urged that with P.U.C. diploma qualification, these applicants could have handled the work of Sorting Assistants and Postal Assistants as effectively as people who had simply done a P.U.C. (12 year course)/10+2 standard. It is claimed, there was thus little reason to confine the aforesaid job opportunity only to the latter category by specifically excluding the former category namely the P.U.C.Vocational course diploma holders.

3. The argument advanced as above certainly appears quite attractive and does ~~not~~ merit consideration more particularly when counsel have backed their arguments with copious citations of authorities of the Supreme Court to which we will in passing advert to. But, before we do that, we must harken to the department's submission that prescribing norms and requirements which includes qualification for an appointment or a job is entirely a matter for the Government or the Department concerned. If the department is satisfied with a plain P.U.C. and says it does not need or want a vocational diploma holder who has also done the very same P.U.C. course but with some diversification that enables him to undertake a specialised avocation, it is urged that it is not open to those who were on the basis of the prescribed qualification eliminated from the contest to urge and assert that they have been wantonly and arbitrarily excluded resulting in patent discrimination, violating in that manner the mandate of the equality clause enshrined in Articles 14 and 16 of the Constitution.

4. After having given our earnest consideration to the rival submissions as aforesaid, we must confess or plead our inability to accept the submissions on behalf of the applicants that the postal department in excluding the vocational diploma holders from consideration in the matter of appointment to Postal Assistants and Sorting Assistants was guilty of some kind of discrimination. We have every reason to accept the arguments advanced for the department that it is for the department to prescribe norms or qualification viz., educational qualification that is in its view adequate for the purpose of job requirement in the organisation. It seems to us such of those who did not fulfil or satisfy such job requirement i.e., prescribed educa-

tional qualification cannot make a grievance of it or urge that as a class they have been discriminated. If the basic concept is that the employer must have the freedom to choose its own employee and in order to make a choice in that behalf it must decide upon the qualification required or enjoin norms to be specified for such selection, we are hard put to comprehend the argument that those who had unfortunately lost in the race because they did not have the prescribed qualification should be enabled to put forward the argument of unreasonable discrimination based on educational qualification. As we have understood the concept of equality of opportunity, under Article 14 of the Constitution, what that article forbids is inequality in treatment of people who are alike and in the same breath we need mention that it is not open to a State to treat unequals as equals or where every one is equal to introduce somekind of an artificial aura of distinction making for patent discrimination. But, then Article 14 does not forbid reasonable classification based on discernible differentia having a close nexus to the object of the Rule or law whatever the case may be. If that be the acid test and if applied to these cases, there can be no doubt that those who are in and those who are out form distinct and different classes. Certainly people who do not have the prescribed qualification cannot claim parity with those who have the prescribed qualification. Certainly they cannot contend that every one after going through the P.U.C. course whether P.U.C. simpliciter or P.U.C. vocational should all be treated alike and entertained alike. We regret our inability to subscribe to such a specious argument and we do not also see anything justifying a contrary view from the decisions cited by Sri Seetha Rama Rao who relied on the decisions of

the Supreme Court in (i) STATE OF MYSORE AND ANOTHER v. P. NARASINGA RAO (AIR 1968 SC 349); (ii) E.P. ROYAPPA v. STATE OF TAMILNADU (AIR 1974 SC 555); (iii) SHUJAT ALI AND OTHERS v. UNION OF INDIA (AIR 1974 SC 1631); (iv) D.S.NAKARA AND OTHERS v. UNION OF INDIA (AIR 1983 SC 130) and (v) KAPUR AND OTHERS v. STATE OF HARYANA AND OTHERS (AIR 1987 SC 415). The aforesaid decisions merely lay down the basic principle that like should be treated alike and not that like and unlike should be treated similarly and nothing beyond that. What the department has done herein has confined the zone of selection to people who have passed plain P.U.C. course excluding people who have passed the P.U.C. vocational diploma course. The two clearly form two distinct and different streams and if the selection is confined to one and not extended to the other, the latter cannot complain of discrimination. Considering as aforesaid the arguments advanced on the basis of transgression of equality clause of Article 14, we find no substance therein.

5. It is further argued for the applicants that on an earlier occasion the postal department had selected the people who had completed P.U.C. diploma vocational course also. But, then they have since revised the Rules and sought to confine the selection to P.U.C. (12 year course)/10+2 standard. Merely because on a former occasion vocational diploma holders were treated as adequately qualified, does not enjoin the department to continue with the same norm. The fact remains that they have discontinued that practice and of course they have not stated in the course of the objection statement why exactly they discontinued the earlier practice, but the reason is perhaps not far to seek. We may probably venture an explanation of our own in that the department probably felt that vocational diploma holders having undergone specialised training they must

seek employment opportunity in the specialised avocation and should not be provided job opportunities in the postal department which did not need any specialised qualification. In these days of a dwindling market for jobs, that could be done by a non-specialist such jobs if allowed to be manned by a specialist will lead to a lop sided development of society with the specialist who can find jobs in his own field particularly as in these cases of vocational training he can be self employed also, it would be less than fair and totally unjust to one who did not or could not pursue a course of education involving training for pursuing a particular vocation, if need be even on his own by being self employed. We add the above ground as a further reason to discard the argument of unequal treatment advanced by the applicants.

For the reasons stated supra, these applications fail and they are accordingly rejected.

Sd-

MEMBER(A)

Sd-

VICE-CHAIRMAN.

TRUE COPY

M. J. S.

27/7/93

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE