

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 18 NOV 1993

APPLICATION NO(s) 575 of 1993.

APPLICANTS: K. Marappe

RESPONDENTS: Supdt. of Post Offices,
Bellary and Others.

TO.

1. Sri. M. Raghavendra Achar,
Advocate, No. 1074 & 1075,
Fourth Cross, Banashankari
First Stage, Mysore Bank Colony,
Opp: Raghavendra Nursing Home,
Bangalore-560 050.
2. The Chief Post Master General,
Karnataka Circle, Bangalore-1.
3. Sri. M. Vasudega Rao,
Central Govt. Stng. Counsel,
High Court Bld, Bangalore-1.

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

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 10-11-1993.

[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

18/11/93

gm*

[Signature]
% Issued
[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

ORIGINAL APPLICATION NUMBER 575 OF 1993

DATED THIS THE 10TH DAY OF NOVEMBER, 1993

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

And

Mr. V. Ramakrishnan, .. Member(A).

K. Marappa,
Major, S/o Nagappa,
ADMC, At & Post Dhavalapur,
Kampli Taluk,
Bellary District.

.. Applicant.

(By Advocate Sri M.R. Achar)

v.

1. The Superintendent of Post Offices,
Bellary Division, Bellary.
2. The Sub-Divisional Inspector
of Post, Siraguppa Division,
Taluk: Siraguppa,
Bellary District.
3. Sri Hulugappa, Major,
E.D. Packer,
At & Post Dhavalapur,
Kampli Taluk,
Bellary District.

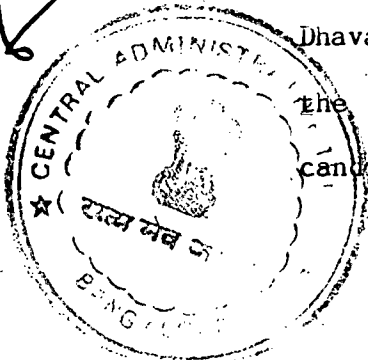
... Respondents.

(By Standing Counsel Sri M. Vasudeva Rao)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:

Heard. Admit. We are concerned herein with the selection of respondent-3 as an Extra Departmental Packer by the postal department in preference to the claim of the applicant who was by then already working in that position on a provisional basis. It transpires that the department when it found the employment exchange was unresponsive in sponsoring candidates for filling the post of Extra Departmental Packer in the village of Dhavalapura, the local Post Master took the step of notifying the post locally. That notification, it appears attracted 6 candidates among which one was the applicant and the other being



the third respondent Hulugappa who we are given to understand made his application a day after the dead line being 28-11-1991 had expired. We are told that all the applications were bunched together and sent to the superior authorities for passing orders along with the recommendations of the local Post Master. From the files we see, the local Post Master opted for the selection of the applicant on the ground that he had already been working. The report also mentions that Hulugappa, the present appointee being a scheduled caste candidate his claim could be considered. But, then his application was received one day after the dead line. The superior authority after taking into consideration all these factors considered it appropriate to order appointment of respondent-3 Hulugappa, a scheduled caste candidate on the ground that the representation to scheduled caste was below the required level. The superior authority in that view of the matter choose to overlook the small delay of one day in filing the application by Hulugappa. The result was, on the appointment of Sri Hulugappa, the applicant who was working as an Extra Departmental Packer was discharged from service. Mr. M.Raghavendrachar, learned counsel for the applicant takes strong exception in preferring Sri Hulugappa vis-a-vis his client on the ground that the latter belonged to scheduled caste category and that representation to that category was below par. He says as his client is entitled to challenge the assessment by the postal authorities that the representation to scheduled caste candidates was below the required level, he is keen about challenging the appointment of respondent-3 on the ground that he should not have been preferred because the level of employment to scheduled caste fell below par.

2. We think all that can be done only by an appropriate representation to the postal department. If the applicant

succeeds in satisfying the department that scheduled castes had been adequately represented, it is open to the department to undertake a review of the appointment of respondent-3 in accordance with that decision.

3. In the circumstances all that we do is to dispose off this application with a direction to the applicant to make a suitable representation contesting the department's assessment the position of the scheduled caste representation in the division. If such a representation is made by the applicant within one month from to-day the department will dispose of the same within 6 months from the date of making such representation.

No costs.

PS

PS

MEMBER(A)

VICE-CHAIRMAN.



TRUE COPY

m. d. S.

18/11/93

SESSION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE