

## BANGALORE BENCH

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

Dated:- 28 JUL 1994

APPLICATION NUMBER:

862/93

APPLICANTS:

Sri. S. Venkatesh and Others vs. Chief Postmaster, GPO, Bangalore  
To.

RESPONDENTS:

Chief Postmaster, GPO, Bangalore  
and others.

① Dr. M. S. Nagaraja, Advocate, No. 11, 2nd Floor,  
1st cross, Sugathakumar Complex, Garskinagar,  
BANGALORE-560009.

② Sri. M. S. Padmanabiah, Sr. C.G.S.C.  
High Court Bldg, Bangalore-560001

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

Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above-  
mentioned application(s) on 22-07-94

Issued on

28/7/94

R-

of

S. Shashikala  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

APPLICATION NO. 862/1993

DATED THIS THE TWENTYSECOND DAY OF JULY, 1994

MR. JUSTICE P.K. SHYAMSUNDAR, Vice Chairman

MR. T.V. Ramanan, Member (A)

1. Shri S. Venkatesh  
67, 8th Cross  
Yellappa Garden  
Coconut Avenue Road  
Bangalore - 560 003.
2. Shri Basheer Ahmed  
11, Curve Road, Tasker Town  
Bangalore - 560 051.
3. Shri G. Manjunath  
1223, 11th A Main Road  
Prakashnagar, Bangalore-21.
4. Shri G.P. Sethyanarayana Murthy  
155, 5th Main, Devanathachar Street  
Chamarajpet, Bangalore-560 018. .... Applicants

(By Dr. M.S. Nagareja, Advocate)

Vs.

1. The Chief Postmaster  
G.P.O., Bangalore-560 051.
2. The Post Master General in Karnataka  
General Post Office, Bangalore-560 001
3. Union of India  
represented by Secretary to Govt.  
Department of Posts, Dak Bhavan  
New Delhi. .... Respondents

(By Shri M.S. Padmarajaiah, S.C.G.S.C.)

O R D E R

(MR. JUSTICE P.K. SHYAMSUNDAR, Vice Chairman)

We have heard both sides. The question herein for consideration is <sup>whether</sup> the applicants would not be entitled for appointment as postmen on regular basis despite having



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acquired the necessary qualifications by passing the prescribed examination therefor. This case really has a longish history and was actually concluded by the pronouncement of the Full Bench of the Tribunal in O.A. Nos. 1155 to 1168 decided on 19.4.1991. All the applicants herein were parties to that judgement which ended up by issuing the following directions to the postal department. We need only adumbrate the direction no. 16(i), which is <sup>or</sup> ~~genuine~~ for consideration.

"16(i) The applicants have undisputedly worked against the long term vacancies during the last 5 to 8 years and have completed 240 days service in one or more years. Further they held these posts even after the 10 per cent leave reserve as provided in the cadre of Postman has been fully utilised. They have been working against clear and regular vacancies. Despite the above, they do not acquire any right to continue in these posts unless they qualify in the examination prescribed in the Recruitment Rules 1969. For this purpose they shall be allowed two additional chances duly granting them relaxation of age, if required, to enable them to appear in the said examination. Further, their services shall not be dispensed with till they have availed of the said two additional chances to qualify in the prescribed examination in terms of 1969 Recruitment Rules. If they qualify in the examination they should be considered for regularisation against the posts of Postmen and not otherwise."

What we understand by the aforesaid direction is that all those who were parties to that judgement did pass the departmental examination availing of the 2 chances stipulated in the judgement, then such successful candidates would necessarily have to be accommodated in the department. The direction did not refer to any option being given to the department to absorb the successful candidates subject to availability of vacancies. We notice from the judgement that the direction supra <sup>really</sup> impelled because of the fact the applicants in the Full Bench case were all people who had worked in the department for more than 5 to 8 years and

had completed 240 days of service in one or more years. In the light of the same, they should have ordinarily qualified for permanent absorption. But because the department urged that they had also to acquire eligibility by passing the departmental examination, the court directed that applicants ~~do~~ qualify themselves by passing the departmental examination availing of 2 chances. As they already had the work experience qualification they should have automatically <sup>be</sup> fitted into the Postmen grade after passing the examination. What the department now tells us is that while some of these applicants did qualify at the examination at which the others also <sup>Competed</sup> ~~contended~~, but in view of the lower proficiency displayed at the examination they were not fitted into existing vacancies. We think it inappropriate on the part of the department in not fitting the applicants into the existing vacancies while allowing them to be filled up by others.

2. Be that as it may, now that this is past history, which is of no use and now we direct the department to fit in these people into the vacancies that may be available in any of the divisions under the control of the CPMG. With this direction this application stands disposed off. This direction be carried out by the department within a period of one month from the date of receipt of a copy of this order.



TRUE COPY

S. Shankar S/1  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

(T.V. RAMANAN)  
MEMBER(A)

MR.

Sd/-

Sd/-  
(P.K. SHYAMSUNDAR)  
VICE CHAIRMAN