

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD.

D.A.No 527/89.

DATE OF DECISION:- 17/7/90

--A.Ne--

Between:-

K.Prabhakara Rao

Petitioner(s)

Shri K.Vinay Kumar,  
Advocate.

-Advocate for the  
petitioner(s)

Versus

The Supdt. of Post Offices,  
Khammam Division, Khammam

Respondent.

Shri Naram Bhaskara Rao,  
Addl. CGSC.

Advocate for the  
Respondent(s)

CORAM:

THE HON'BLE MR. J.Narasimha Murthy : Member(Judl).

THE HON'BLE MR. R.Balasubramanian : Member(Admn).

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunals ?
5. Remarks of Vice Chairman on columns 1, 2, 4 (To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HJNM  
M(J)

HRBS  
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.527/89.

Date of Judgment: 17.7.90.

K.Prabhakara Rao

.. Applicant

Versus

The Supdt. of  
Post Offices,  
Khammam Division,  
Khammam

.. Respondent

-----

Counsel for the Applicant : Shri K.Vinay Kumar,  
Advocate.

Counsel for the Respondent : Shri Naram Bhaskara Rao,  
Addl. CGSC.

-----

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl).

Hon'ble Shri R.Balasubramanian : Member(Admn).

[ Judgment as per Hon'ble Shri R.Balasubramanian,  
Member(Admn) ].

-----

This is an application filed by Shri K.Prabhakara Rao  
under section 19 of the Administrative Tribunals Act  
against the Supdt. of Post Offices, Khammam Division,  
Khammam.

2. While functioning as E.D.Mail Carrier since 1.10.81  
in Kistaram Branch Post Office the applicant applied for  
appearing in the departmental examination for the purpos  
of promotion to the cadre of postman due to be held  
on 16.7.89. He applied in response to a circular  
dated 2.3.89 of the respondent. The applicant claims  
that he fulfils all the conditions and still received

- 2 -

on 7.7.89 the impugned order issued by the respondent stating that the applicant does not come within the purview of the range for the examination. The applicant contends that in terms of Director-General of Posts, New Delhi letter No.44-44/82-SPB.I dated 7.4.89 the 50% quota for direct recruits is sub divided into two equal quotas of 25% each of the total number of vacancies. One half of this is to be filled in from amongst E.D.Agents based on merit in the examination and the other half from among the E.D.Agents based on length of service after qualifying in the examination. In this <sup>latter</sup> quota the number of E.D.Agents to be permitted to take the examination will be 5 times the vacancies announced.

3. The applicant contends that in the 25% of vacancies filled on the basis of merit there is no limit by which the candidates are to be restricted to 5 times the number of vacancies. The applicant claims that the impugned order is in violation of the Director-General of Posts, New Delhi letter of 7.4.89 and therefore prays that the Tribunal direct the respondent to consider the case of the applicant for promotion.

4. The prayer has been opposed by the respondent whose main claim is that the notification was dated 2.3.89 and they had followed the Director-General of Posts <sup>and Telegraphs,</sup> New Delhi Order No.47/5/80-SPB.I dated 7.4.80. It is their contention that the Director-General of Posts, New Delhi letter of 7.4.89 on which the applicant relies was issued subsequent to the notification and therefore it is not

.....3

To

1. The Superintendent of Post Offices,  
Khammam Division at Khammam.
2. One copy to Mr.K.vinaykumar, Advocate,  
1-3-148/68/C/2, Gandhinagar, Hyderabad - 380.
3. One copy to Mr.N.Bhaskara Rao, Addl.CGSC. CAT.Hyd.Bench.
4. One copy to Mr.J.Narasimha Murty, Member(J) CAT.Hyd.Bench.
5. One spare copy.

pvm

Dine  
1/17

1  
10/10/68

applicable.

5. While admitting this application this Bench of the Tribunal had made an interim order requiring the respondent to permit the applicant to appear for the examination held on 16.7.89. The interim order also stated that in the event of the applicant qualifying himself in the test for appointment, one post will be reserved till the disposal of the application.

6. We have examined the case and heard the learned counsels for both the applicant and the respondent. The main contention of the applicant is that by application of the Director-General of Posts, New Delh. letter dated 7.4.89 he could have competed against 25% of the vacancies which are filled up on the basis merit in the examination and for which there is no rat between the number of vacancies and eligible applicant to be admitted for the examination. In this case the announcement for the examination was on 2.3.89 and we accept the contention of the respondents that the Director-General of Posts, New Delhi order of 7.4. is not applicable. The applicant is therefore not entitled to any relief on the basis of the Director-General of Posts, New Delhi circular dated 7.4.89. Accordingly the application is dismissed wit no order as to costs.

12  
18/7/90  
Dy. Registrar (J)

( J. Narasimha Murthy )  
Member (Judl).

( R. Balasubramanian )  
Member (Admn).

Dated

17<sup>th</sup> July '90

ASR  
18/7

CHECKED BY SM

APPROVED

TYPED BY 18/7/90

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. S. N. JAYASIMHA: V.C.

AND

THE HON'BLE MR. D. SURYA RAO: MEMBER (JUDL.)

AND

THE HON'BLE MR. J. NARASIMHAMURTHY: M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATE : 17/7/90

~~ORDER~~ / JUDGMENT

M.A./R.A./C.A./No.

in

T.A.No.

W.P.No.

O.A.No. 527/89

Admitted and Interim directions Issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A.ordered/Rejected.

No order as to costs.

