

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.724/89.

Date of Judgment 19-2-91

- 1. K.Dhanunjaya
- 2. Ahmed Hussain
- 3. Ranga Swamy
- 4. P.Nagalingam
- 5. A.Pullaiah
- 6. B.Ramanjaneyulu
- 7. J.Kambaiah
- 8. S.Vannurvali

.. Applicants

Versus

Union of India
represented by

- 1. Secretary to Government,
Department of Posts,
New Delhi.
- 2. The Chief Postmaster-General,
Andhra Pradesh Circle,
Hyderabad.
- 3. Superintendent,
R.M.S. AG Division,
Guntakal.

.. Respondents

Counsel for the Applicants : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri N.Bhaskara Rao,
Addl. CGSC

CORAM:

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

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

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

Shri K.Dhanunjaya and 7 others filing this application
under section 19 of the Administrative Tribunals Act, 1985
against the Union of India represented by Secretary to
Government, Department of Posts, New Delhi and 2 others

seek a relief that they be promoted to the post of Sorting Assistant.

2. The applicants are working as Mailmen in R.M.S. AG Division, Guntakal. They appeared for an examination held on 18.12.88 for promotion to the post of Sorting Assistant. It is stated that they qualified in the examination. While waiting for promotion they were intimated by the Superintendent, R.M.S. AG Division, Guntakal vide letter No.B3/3/XVII dated 7.8.89 stating that no candidate in R.M.S. AG Division is declared to have qualified in the examination held on 18.12.88. The applicants allege that the respondents are now taking the said plea that there are no vacancies in the Division. The All India Union representing the interests of the applicants took up the matter with the Director-General, Department of Posts on 8.9.89 and not getting the relief they wanted, the applicants have approached this Tribunal now with a prayer that the letter of the Superintendent, R.M.S. AG Division, Guntakal, stating that no candidate in R.M.S. AG Division is qualified, be quashed and that they be promoted.

3. The respondents have opposed the prayer. It is their case that there are no vacancies in the said Division and that they permitted the applicants to appear for the examination still, because in case they get a good position even though there are no vacancies in their home division they can be considered for a posting in other divisions. They have conceded that the applicants got qualifying marks.

4. We have examined the case and heard the learned counsels for the applicants and the respondents. We find from the examination notice dated 6.9.88 (A1) that the vacancies proposed to be filled up were for the year 1988. In a recent case relating to the very same examination conducted on 18.12.88 (O.A.No.985/89 filed before the Madras Bench) the Madras Bench held vide para 6 that the examination conducted on 18.12.88 should relate to the vacancies for the year 1989 and not for 1988. This was on the basis that in a previous similar case vide O.A. No.579 & 580/88 before the Hyderabad Bench, this Bench held that the examinations announced in December, 1987, though stated to be for the vacancies of 1987, were actually for the year 1988 as admitted by the respondents. After holding that the examination conducted on 18.12.88 was actually for the vacancies of the year 1989 we shall examine the vacancy position. From the records of the Department of Posts submitted by the learned counsel for the respondents we find ~~from~~ a letter No.RE/1-21/88-89 dated 6.12.88 wherein it is stated that the vacancies to be filled up ~~in~~ ^{through} the above examination (18.12.88) were upto 31.12.89 and final. It is also stated there that there will be no further modification in future till 31.12.89. In the vacancy position indicated against the Superintendent, R.M.S. AG Division, Guntakal the vacancies are shown to be Nil.

5. The applicants had filed a rejoinder to the reply of the respondents. Alongwith it they had furnished the

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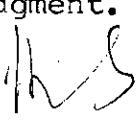
1. The Secretary to Government, Union of India,
Department of Post, New Delhi-1.
2. The Chief PostmasterGeneral, A.P.Circle, Hyderabad.
3. The Superintendent, R.M.S.AG Division, Guntakal.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.Bench.
5. One copy to Mr.N.Bnaskara Rao, Addl. CGSC. CAT.Hyd-Bench
6. One copy to Hon'ble Mr.J.Narasimha Murty, Member (J)CAT.Hyd.
7. One copy to Hon'ble Mr.R.Balasubramanian, Member (A)CAT.Hyd.
8. One spare copy.

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minutes of the sub-committee meeting held on 9.2.89 under the chairmanship of the Additional Postmaster-General, Andhra Pradesh Circle, Vijaywada. It is stated there ~~that~~ against R.M.S. AG Division ^{that} the number of vacancies likely to arise in 1989 is 5. It is also stated there that the number of vacancies for 1988 is 6. But, in our earlier judgments in O.A.No.579 & 580/88 as well as the Madras case O.A.No.985/89 it had been pointed out that there is actually no carry forward vacancy for each year. Thus, even ignoring the 6 vacancies of 1988 the minutes of the sub-committee meeting show that there were likely to be 5 vacancies during 1989. 50% being reserved for promotion there should have been at least 2.5 i.e., 3 vacancies meant for promotees. Since the vacancy position is not very clear from the records we give the same direction to the respondents as the one given by the Madras Bench in their O.A.No.985/89. Since the applicants are qualified we direct the respondents to consider the case of the applicants in respect of the 1989 vacancies and if, on this examination of the Department of Posts, the applicants can be selected, their promotion shall be on a notional basis and there will be no arrears payable to the applicants on this ground. This exercise should be completed by the respondents within two months of receipt of this judgment. There is no order as to costs.

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(J.Narasimha Murthy)
Member(Judl).


R. Balasubramanian
(R.Balasubramanian)
Member(Admn).