

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 151/90

Date of Decision : 8-3-91

T.A.No.

Petitioner.

Advocate for the
petitioner (s)
Versus

Respondent.


Advocate for the
Respondent (s)


CORAM :

THE HON'BLE MR. B.N.JAYASIMHA : VICE-CHAIRMAN

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

1. Whether Reporters of local papers may be allowed to see the Judgement ? No
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgment ? No
4. Whether it needs to be circulated to other Benches of the Tribunal ? No
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)


(BNJ)
VC


(DSR)
M (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA No.151/90.

Dt. of Decision: 8-3-91.

J.V.G.K.Sharma

....Applicant

Vs.

1. Union of India
Represented by the Director
General of Posts,
New Delhi-110001.
2. The Post Master General,
Vijayawada, Krishna District.
3. The Superintendent of Post Offices
Krishna Division, Machilipatnam,
Krishna District.

.....Respondents

Counsel for the Applicant : M/s R.Sree Ramulu &
R.Kumara Swamy

Counsel for the Respondents : Shri E.Madan Mohan Rao, Addl.CGSC

CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Judgment of the Division Bench delivered by
Hon'ble Shri D.Surya Rao, Member (J)).

The applicant herein is working as E.D.Mail
Carrier/Packer. He was appointed as such on 8-10-71.
It is contended in the present application that an
examination for filling-up Group-'D' posts was notified
for
~~xxx~~ calling/applications prescribing 27-11-89 as the
last date. In this circular it is stated that the appli-
cants should be 42 years as on 1-7-90. Subsequently a
revised circular was issued modifying the crucial date

contd...2.

for recokning age changing it from 1-7-90 to 1-7-89.

The applicant's name was not found in the permitted list of candidates released by 3rd respondent on the ground that he is over-aged. Applicant submitted a representation dt.23-1-90 to the Post Master General, Vijayawada requesting that his case may be considered for relaxation. Applicant was given a reply by the 3rd respondent that no individual relaxation can be granted. Applicant submits that he was not over aged as on 1988 when vacancies were available but no examination was conducted. It is stated that the vacancies now announced under circular dt.27-1-1990 includes vacancies of 1988 for which no examination was held and ~~ix~~ that it is not open to the respondentsto deny him the right to sit in the examination ~~xxx~~ on the ground that he is over aged, becasuse no examination was conducted from the year 1988. He further contends that originally the crucial date for recokning age was fixed as on 1-7-90 but was subsequently revised to 1-7-89 instead of to 1-7-88 and according to the applicant this action is arbitrary and illegal.

2. On behalf of the Respondents a counter has been filed stating that E.D.Agents are eligible to be considered to Class-IV posts subject to a maximum age limit of 42 years for General Category. The date of birth of the applicant being 28-2-47, he attained the maximum age by 28-2-89 and therefore he was over-aged. It is

admitted that no examinations was held from the year 1988. However in the year 1988 there were no vacancies for general candidates. There was only one vacancy available in the year 1988 and this was filled-up with an SC candidate. In so far as the five vacancies advertised it is stated that all the five vacancies arose in the year 1990 only and that these vacancies was not clubbed with any other vacancies. For these reasons it is contended that there are no merits in the application.

3. We have heard Shri R.Sree Ramulu, learned counsel for the applicant and Shri E.Madan Mohan Rao, learned standing counsel for the Respondents. The first contention raised on behalf of the applicant is that the respondents have clubbed the vacancies for the year 1988-89, and 1990. ^{Sri. Sree Ramulu} ~~He~~ contends that ~~for~~ the vacancies of the year 1988 should have been separately notified and that ^{the applicant} ~~the applicant~~ would have been eligible ^{for consideration for those vacancies} if an examination was held on the due date. This contention is untenable in view of the fact that there were no vacancies available for the General candidates in the year 1988. ~~Further~~ the respondents in their counter have stated that all the five vacancies which are sought to be filled-up now arose in the year 1990 only. ^{the contention} Hence/that there has been a clubbing

contd.....4...

To

1. The Director General of Posts, Union of India,
New Delhi -1.
2. The Post Master General, vijayawada , Krishna Dist.
3. The Superintendent of Post Offices,
Krishna Division, Machilipatnam, Krishna Dist.
4. One copy to Mr.R.Sreeramulu, Advocate
4-2-227, Rachamala, Old Boiyaguda, Secunderabad.
5. One copy to Mr. E.Madanmohan Rao, Addl. CGSC. CAT.Hyd.Bench
6. One spare copy.

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of vacancies has no merit. The second contention is that applicant is entitled for the relaxation of age to the extent of three years. He relies on PMG's letter No. ST/30/EDA/Rlgs/1 dated 15-9-1986, wherein it is stated that the government has decided to grant one time age relaxation to the extent of three years to all eligible EDA's who are desirous of taking up departmental examination for the class-IV posts. However this relaxation was due to ban orders prior to 1986, ^{of which he is} and as a result eligible EDA's could ^{not} appear for an examination in the previous years. The circular will obviously apply only to the first selection which was conducted after 1986 in regard to vacancies of earlier years. The circular obviously cannot apply to vacancies which had occurred for the first time in 1990. Therefore the applicant cannot have any grievance on the score that he could not appear for the examination. This contention is also therefore rejected. We find no merit in the application. Application is accordingly dismissed. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

D. Surya Rao
(D. SURYA RAO)
Member (J)

Supra 32
Dated: 8th March, 1991. *25/3/91*
Dictated in Open Court *Deputy Registrar*

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Pls. file

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE MR.D.SURYA RAO : M(J)

AND

THE HON'BLE MR.J.NARASIMHA MURTY:M(J)

AND

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

Dated: 8-3-1991.

~~ORDER~~ / JUDGMENT:

M.A./R.A./C.A. NO.

in

T.A.No.

W.P.No.

O.A.No.

151/90

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A./Ordered/Rejected.

No order as to costs.

Central Administrative Tribunal

DESPATCH

1 APR 1991

HYDERABAD BENCH.