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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 152 of 1990

Date of Decision : 1.2.1991

~~Text No.~~

Mr. K. Yesudas

Petitioner.

Mr. J.V. Laxmana Rao

Advocate for the
petitioner (s)

Versus

Union of India and 2 others

Respondent.

Mr. N. Bhaskar Rao, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. B.N. Jayasimha, Vice Chairman

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

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)

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HBNJ
VC

b
HJNM
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.152 of 1990

DATE OF JUDGMENT: 1st February, 1991

BETWEEN:

Mr. K. Yesudas .. Applicant

AND

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

FOR APPLICANT: Mr. J.V. Laxmana Rao, Advocate

FOR RESPONDENTS: Mr. Naram Bhaskar Rao, Addl. CGSC

CORAM: Hon'ble Shri B.N. Jayasimha, Vice Chairman
Hon'ble Shri J. Narasimha Murthy, Member (Judl.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI B.N.JAYASIMHA, VICE CHAIRMAN

The applicant is an Extra Departmental Agent/Mail Carrier. He has filed this application aggrieved by the non issue of the hall permit to sit for the Group 'D' Examination that was to be held on 25.2.1990. The applicant

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states that he was appointed as an Extra Departmental Agent/ Mail Carrier, Branch Post Office, Salempalem, Divi Taluk, Krishna District with effect from 10.5.1972. A test for recruitment to Group 'D' category posts was notified by the Superintendent of Post Offices, Machilipatnam under letter No.B11/Gr.D/Exam/90 dated 17.10.1989 calling for applications from eligible candidates on or before 27.11.1989 through respective Extra Departmental Branch Post Masters. The applicant being eligible, submitted the duly filled prescribed application with the required documents through the Branch Post Master, Salempalem on 21.11.1989. His name was not included in the permitted list of candidates to appear for the examination which was released under letter No.B11/Gr.D/ Exam/90 dated 11.1.1990. Thereafter, he submitted a representation on 20.1.1990 to the Superintendent of Post Offices, Machilipatnam for including his name in the permitted list as he had already submitted his application on 21.11.1989. Subsequently, the Superintendent of Post Offices issued another circular dated 22.1.1990 indicating the revised date as 1.7.1989 in regard to the age qualification and called for fresh applications from eligible candidates. The applicant once again submitted another application by post which was also acknowledged by the Sub Divisional Inspector of Post Offices, Avanigadda Post Office on 30.1.1990. Once again his name was omitted in the list of permitted candidates published on 15.2.1990. The applicant requests for including his name in the list of permitted candidates. Hence, he has filed this application.

2. The respondents filed a counter stating that the contention of the applicant that he had submitted the application is not correct and therefore he was not permitted.

fnj

To

1. The Union of India, rep. by Director General, Posts, New Delhi.
2. The Post Master General, Vijayawada, Krishna Dist.
3. The Superintendent of Post Offices, Krishna Division, Machilipatnam, Krishna District.
4. One copy to Mr. J. V. Laxmana Rao, Advocate Flat No. 304, Balaji Towers, New Bakaram, Hyderabad-380.
5. One copy to Mr. N. Bhaskar Rao, Addl. CGSC.CAT.Hyd.Bench.
6. One copy to Hon'ble Mr. J. Narasimha Murty, Member (J)CAT.Hyd.
7. One spare copy.

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3. Heard Shri J.V.Laxmana Rao, learned counsel for the applicant and Shri N.Bhaskar Rao, learned Additional Standing Counsel for the Respondents/Department. The applicant has furnished a xerox copy of the application (Annexure 9) he has submitted to the respondents and the counter does not refer to the same while stating that the application has not been received. In the circumstances, non inclusion of the applicant in the list of ~~eligible~~ ^{eligible} ~~permitted~~ ^{permitted} eligible candidates is illegal. By virtue of the interim orders passed by us on 22.2.1990, the applicant has been permitted to take the examination and the learned counsel for the applicant states that the applicant has taken the examination. We had stipulated that the results should not be published till the disposal of the application. We now direct the respondents to declare the result of the applicant and if the applicant is qualified, offer an appointment to the applicant in accordance with ~~the~~ ^{the} rules.

4. The application is accordingly allowed. There is no order as to costs.

(Dictated in the open Court)

B.N.Jayasimha
(B.N.JAYASIMHA)

Vice Chairman

J.Narasimha Murthy
(J.NARASIMHA MURTHY)
Member (Judl.)

Dated: 1st February, 1991.

Deputy Registrar (Judl)
21/2/91