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ON THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD.

O.A.No.945/90

Date of Order:14.10.93

S.Vapas .. Applicant

Vs.

Union of India represented by :

1. The Secretary to Government
Department of Posts, New Delhi.
2. The Chief Post Master General,
Hyderabad.
3. The Post Master General,
Vijayawada.

.. Respondents

Counsel for the Applicant : Mr.K.S.R.Anjeneyulu

Counsel for the Respondents: Mr.N.V.Raghava Reddy

CORAM:

THE HON'BLE JUSTICE MR.V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.A.B.GORTHI : MEMBER (ADMN.)

STHGS

..2

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

The applicant belongs to Scheduled Tribe community. In 1989, the applicant was selected by the Departmental Promotion Committee for promotion from the post of Upper Division Clerk to LSG and accordingly he was promoted by the order dated 3.1.1989. Shri S.R.C.Kumar who also belongs to ST community and who was senior to the applicant in the cadre of UDC was not considered for promotion at the time of selection of the applicant for the regular ST vacancy. Then he filed OA 371/87 praying for a direction to the respondents to consider him for the ST vacancy for promotion to LSG as he was within the zone of consideration. The said OA was disposed of on 7.3.1990 with a direction to the respondents to consider the case of the applicant therein for promotion and if the respondents have any doubt in regard to the ^{Social} status of Shri SRC Kumar, the same can be referred to the revenue authorities. After the disposal of the said OA, DPC considered with regard to the case of Shri SRC Kumar and selected him for the post of LSG in ST vacancy and consequently the applicant herein was reverted to the post of UDC by the order dated 29.10.1990. The same is challenged in this OA.

2. Heard Shri KSR Anjaneyulu, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned Standing counsel for the respondents. It is not the case of the applicant that Shri SRC Kumar is not senior to him in the cadre of UDC. It is also not ~~xxxxxx~~ pleaded that Shri Kumar is not a ST candidate. When Shri Kumar was selected by the duly constituted DPC and when he is senior to the applicant, latter cannot challenge the order of promotion of Shri Kumar. When there is only one vacancy for ST, it is stated for the respondents that it had.

Copy to:-

1. The Secretary to Government, Department of Posts, Union of India, New Delhi.
2. The Chief Post Master General, Hyderabad.
3. The Post Master General, Vijayawada.
4. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Raghava Reddy, addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Attd by
Post Commr
2/13.

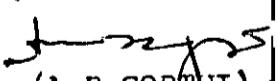
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become necessary to revert the applicant as Shri Kumar, senior to the applicant was selected after his case was considered in view of the directions of this Tribunal in OA 371/87.

3. Shri KSR Anjaneyulu, learned counsel for the applicant urged that as he was duly selected in regular vacancy and promoted and as he worked for 1½ years in that post, a supernumerary post would have been created for continuing the applicant in the cadre of LSG. If an order to that effect is not going to prejudice the interest of any other employee in the cadre of UDC, then we would have bestowed ~~considered it~~ ^{in 4 point doth} our attention in regard to the same. But the next point is not ST candidate. So, if the applicant is allowed to continue in the supernumerary post if it is going to be created, till next vacancy arises, then the OC/SC who has right to be considered in regard to the next point in the roster, he will be prejudiced. One cannot claim ~~xxxx~~ equity when it is going to effect the interest of another. So, we feel ~~that~~ it is not a case where a direction has to be given for creating supernumerary post for continuing or reappointing the applicant in the post of LSG either on regular or on adhoc basis.

4. The OA is accordingly dismissed. No costs.


(A.B.GORTHI)
MEMBER (ADMIN.)

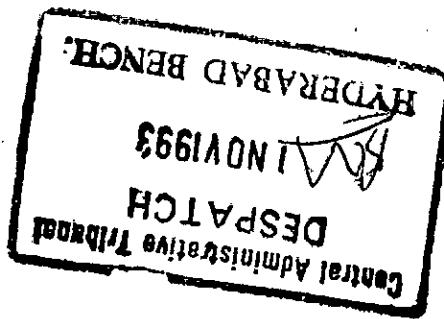

(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 14th October, 1993.

vsn


Dy. Registration (JdD)

contd ... 4/-



P.V.M.

✓
No order as to costs.
Rejected/Ordered.
Dismissed for default.
Dismissed as withdrawn
Dismissed.
Disposed of with directions
Allowed.
Issued
Admitted and interim directions

T.A. No. (W.P.)

O.A. No. 945/90

✓
T.H.

M.A./R.A./E.A.-No.

DECREE/JUDGMENT:

Dated: 14/10/1993

THE HON'BLE MR.P.T.TIRUVENGADAM: M(A)

AND

MEMBER (JUD)

THE HON'BLE MR.T.CHANDRASEKHAR REDDY

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER (A)

AND

VICE CHAIRMAN

THE HON'BLE MR.JUSTICE V.NEELADRI RAO

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

APPROVED BY CHECKED BY

TYPED BY COMPARED BY

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