

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.955/1990

Date of order: 31-12-1990

BETWEEN

- 1. V.Vijaya Kumar.
- 2. K.Prakash Chary.
- 3. M.Nirmala.
- 4. Mohd. Shabbir Miya.
- 5. C.Shankar.
- 6. M.Ravi Kumar.
- 7. K.Jitendranath.
- 8. Syed Khasim.
- 9. K.A.Ramesh.

... APPLICANTS

A N D

- 1. Union of India, rep. by the  
Post Master General,  
Andhra Circle, Hyderabad.
- 2. The Head Record Officer,  
Hyderabad Sorting Division,  
Dept. of Posts, Hyderabad-1.
- 3. The Deputy Director General (P),  
Dept. of Posts, Dak Bhavan,  
New Delhi-110 001.

... RESPONDENTS

Appearance:

For the applicants : Sri V.Venkateswara Rao, Advocate  
For the Respondents : Sri N.Bhaskara Rao, Adtl.CGSC

CORAM

The Hon'ble Sri B.N.Jayasimha, Vice-Chairman  
The Hon'ble Sri D.Surya Rao, Member (Judicial)

contd.. 2.

(JUDGMENT OF THE BENCH DELIVERED BY THE HON'BLE  
SRI D.SURYA RAO, MEMBER (JUDICIAL)).

The applicants herein are all working as Extra Departmental Mailmen. Their case is that they were appointed as Casual Labour on daily wage basis on various dates between 1976 and 1983. Subsequently, they were appointed as Officiating Mailmen namely Group-D post, between 1981 and 1985. In 1990, a literacy test was conducted for regular appointment to the post of Mailmen. The applicants were not selected in this test and this resulted in their reversion. It is contended that the Supreme Court in AIR 1987 (2) SC 2342 (Bharatiya Dagthar Mazdur Manch Vs. Union of India and others) has directed the Respondents to prepare a scheme on rational basis for absorbing as far as possible <sup>of</sup> casual labour who have been continuously working for more than a year in the P&T Department. Similar orders were passed in regard to casual labour of telecommunication department who have approached the Supreme Court in W.P.No.1280/89 dt.17-4-90. It is stated that pursuant to the orders of the Supreme Court, the Deputy Director General (P), Govt. of India, Dept. of Posts and Telegraphs, issued a circular No.2-10/88-PE.I dated 11-5-1989 directing the Heads of Circles to work out proposals for preparation of scheme for absorption of all casual workers including Extra Departmental Agents. It is specifically mentioned in the circular that the proposal should reach him by 15-6-1989. Despite a time limit having been prescribed the authorities have not taken any further action in

92

the matter. It is contended that keeping this proposal in the cold storage, the authorities in Andhra Circle conducted a literacy test in May/June 1990 in order to confer favour on Extra Departmental Agents of their choice. It is stated that though a decision was taken to dispense with the literacy test on 28-3-1990, this decision is sought to be implemented only from 1-1-1991. The applicants contend that if no literacy test is conducted, they would be entitled to regular absorption as Group-D employees. In any event, it is contended that in view of the Supreme Court direction, the applicants are entitled to regularisation de-hors of literacy test. It is, therefore, prayed that a direction be issued to the Respondents to regularise their services with effect from 15-6-1989 against Group-C and Group-D posts by creating the posts belonging to the said categories in terms of the Circular No.2-10/88-PE.I dated 11-5-1989.

2. We have heard the learned counsel for the applicants Sri V.Venkateswara Rao, Advocate and Sri N.Bhaskara Rao, learned Additional Standing Counsel for the Central Government, on behalf of the Respondents to whom we have issued notice before admission.

3. It is clear from the averments made in the Application that the grievance of the applicants is that they should be regularised in Group-D and Group-C vacancies without holding any test on the basis of Supreme Court instructions and the Circular letter No.2-10-/88-PE.I dated 11-5-1989. The applicants have no doubt sought to contend that no literacy test should have been held before they were reverted. However, they have not

4

To

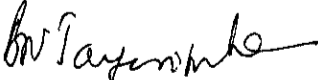
1. The Post Master General, Union of India,  
Andhra Circle, Hyderabad.
2. The Head Record Officer,  
Hyderabad Sorting Division,  
Dept. of Posts, Hyderabad-1.
3. The Deputy Director General (P)  
Dept. of Posts, Dak Bhavan, New Delhi-1.
4. One copy to Mr. v. venkateswara Rao, Advocate.  
1-1-230/23, Hyderabad-20.
5. One copy to Mr. N. Bhaskar Rao, Addl. CGSC, CAT. Hyd. Bench.
6. One spare copy.

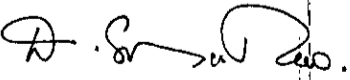
pvm

23

sought to question in this Application <sup>the validity of a</sup> ~~any~~ such literacy test. Similarly placed persons have filed O.A.496/90 questioning holding of the literacy test and to set aside the results of the said literacy test. That O.A. was dismissed by this Tribunal, by a separate order dated 23-8-90. Obviously it is for this reason that the applicants herein have not sought to question the literacy test whereby they were not selected. They have, therefore, limited their plea or prayer to a direction that they should be regularised in terms of Circular dated 11-5-1989. If the applicants are entitled to regularisation in terms of the said circular dated 11-5-1989 which, according to them, was issued pursuant to the directions of the Supreme Court of India, they ought to have made a representation to the authorities concerned claiming regularisation in terms of the said circular. It is not brought to our notice that any such representation has been made. It is, therefore, clear that even before making a representation, the applicants have rushed to this Tribunal. The application is clearly premature and is barred under Section 20 of the Administrative Tribunals Act, 1985. The Application is accordingly dismissed. It is open to the applicants to make such representation as they may feel appropriate for regularisation, if any such right is conferred on them by virtue of Circular dated 11-5-1989. With these observations, the Application is dismissed.


No costs.

  
 (B.N. JAYASIMHA)  
 Vice-Chairman

  
 (D. SURYA RAO)  
 Member (Judicial)

Dated: 31<sup>st</sup> December, 1990

mhb/

  
 Deputy Registrar (Judicial)

(5) *[Handwritten signature]*

CHECKED BY  
TYPED BY

APPROVED BY  
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT 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)

DATE: ~~24-9~~ 31/12/91

~~ORDER~~ / JUDGEMENT:

M.A. / R.A. / O.A. / No.  
in

T.A. No.

W.P. No.

O.A. No.

955/90

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

*[Handwritten signature]*  
14 JAN 1992  
HYDERABAD BENCH