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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 11/91

Date of Order : 28.9.1993

BETWEEN:

Y. Kishan Rao

.. Applicant.

A N D

Union of India represented by:

1. The Secretary to Government,
Department of Posts,
New Delhi.
2. The Post Master General,
Hyderabad Region,
Hyderabad.
3. The Superintendent of Post
Offices, Peddapalli.

.. Respondents.

Counsel for the Applicant

.. Mr. K.S.R. Anjaneyulu

Counsel for the Respondents

.. Mr. N.V. Ramana

CORAM:

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

HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The claim of the applicant is that he was entitled to be considered for recruitment to the post of Reserve Trained Pool-Postal Assistant by virtue of his having served in the department of P&T for over one year.

2. The applicant was initially appointed as E.D.M.C./ Packer on 19.5.1982 at Godavarikhami. He worked in the said post till 21.10.1982 when the post was abolished. The respondents however appointed him against a class-IV post w.e.f. the same date i.e. 21.10.1982. He continued in the said post upto 28.5.1983. He thus served continuously for more than one year under the respondents. He passed P.U.C. and also studied upto B.Com. His case for recruitment as a Postal Assistant (Class-IV) was rejected by the respondents on the ground that he was over aged and that age relaxation in his case could not be given because he did not work for one year as an "E.D. employee".

3. We have heard learned counsel for both the parties. Learned counsel for the applicant has drawn our attention to two important aspects of this case. Firstly the applicant's initial engagement as EDMC/
^{he had}
Packer ~~that~~ to be terminated not for any other reason but because the post itself was abolished. Secondly the applicant was immediately taken against a Class-IV post though as a ^{contingent} ~~continuous~~ employee. As the applicant worked in both the said posts together for over one year, the

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respondents should have given him the benefit of D.G.P.&T letter No. 20/19/78-SPB.I dated 28.12.78; relevant portion of the said office memo is reproduced below:-

"Sub: Age relaxation to ED employees for their recruitments to the clerical cadre etc.

I am directed to say that under the existing instructions ED employees who are Matriculats or possess educational qualifications equivalent to the Matriculation examination and have put in one year's service as ED employees are eligible to be considered along with other candidates upto the age of 40 years for the vacancies meant for outsiders' quota in Time Scale clerks/Sorters' cadre. Minister(C) in one of his meeting expressed his concern about the meagre promotion avenues for the ED staff in the Cl.III cadre and desired that the facility/concession regarding age to the ED employees in the matter of recruitment to the clerical cadre should be made widely known."

4. Mr.N.V.Ramana, learned counsel for the respondents stated that in view of the plain language of the D.G. P&T letter dated 28.12.1978 the benefit of relaxation of age limit upto 40 years would be applicable only to E.D. employees who have put in one year service as such. It cannot be further extended to those who had rendered service in other posts. The respondents ^{as a Contingency A} ~~however~~ contended that ~~a continuous~~ paid employee the applicant worked from 21.10.1982 to 28.5.1983 but that service was with the usual breaks for holidays, etc.

5. There is no dispute as regards the facts in this case. The applicant did work as an E.D. employee for a period of 5 months and 3 days only. The balance

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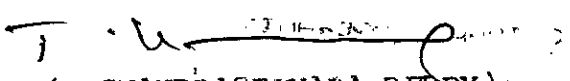
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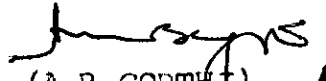
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of his service was as a ^{contingency} continuous paid employee against a Class-IV post. Service in that post cannot be treated as service as an ED employee. In view of this, we are of the considered view that the respondents did apply the D.G. P&T instructions dated 28.12.1978 fairly and squarely to the applicant in denying him the benefit of relaxation of age limit upto 40 years. The applicant admittedly was above 25 years at the time of consideration of his case for recruitment to the post of Reserve Trained Pool Postal Assistant. Unless he had been given the age relaxation he could not be recruited. As we have ^{held} heard that the respondents are justified in refusing to grant the extension of age limit to the applicant, we find that the order of the respondents in rejecting the prayer of the applicant is justified.


6. In the result the O.A. is dismissed. There shall be no order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTHI)
Member (Admn.)

Dated: 28th September, 1993

(Dictated in Open Court)


Deputy Registrar (J)

To

1. The Secretary to Govt., Union of India,
Dept. of Posts, New Delhi.
- sd
2. The Postmaster General, Hyderabad Region, Hyderabad.
3. The Superintendent of Post Offices, Peddapalli.
4. ~~The Superintendent of Post Offices, Peddapalli.~~
5. One copy to Mr. K.S.R. Anajaneyulu, Advocate, CAT.Hyd.
6. One copy to Mr. N.V. Ramana, Addl. CGSC. CAT.Hyd.
7. One spare copy.
8. One copy to Library. CAT.Hyd

pvm

Handwritten note:
attached
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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 28-9 -1993

~~ORDER~~ JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No.

T.A.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions
Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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