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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 381/91

Date of Order: 22.2.1994

BETWEEN :

R.Kama Devi

.. Applicant.

A N D

1. Superintendent of Post Offices,
Khammam, A.P.

2. Assistant Superintendent of
Post Office, Kothagudem,
Kothagudem calls 507101.

3. Post Master General,
Andhra Pradesh Circle,
Hyderabad - 500 001.

4. Union of India, Rep. by its
Secretary, P & T,
New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr.Dr.Muddu Vijay

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 applicant was provisionally appointed as E.D.B.P.M., B.O., Regalla w.e.f. 19.4.1989. She is aggrieved by the notification dated 26.3.1991 issued by the Respondent No.1 calling for applications for filling up the very post held by the applicant. Her prayer is for setting aside the notification dated 26.3.1991 and for a direction to the respondents to regularise her services in the post of EDBPM.

2. Prior to her appointment on provisional basis w.e.f. 19.4.1989 the applicant had worked during leave vacancy from 7.9.1987 to 18.6.1988 for 162 days as EDBPM. In response to a notification dated 22.5.1989 the applicant submitted her application together with all the requisite documents seeking appointment as EDBPM, Regalla. It was only ^{there} after she was given the provisional appointment. On 21.9.1989 A.S.P., Kothagudem was sent for verification of her application and certificates. After the ^{verification of} same was done, she was allowed to continue in the said post. She having worked for two years in the post continuously the respondents had no justification to issue a fresh notification for the purpose of filling up the same post.

3. The respondents in their reply affidavit have stated that initially when the applicant submitted an application she stated that she had studied up to 10th class and in support of her educational qualification she produced a xerox copy of S.S.C. examination

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memo of marks which indicated that she appeared for the said examination in November 1984 but failed. Subsequently it was discovered that the applicant studied only upto VII ~~th~~ standard whereas the minimum educational qualification required for the said post of EDBPM is VIII ~~th~~ standard pass. The respondents initiated suitable action against the ASP, Kothagudem for the irregular appointment of the applicant. It was followed by the issuance of the impugned second notification for the purpose of regularly filling up the post of EDBPM.

4. We have heard learned counsel for both the parties. Two factors merged clearly in this case. Firstly the applicant did not possess the required minimum educational qualification for being appointed as EDBPM. Secondly the applicant was only provisionally given the appointment of EDBPM w.e.f. 19.4.1989 and the said appointment was not regular. Mr. Muddu Vijay, learned counsel for the applicant placed reliance on the judgement of the Supreme Court in Bhagawati Prasad v. Delhi State Mineral Development Corporation (AIR 1991 SC (1) 371). This case pertains to the claim of the petitioners for equal pay at par with the persons appointed on regular basis. The petitioners were daily rated workers who gained experience over a considerable period of time. It was accordingly held by the Supreme Court that taking into consideration the practical experience gained by the daily rated workers they could be regularised notwithstanding the fact that they did not possess the minimum educational qualification

To

1. The Superintendent of Post Offices,
Khammam, A.P.
2. The Assistant Superintendent of Post Office,
Kothagudem, Kothagudem Calls-507101.
3. The Postmaster General, A.P.Circle, Hyderabad-1.
4. The Secretary, Union of India, P&T, New Delhi.
5. One copy to Dr. Muddu vijai, Advocate, 6-3-596/50,
S.v.R.Colony, Khairatabad, Hyd-4.
6. One copy to Mr. N.v.Ramana, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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prescribed. Reference to this judgement was made in the judgement of this Bench of the Tribunal in R.P.48/90 (arising from O.A.138/88). Following the decision of the Supreme Court in Bhagwati Prasad case the Tribunal ^{directed} observed that the Review Petitioner would be regularised in the post of ED Mail Carrier.

5. As per the recruitment rules, no minimum educational qualification seems to have been specified for other categories of EDAs such as ED Messengers and ED Mail Carriers. In the case before us, admittedly the applicant is not qualified to be appointed as EDBPM. Moreover, her appointment as EDBPM was only provisional pending regular selection. In view of this the judgement to which reference has been made by the learned counsel for the applicant will not be of ~~any~~ assistance to the case of the applicant.

6. In the result we are unable to exceed to the request of the applicant that she should be regularised in the post of EDBPM notwithstanding the fact that she did not possess the required educational qualification specified under the recruitment rules.

7. The application is dismissed in the above circumstances. There shall be no order as to costs.

T - U
(T.CHANDRASEKHARA REDDY)
Member (Jud1.)

Ansari
(A.B.GORTMI)
Member (Admn.)

Dated : 22nd February, 1994

(Dictated in Open Court).

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Ansari (6-3-94)
Deputy Registrar (S)CC

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. R. RANGARAJAN : MEMBER
(ADMN)

Dated: 22-2-1994.

ORDER/JUDGMENT:

M.A. / R.A. / C.A. No. →

in
O.A. No. 381/91
T.A. No. (W.P. No.)

Admitted and Interim Directions issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default

Rejected/Ordered

No order as to costs.

