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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW PETITION NO.75 of 1993
IN
O.A.NO.1041/92

DATE OF JUDGMENT: 8.9.1993.

BETWEEN:

Mr. J.Ramakrishaiah ..

Petitioner

AND

1. The Chief Postmaster General,
A.P.Circle,
Hyderabad.
2. The Director of Postal Services,
Hyderabad Region,
Hyderabad.
3. The Superintendent of Post Offices,
Sangareddy Division,
Sangareddy.
4. The Superintendent of Post Offices,
Medak Division,
Medak. ..

Respondents

HEARD:

COUNSEL FOR THE PETITIONER: Mr. S.Ramakrishna Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl. CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER (ADMN.)

JUDGMENT

(As per Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman)

The applicant is Extra Departmental Branch Postmaster,
Wariguntham Branch Post Office. A particular percentage
Group 'D' posts have to be filled up from ED Agents who are

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the prescribed test. The applicant appeared for the relevant examination in 1983 and he passed in the said test as per the results announced on 31.7.1983 and accordingly his name was included in the panel in Sanga Reddy Division. As per the notification dated 19.12.1983, Wariguntham BPO was transferred from Sanga Reddy Division to Medak Division with effect from 2.1.1984. The applicant filed the OA 1041/92 praying for a direction to the respondents to re-allot him ^{to} the Medak Division and to absorb him in Class-IV cadre (Group 'D') if the vacancies are available. But the said OA was dismissed even at the time of admission on 30.11.1992. With due respect, we have to state that as there was no proper representation of the case at the time of the admission, the actual question for consideration was not adverted to while dismissing the same. The learned counsel for the applicant submitted that his junior who was present at the time of admission, could not properly represent ⁰³ when he was required only to take adjournment and hence he had not ^{the} full instructions in that regard. Hence, we feel that in the circumstances, it is just and proper to consider the merits of the case in this Review Petition.

2. From 9.1.1984, the applicant was appointed on adhoc basis in Group 'D' in various spells as and when temporary vacancies had arisen in Medak Division. Even though the name of the applicant was in the panel of Sanga Reddy Division, [✓] was engaged on adhoc basis in Medak Division in leave vacancy for, from 2.1.1984, Wariguntham BPO was in Medak Division. It is now well established that whenever a particular area of division is ^{looked at} ~~taken~~ on, another division, an option has to be given to the employees of the former division to opt for the former division or the latter division. We feel that it is just and proper to extend the same principle in this situation especially when it is stated that the question paper prescribed for

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qualifying examination for the entire circle is the same, even though separate panels for each division are prepared on the basis of the merit. Ofcourse, in such a case, it is necessary to see that the candidates whose names were included in the panel of the other division should not be prejudiced while permitting the transfer of the case of the candidate from the panel in one division to the other division.

3. So, in the circumstances, the order dated 30.11.1992 in the OA 1041/92 is set-aside and the following order is passed:-

The name of the applicant has to be deleted from the panel in Sanga Reddy Division and his name has to be added at the bottom of the latest panel in Medak Division and the applicant has to be provided with the job in the Medak Division as and when his turn comes on that basis.

4. The Review Petition is ordered accordingly. No cost

(Dictated in the open Court).

P.T. Thiruvengadam
(P.T. THIRUVENGADAM)
MEMBER (ADMIN.)

V. Neeladri Rao
(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 8th September, 1993.

Deputy Rev)

vsn

To

1. The Chief Postmaster General, A.P. Circle, Hyderabad.
2. The Director of Postal Services, Hyderabad Region,
3. The Superintendent of Post Offices, Sangareddy Div Sangareddy.
4. The Superintendent of Post Offices, Medak Division
5. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT.
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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