

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

R.P.No.1/93 in
O.A.No.223/92.

Date of Order : 8-1-93

I.Radhakrishna

.. Petitioner/Applicant

Vs.

1. Union of India,
Rep. by the DG P&T,
New Delhi.
2. The Chief Postmaster-General,
Hyderabad.
3. The Sr. Supdt., RMS,
Hyderabad Stg. Divn.,
Kacheguda, Hyderabad. .. Respondents/Respondents

Counsel for the Applicant : Shri C.Niranjan Rao

Counsel for the Respondents : Shri N.V.Ramana, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

[Order of the Division Bench delivered by Hon'ble Shri
R.Balasubramanian : Member(A)]

(In circulation).

This R.P. is filed by the petitioner seeking a review
of the judgement dt. 8.9.92 in the O.A.

2. The following are pointed out as errors in the judgement.

- (a) That the Tribunal held that the Dept. of Personnel O.M.
dt. 5.11.83 was purely recommendatory and was not statutory
in nature.
- (b) That the circular was endorsed for information, guidance
and necessary action, only by the Postmaster-General whereas
the higher authority, the Director-General had endorsed it
for compliance. By compliance they mean that weightage should
be given to the experience gained in the Home Guards movement.
- (c) That there is no evidence that the Director-General who
endorsed the letter of 5.11.83 for compliance had examined the
circular. It is pointed out that in the judgement a reference
was made to the effect that the P&T Department appears to have
examined it.

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findings

3. The judgement is quite clear about its ~~evidence~~ and there are no errors apparent in this case. Whether or not the Director-General had endorsed the circular of 5.11.83 for compliance is not of any consequence. If it had been the intention of the Director-General to give weightage to the experience gained in the Home Guards movement, then the Director-General who is the authority competent to amend the statutory recruitment rules ought to have done it. Since he had not done that, it cannot be expected that the lower authorities viz: the Postmaster-General and others could give weightage to the experience gained in the Home Guards movement when there is no such provision in the statutory recruitment rules. What is important is whether there is provision for such weightage in the statutory recruitment rules or not. In the absence of ~~it~~ ^{any provision} no weightage for Home Guards service is ^{not} permissible. There is no case for revision of the judgement and the R.P. is dismissed with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member (A).

W.R.
(C.U.Roy)
Member (J).

Dated: 8th January, 1993.

8/1/93
Deputy Registrar (Judl.)

Copy to:-

1. DG P&T, Union of India, New Delhi.
2. The Chief Postmaster-General, Hyderabad.
3. The Sr. Supdt., RMS, Hyderabad Stg. Divn., Kacheguda, Hyd.
4. One copy to Sri. C.Niranjan Rao, advocate, 1-10-50/1, Ashoknagar, Hyd-20.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
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HYDERABAD BENCH

HYDERABAD.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR.R. BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T. CHANDRASEKHAR REDDY:M(J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER(JUDL)

Dated:

27/1 - 1992

ORDER/JUDGMENT:

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

1/93

O.A. No.

in

223/92

T.A. No.

(W.P. No. _____)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

