

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.Nos. 784/92 & 736/92

Date of Order: 16.10.1992

BETWEEN :

B.Jagannadham

B.Vara Prasad

.. Applicants.

A N D

1. Addl. Director General,
Armed Postal Services,
Army Headquarters,
New Delhi - 66.

2. Branch Recruiting Officer,
Branch Recruiting Office,
No.6-20-15, East Point Colony,
Visakhapatnam - 23, A.P.

3. The Supdt. of Post Offices,
Parvatiipuram Division,
Parvatiipuram-532 502,
Vijayanagaram District.

.. Respondents.
in both the O.A.

Counsel for the Applicants
in both the O.As.

.. Mr.K.K.Chakravar

Counsel for the Respondents

.. Mr.N.R.Devraj, S.
CGSC in O.A.736,

Mr.N.V.RaghavaR
Addl. CGSC in O
784/92

O.A.736/92:

1. Rangoli Kama Naidu
2. Gaddipalli Tati Naidu.
3. Kelli Appala Swamy.

.. Applicants.

A N D

Same as stated above.

COKAM:

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

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

of the case. Under these circumstances, it will not be proper for the Tribunal to interfere and give a direction to the respondents for the recruitment of the applicants into the APS notwithstanding the fact that such recruitment had been stopped.

7. In view of the afore-stated, we do not find any merit in these applications and they are hereby rejected at the stage of admission itself. We however make it clear that as the applicants were duly screened and found fit for recruitment to the APS, their case for recruitment in future may be considered by the respondents in case there is any change in the policy allowing the intake of ED Agents into APS, provided of course, the applicants continue to be eligible in all respects for such enrolment at the relevant time.

There shall be no order as to costs.

S. N. Bell
CERTIFIED TO BE TRUE COPY
Date
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

Copy to:-
1. Addl. Director General, Armed Postal Services, Army Head quarters, New Delhi-66.
2. Branch Recruiting Officer, Branch Recruiting Office, No. 6.20-15, East Point colony, Visakhapatnam-23.
3. The Sppdt. of Post Offices, Parvatiipuram Division, Parvatiipuram-502, Vijayanagaram District.
4. One copy to Sri. K.K.Chakravarthy, advocate, Kothapet, Hyd.
5. One copy to Sri. N.R.Devaraj Sr. CGSC, CAT, Hyd.
6. One copy to Deputy Registrar(Judi.), CAT, Hyd.
7. Copy to Reporters as per standard list of CAT, Hyd.
8. One copy to Hon'ble Mr. A.B.Gorthi, A.M., CAT, Hyd.
9. One spare copy.

Rsm/-

Case Number OA 784/92/736/12
Date of Judg. 16-10-92
Copy to R.P. 18-11-92
Section Officer (1)

that from amongst those candidates screened on 22.7.1991 and found fit, only those holding Group C and D appointments on a regular basis and fulfil all other laid down qualifications would be enrolled in APS. Hence the concerned postal authorities did not send the applicants for training/enrolment into APS.

5. Learned counsel for the applicants Mr. K.K.Chakravarthy laid considerable stress on the fact that as the applicants were screened and found fit in July, 1991, they should not be affected by the subsequent policy decision of the APS in September, 1991. In any case the APS authorities have not completely stopped the enrolment, but only restricted it to regular Group C and D employees. Under these circumstances, as contended by Mr. K.K.Chakravarthy, the applicants should have been sent for training/enrolment in the APS, on the basis of the selection done in July, 1991.

6. The relevant letter of the Branch Recruiting Office, Visakhapatnam clearly states that the applicants reported for preliminary screening on 22.7.1991 and were found fit for enrolment in APS. They were directed to report to the Branch Recruiting Officer for onward dispatch to APS Training Centre on 30.10.1991. It is clear that prior to that date, a decision was taken by the competent authority not to take any more ED Agents into the APS as Sepoy/Packers. By the mere fact that the applicants were found fit in a preliminary screening by the Branch Recruiting Officer, they did not acquire any prescriptive right for being enrolled automatically into APS, more so when the competent authority decided soon thereafter to take only regular employees of Group C and D. Learned counsel for the applicant contended that the policy decision of the APS was not communicated to the applicants till December, 1991, but that itself in our view should not make any difference to the meri

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

As common questions of fact and law are involved in OA.736/92 and 784/92, both are heard ~~are~~ and decided by means of this common judgement.

2. The prayer of the applicants is that as they have been selected for enrolment in the Army Postal Service (APS) in July, 1991, they should be sent for training and for enrolment in APS.

3. The applicants are working as Extra Departmental Agents in Parvathipuram and Vizianagaram Divisions. Admittedly they were sent to the Branch Recruiting Office, Visakhapatnam for the purpose of selection and enrolment ~~to~~ into APS in consequence of a requisition made by the APS. The applicants appeared for preliminary screening on 22.7.1992 and were found fit for enrolment into APS. They were directed to report to the Branch Recruiting Office for onward dispatch on 30.12.1991. The respondents however did not dispatch them to the Branch Recruiting Officer on the due date.

4. Sri N.R.Devraj, learned Standing Counsel for the respondents, opposing this application has stated that the APS authorities took a decision vide A.P.S. Records Committee letter No.Rec/1203/CA-5/R-341 dated 21.9.1991 to the effect that deputation of E.D. Agents of the Department of Posts as Sepoy/ Packer in APS is stopped. Only Group C and D officials holding regular appointment and whose technical qualification is Matriculation or equivalent and who are below the age of 35 years would be considered for enrolment. In accordance with the said decision the Branch Recruiting Office, Visakhapatnam intimated the Supdt. of Post Offices of the concerned Divisions

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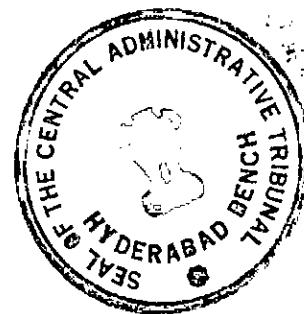
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.. Mr.N.R.Devraj, Sr.
CGSC in O.A.736/92

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There shall be no order as to costs.

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Court Officer
Central Administrative Tribunal
Hyderabad Bench
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9. One spare copy.
10. One copy to Mr. N.V.Raghava Reddy, Addl. C.G.S.C. CAT, Hyd
Rsm/-

Case Number..... OA 784/92 6/736/92
Date of Judgement..... 16-10-92
Copy made ready on 18-11-92
Section Officer (I)

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