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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1611/93 + 1612/93

Date of Order: 11.3.97

Between :

H.Sattibabu

.. Applicant in OA.1611/93

G.Muthyala Rao

.. Applicant in OA.1612/93

AND

1. The Supdt. of Post Offices,
Vizianagaram Division-531202

2. The Post Master General, A.P.North
Eastern Region, Visakhapatnam.

3. The Director General, Dept. of Posts,
Bak Bhavan, Sansad Marg,
New Delhi - 1.

.. Respondents in both
the OAs.

Counsel for the Applicants
Counsel for the Respondents

Mr Krishna Devan

.. Mr.N.R.Devraj

CORAM:

Hon'ble Shri B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

JUDGEMENT

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.Krishna Devan, learned counsel for the applicant,
OAs were
Both the 2 heard separately and was argued by Mr.N.R.Devraj,
Learned standing counsel for the respondents
separately.

2. As the contentions in both the OAs are same, so also the

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3. The applicants in both the OAs submit that they were empanelled as Short Duty Postal Assistants by the D.P.C. held on 26.4.82. They commenced their service as SDPAs w.e.f. 15.7.82. The applicant in OA.1611/93 completed 120 days of service as SDPA on 30.12.82; whereas the applicant in OA.1612/93 completed the necessary number of days of service on 4.1.83. Another selection was conducted on 26.10.82. The applicants in both the OAs were not considered against those vacancies for regularisation as by then they had not completed 120 days of service as SDPAs. It is now stated that on 27.1.83 two SDPAs were posted regularly as PAs and on 5.5.83 six were appointed as regular PAs. Out of the six appointed on 5.5.83 two were working as SDPAs and the ^{remaining} ~~rest~~ four were RTPs. The contention of the applicants in these OAs are that the SDPAs and RTPs posted regularly on 27.1.83 and 5.5.83 are junior to them and by then, as they had completed 120 days of service as SDPAs, they should have been fitted against those regular posts of PAs instead of others who are fitted as regular PAs on 27.1.83 and 5.5.83.

4. This OA is filed praying for a direction to the respondents to fit them in the cadre of PAs and to grant them seniority accordingly in the cadre of PAs and for a further consequential direction on the basis of the seniority.

5. Shri B.Kameshwara Rao, S.P.O. Vizianagaram was present today in the court to explain the case. Shri Rao informed us that the applicants completed 120 days of service as SDPAs on 31.12.82 and 4.1.83. Thereafter, they were eligible to be considered for regular posting as PAs. When 2 posts of regular PAs were filled on 27.1.83 those candidates were senior to the applicant as SDPAs. They were fitted against the drop out

~~Vacancies which arose on the basis of the 'A'~~ 1

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vacancies which arose on the basis of the 'A' list formation by the Selection Committee held in the second half of the year 1982. Hence even if they are not completed 120 days of service as SDPAs they are entitled to be posted on 27.1.83 in the vacancies which arose on 27.1.83. It is not clear from the above that if they were already posted against the drop out vacancies why should they be considered against the vacancies that arose on 27.1.83. Further, there must be some noting in the official record that they were posted against the drop out vacancy which arose during the later part of the year 1982. These points need further examination. Shri Kameshwara Rao further submits that the six vacancies filled on 5.5.83 were also by the SDPAs senior to the applicants in these 2 OAs. No RTRs were regularised on 5.5.83. However this point also needs examination.

..... hearing before disposal of their representation Shri Rao should ensure that they are heard before the disposal of the representation. If the applicants are aggrieved by the reply to be given to their representations they

... approach this Tribunal by filing a fresh OA under Section 19 of the AT Act, 1985.

7. With the above direction the QAs are disposed of with no costs.

B.S. JAI PARAMESHWAR
(B.S. JAI PARAMESHWAR)
Member (Judl.)

(R.RANGARAJAN)
Member (Admn.)

11.3.9)

Dated : 11th March, 1997

(Dictated in Open Court)

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Copy to:-

1. The Supdt of Post Offices, Vizianagaram Division.
2. The PostMaster General, A.P.North Eastern Region, Visakhapatnam.
3. The Director General, Dept. of Posts, Dak Bhavan, Sansad Marg, New Delhi.
4. One copy to Sri. Krishna Devan, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Deputy Registrar(A), CAT, Hyd.
7. One spare copy.

Rsm/-

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11/5/97

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR:
M(J)

DATED:

11/5/97

ORDER/JUDGEMENT

R.A./C.P/M.S.NO.

O.A.NO.

in

1611/93 & 1612/93

INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

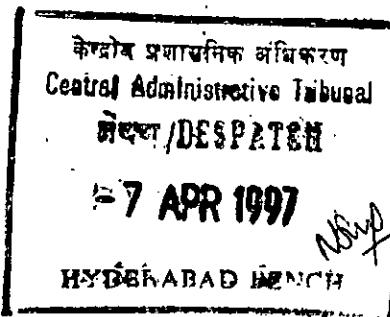
DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

II COURT



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