

98

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 258/94.

Dt. of Order:25-3-94.

1. S.Anuradha
2. B.Iqbal
3. B.S.R.Murthy
4. Daphna Jamal

....Applicants

Vs.

1. The Director General,
Postal Services, Dak Sadan,
New Delhi - 110001.
2. The Chief Post Master General,
AP Circle, Hyd-1.
3. The Director of Postal Services,
(HCR) O/o Chief Post Master General,
AP Circle, Hyd-1.

....respondents

Counsel for the Applicants : Shri M.V.Rajaram

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

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29

JUDGEMENT

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

Heard Shri M.V. Rajaram, learned counsel
for the applicant and also Shri N.R. Devaraj,
learned Sr. Standing counsel for the respondents.

2. This OA was filed praying for quashing
the proceedings No. ST/1-7/93 dated 6.12.93
issued by Respondents by holding the same as
illegal, arbitrary and violative of articles
14 & 16 of the Constitution of India and for
further direction to the respondents to allow
the applicants to work in PLI/MIS Computers
established in the Circle Office at Hyderabad
as per the merit ranks obtained by them with
all consequential benefits such as arrears of
salary, allowances and other monetary benefits
etc.

3. These 4 applicants are working in the
Regional office, Hyderabad Region. On 28.3.93,
a note was issued by the Director of Postal
Services on behalf of Chief Postmaster-General,
A.P. Circle, Hyderabad calling for the names
of the officials who are willing for the apti-
tude test to be conducted by NIC and the applica-
tions were directed to be sent to APMG before
20-7-93. That note was addressed to DPS, Hyderabad
Region and also to all the Section Supervisors
in the Circle Office. As the above note was
also addressed to DPS, Hyderabad Region, these applicants
who were working in the Hyderabad Regional office
volunteered in regard to the same. The aptitude

3

test was conducted in 2 batches. 2 of the applicants are in the first batch while the other two applicants are in the second batch. These applicant's rankings are above the rankings of some of the officials of the Circle office who volunteered for this test.

4. Respondent 2 issued memo. dated 8.9.93 to the effect that the applicants and other staff of the Regional office who had undergone computers training will be taken when there is a shortage of staff in the Circle office or whenever there is any need for extra staff to operate upon the computers installed in the Circle office. These applicants filed OA 1517/93 challenging the said memo. The said OA was disposed of by directing Respondents 2 to dispose of the representation dated 10-9-93 and 3.12.93 by 31-12-93 and if the applicants are aggrieved by the order passed by Respondent 2 on the above representations, they are free to move this Tribunal. As the order of the Respondent 2 on the above representations of the applicants is adverse to the applicants, they filed this OA.

5. It is evident from the note dated 23-8-93 which was issued by the Director of Postal Services on behalf of Chief Postmaster-General, Hyderabad that even the officials who are working in the Hyderabad Regional office were also free to volunteer for the aptitude test to be conducted by NIC and for undergoing the necessary training. But the said training was intended for operating BLI/MIS Computers

138



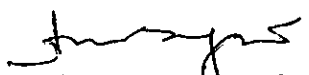
installed in the Circle office. It is contended for the respondents that as per the extant rules, the staff in the Circle office cannot be transferred to the Regional office against their wishes. When it is not possible to transfer the officials in the Circle office to the Regional office unless they agree for the same, it is not possible to take the officials of Regional office who are successful in the training to the Circle Office for want of vacancies, and having realised the same, Repondent 2 issued the memo. dated 8.9.93 to the effect that whenever there is shortage of the trained officials in the Circle Office, the services of the applicants will be utilised.

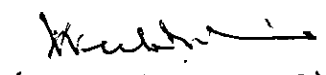
6. The A.P. Circle office (Postal), Hyderabad is different from the 4 Regional offices within the A.P. State. The Regional offices are at Hyderabad, Warrangal, Kurnool and Visakhapatnam. At the time of formation of the Regions, it was made clear that the officials in the Circle office will not be transferred to the Regional offices unless they agree for the same. When it is a case of operating the computers in the Circle office and so long as the trained people are sufficiently available in the Circle office, it is not possible to take the trained officials from the Regional office to the Circle office for want of vacancies. Hence in view of such difficulty, it was made clear in the memo. dated 8.9.93 that the services of the applicants who are working in the Hyderabad Region (Postal) will be utilised whenever there is shortage of trained officials in the Circle office. The same cannot be held as arbitrary or violative of articles 14 & 16 of the Constitution. Of course, the rankings

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of the applicants amongst the candidates who had successfully undergone the training are higher than the rankings of some of the officials in the Circle office. As it is not possible to transfer the trained officials in the Circle office to the Regional offices, the respondents cannot be directed to transfer the applicants to the Circle office merely on the ground that they are having rankings higher than the rankings of some of the officials in the Circle office.

6. As some amount has been spent by the department for imparting training to these applicants and the similarly situated officials of the Hyderabad (Posts), no one from Circle office should be sent for training for working on computers till the services of these applicants and other officials of Hyderabad Regional office (Postal), if any, who had successfully undergone training on computers are utilised. The OA is ordered accordingly. No costs.


(A.B. GORTHI)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated 25th March, 1994
Open court dictation

NO


Deputy Registrar (J)

To

1. The Director General, Postal Services,
Dak Sadan, New Delhi-1.
2. The Chief Postmaster General,
AP Circle, Hyderabad-1.
3. The Director of Postal Services,
(HCR) O/o Chief Postmaster General, A.P. Circle, Hyderabad-1.
4. One copy to Mr. M.v. Rajaram, Advocate, Flat No.2, Sunita Apartments,
Ambetpet, Hyderabad.
5. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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15/2/94
18/2/94

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COMPARED BY

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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. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 25-3-1994

ORDER/JUDGMENT

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

in

O.A.No.

258/94

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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