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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 33 of 1994

DATE OF ORDER: 3rd January, 1997

BETWEEN:

M. SATYANARAYANA

.. APPLICANT

AND

1. The Superintendent of Post Offices,
Kakinada Division,
East Godavari District,

2. The Sub Divisional Inspector of
Post Offices, Samalkot,
East Godavari District.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI V. VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: SRI NV RAGHAVAREDDY, Addl. CGSC

CORAM:

HON'BLE SHRI R. RANGARAJAN, ADMINISTRATIVE MEMBER

HON'BLE SHRI B. S. JAI PARAMESHWAR, JUDICIAL MEMBER

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.))

Heard Shri V. Venkateswara Rao, learned counsel for the applicant and Shri N. V. Raghava Reddy, learned standing counsel for the respondents.

2. The applicant joined as Extra Departmental Delivery Agent (EDDA) at Kirlampudi with effect from 2.2.62. He held that post till 30.7.84 when he was terminated from service. That termination was set-aside by

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this Tribunal by the order dated 13.7.89 in T.A.No.944/86 with a direction to reinstate him into service. In pursuance of that direction, he was reinstated in service with effect from 11.9.89 by the memo dated 23.9.89 issued by R-2.

2. The applicant submits that no seniority list was issued in the cadre of EDDAs after his reinstatement though he submitted representation to that effect by his representation dated 13.10.93 (Annexure A-2 of the OA). He further submits that many of his juniors have been promoted to the post of Postman and also were taken in Group-D service of P&T Department and he was not able to pin point the juniors as no seniority list was issued including his name.

4. This OA was filed praying for a direction to the respondents to include his name in the seniority list of EDDAs of Kakinada Division issued as on 31.10.90 and thereafter to appoint him as ^{< a >} Postman on regular basis with regular scale of pay with effect from the date on which he is entitled on the basis of his seniority as EDDA of Kakinada Division with all consequential benefits such as seniority, promotion, arrears of pay and allowances etc.

5. The respondents submit in Para 5 of their reply that the name of the applicant was inadvertantly not included in the seniority list of Kakinada Division issued on 31.10.90. On receipt of his representation dated

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8.3.91, his name was included in the seniority list at the appropriate place taking the date of his reinstatement as date of appointment i.e, 11.9.89 (AN). But Rule 9(7) of ED Conduct & Service Rules has not been fully complied with. The authorities may have to look into this and insert his name at the appropriate place. But that will not be the material point for deciding the issue.

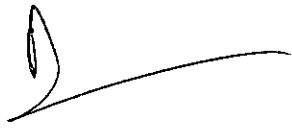
6. In Para 5 of the reply it is stated as follows:-

"In fact EDAs have to qualify in the prescribed examination to become eligible for promotion to the cadre of postman and the prescribed age limit for appearing for the examination was 42 years prior to August, 1990 which was raised to 50 years with effect from 1.1.91 vide Director General (P) letter No.44-31/87-SPBI dated 28.8.90. The applicant crossed the age of eligibility even to take the exam. prior to his dismissal from service, his D.O.B. being 6.7.35, as per the T.C. produced by him. As such he was not eligible even to appear for any examination conducted prior to his dismissal from service on 30.7.84. The question of not giving him promotion as Postman after his reinstatement does not therefore arise at all.

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The applicant's contention that the system of qualifying in the test for appointment to the cadre of postman was



dispensed with effect from 7.10.81 is not correct. The system of qualifying examination is still continuing and it has not been modified nor abolished. But, the examination for appointment to the cadre of Grup-D has been dispensed with effect from 1.1.91 vide Director General (P) letter No.44-31/87-SPB.I dated 28.8.90. The applicant was not qualified in either of the examinations prior to 1.1.91. He crossed the maximum age limit of 50 years by the time the system of promotion even to the cadre of Group-D on seniority basis was introduced with effect from 1.1.91 abolishing the literacy test prescribed for EDAs for selection to Group-D. Therefore the contention of the applicant that his juniors were promoted to the cadre of either postman or Group-D based on mere seniority is not correct. His juniors who were below the age of 50 years as on 1.1.91 only are promoted as Group-D on seniority basis as per the instructions of Director General (P) letter dated 28.8.90 and those who were qualified in the prescribed examination were promoted to the cadre of Postman".

From the above reproduced para, it is clear that the applicant became ineligible for promotion to the post of Postman or Group-D even before his termination in 1984 as he was over-aged even by then. Hence the question of considering him for Postman or Group-D after he was reinstated on 11.9.89 does not arise.

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7. In view of what is stated above, the OA is liable only to be dismissed and accordingly it is dismissed as having no merits. No order as to costs.


(B.S. JAI PARAMESHWAR)


(B. RANGARAJAN)

3/1/97

DATED: - 3rd January, - 1997
Dictated in the open court.


Dy. Registrar (3)

vsn

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TYPED BY

CHECKED BY

COMPILED BY

APPROVED BY

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: 31/1/97

ORDER/JUDGEMENT

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

O.A.NO.

33ⁱⁿ 194

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED

~~NO ORDER AS TO COSTS.~~

II COURT

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