

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA 51/94.

Dt. of Order: 24-3-94.

Sri B.Devaiah

....Applicant
Vs.

1. The Supdt., of Post Offices,
Suryapeta Division-508213, A.P.
2. Director of Postal Services,
Hyderabad City Region, Hyderabad.
3. The Director General, Dept., of Posts,
Dak Bhavan, Sansad Marg, New Delhi.

....Respondents

* * *

Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri K.Bhaskara Rao, Addl.CGSC

CORAM:

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

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

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O.A.NO.51/94.

JUDGMENT

Dt: 24.3.1994.

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri Krishna Devan, learned counsel for the applicant and Shri K.Bhaskar Rao, learned standing counsel for the respondents.

1978. As per the incentive scheme of 1963, Postman who is having the educational qualification of Matriculation or equivalent or higher qualification is eligible for consideration for promotion to the post of Postal/Sorting Assistant if he completes three years of service as Postman. The minimum education qualification under the said scheme was raised to 10+2 standard or 12th Class pass as per the Ministry of Communications, Department of Posts letter No.60-127/85-SPB-I(Pt), dated 31.3.1989. On 5.7.1989, the Chief Postmaster General, A.P.Circle required all the unit heads in the circle to furnish information in regard to the Postmen who completed three years of service and whose minimum educational qualification is Matriculation or equivalent for consideration of their promotion as Postal/Sorting Assistants. After necessary particulars were furnished by the unit heads and after undertaking necessary process of selection, the applicant herein along with some others was selected and promoted as Postal/Sorting Assistant by the order dated 29.12.1989. ~~As shown~~ ~~Notice dated 2.2.1993 was issued to the applicant and others who were promoted along with him in as per~~

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xx the proceedings dated 29.12.1989 to show cause as to why their promotion should not be cancelled xx as they were not possessing the 10+2 standard or 12th class, the minimum educational qualification prescribed by the Ministry's letter dated 31.3.1989.

Thereupon, the applicant submitted his explanation. Not being satisfied with the said explanation, the promotion of the applicant as Postal/Sorting Assistant was cancelled and he was reverted as Postman by the order dated 8/12.7.1993 and the reversion had come into effect on 13.7.1993. The same is assailed in this OA.

3. We held by the order dated 23.3.1994 in OA 135/93 and batch that the promotion of Postmen to the post of Postal/Sorting Assistant subsequent to 31.3.1989 is illegal in cases where promotees were not having the minimum educational qualification of 10+2 standard or 12th class pass as envisaged in the Ministry's letter dated 31.3.1989. But the applicants in those OAs were allowed to continue in the promotional post of Postal/Sorting Assistants by virtue of the interim orders of this Tribunal. We held in the said batch, ^{GA} that the applicants therein should be continued as Postal/Sorting Assistants if they pass 10+2 standard or 12th class or they get higher qualification in the first examination to be held in 1996 failing which they have to be reverted. But in this case, as the applicant approached this Tribunal after he was reverted and when we held that his promotion was illegal, it is not just and proper to

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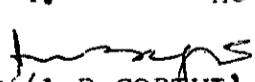
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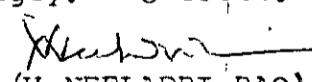
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give the direction to the respondents to re-promote the applicant as Postal/Sorting Assistant. But in view of our order in OA 135/93, the following order has to be passed in this OA:-

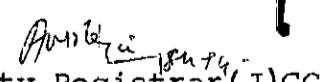
As and when the applicant passes 10+2 standard or 12th class or gets any degree higher to it, ~~his name has~~ ~~to be placed~~ at the top of the panel to be prepared under the incentive scheme of 1963 and he has to be promoted as and when the vacancy arises in regard to the candidates to be promoted under the incentive scheme of 1963, in the cadre of Postal/Sorting Assistants without again ~~case~~ referring his ~~matter~~ to the DPC, if there is no vigilance case against him, and the period from the date on which he joined the post of Postal/Sorting Assistant in pursuance of the order dated 29.12.1989 whereby he was promoted till 13.7.1993, the date on which he was reverted as Postman should be reckoned for the purpose of increments as and when the applicant is promoted as Postal/Sorting Assistant. The applicant also need not be sent for training both practical and theoretical, prescribed for the post of Postal/Sorting Assistant as the applicant had already undergone the said training.

4. The OA is ordered accordingly. No costs.


(A.B.GORATHI)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 24th March, 1994.
Open court dictation.


Deputy Registrar (J) CC

To

1. The Superintendent of Post Offices,
2. The Director of Postal Services, Hyderabad
3. The Director General, Dept. of Posts, Dak Bhavan, Sansad Marg, New Delhi.
4. One copy to Mr. Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr.K.Bhaskara Rao, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
- One spare copy

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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. GORTHI : MEMBER(AD)

AND

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

AND

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

Dated: 26-3-1994

ORDER/JUDGMENT

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

in

O.A.No.

51/94

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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