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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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Q.A. 993/95.

Dt. of Decision : 11-12-97.

K. Nabi Raseel

.. Applicant.

Vs

1. The Superintendent of Post Offices,  
Nandyal Division, Nandyal,  
Kurnool District.
2. The Director of Postal Services,  
O/o the Postmaster General,  
APSR, Kurnool.
3. Sri K. Mahabub Peeran
4. The Director of General,  
Dept. of Posts,  
Sansad Marg, New Delhi.

.. Respondents.

Counsel for the applicant

: Mr. Krishna Devan

Counsel for the respondents

: Mr. V. Bhimanna, Addl. CGSC-

SCRAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)





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ORDER

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

Heard Mr.Krishna Devan, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the respondents.

R-3

Notice of R-3 had already been served. Called absent.

2. The applicant while working as ED Packer was called for the selection of Group-D post under R-1. R-3 was selected. The applicant submits that he is junior to him in the interse seniority. The applicant also submits that number of vacancies for the post of Postman and Group-D has been assessed as on the first of January every year and the 5 years service to be put in the ED cadre for consideration for promotion to the post of Postman is also counted if a candidate completes 5 years as on first January. But in the case of age, the crucial date of first July of the year in which the recruitment is made. Hence he submits that the letter No.44-31/87-SPB-I dt. 28-8-90 is arbitrary and also violative of Article 14 of the Constitution of India. In the selection of for Group-D, R-3 was selected and he challenges the selection of R-3 also in this OA.

3. This OA is filed for quashing the promotional order of R-3 and also setting aside the letter No.44-31/87-SPB-I dt.28-8-90 (Annexure R-1 to the reply) issued by DG, Dept. of Posts, New Delhi, ~~as discriminatory~~ as violative of Article 14 of the Constitution of India being discriminatory in fixing the different criteria for determining the age for both Postman and Group-D examination meant for ED employees.

4. A reply has been filed in this OA. The respondents submit that R-3 had not completed 50 years of age as on 1-7-95 for the Group-D vacancies assessed as on 1-1-95 for filling up the post whereas the applicant had crossed that age and hence he <sup>was</sup> is not eligible for consideration as per the Recruitment Rules. The above

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submission of the respondents is in order. As it is no doubt that the applicant had crossed the age of 50 years as on 1-7-95 for consideration for vacancies of Group-D arisen as on 1-1-95. The second challenge is to the letter dated 28-8-90 which fixes two different dates one for ~~maximum~~ age and other for assessment of vacancies. The applicant submits that the age has to be counted as on first July of every year in which year the vacancies are to be filled whereas the vacancies are assessed as on first ~~July~~ January of that year. For Postman five years experience is also counted as on the first January of every year. Because there are two different dates one for age and another for vacancies, the applicant submits that it is arbitrary and violative of Articles 14 and 16 of the Constitution.

5. Fixation of age as on first July is same for all the candidates. It is not different for different categories. The feeder category for Postman and Group-D is ED Staff and they should have completed the prescribed age on the first July of every year in which the vacancies are assessed and filled. Hence we do not consider any violation of Article 14 in this connection.

6. The applicant submits that the vacancies are assessed on 1<sup>st</sup> January and the age is fixed on first July of that year and hence it is arbitrary. We do not see any arbitrariness in this connection. There is anything wrong if two different stages <sup>dates</sup> fixed. Probably the recruitment process takes about a year and because of that the age is fixed as first of July of that year though the vacancies are assessed on the first January of that year. However, if the applicant is aggrieved by these two dates, he is at liberty to approach the concerned authorities by submitting a representation for keeping the same date both for age qualification as well as

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for assessment of vacancies. We are <sup>now</sup> ~~no~~ doubt in mind that if such a representation is made the respondents will <sup>our</sup> ~~him~~ advise suitably.

7. In view of the above, we see no merits in this OA. Hence the OA is dismissed subject to the observation made in para-6 supra. No costs.



(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)

11.12.97



(R. RANGARAJAN)  
MEMBER (ADMN.)



Dated : The 11th Dec. 1997.  
(Dictated in the Open Court)

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**Copy to:**

1. The Superintendent of Post Offices, Nandyal Division, Nandyal, Kurnool District.
2. The Director of Postal Services, O/O Postmaster General, APSR, Kurnool.
3. The Director General, Dept. of Posts, Sansad Marg, New Delhi.
4. One copy to Mr. Krishna Devam, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

Dated: 11/12/87

ORDER / JUDGMENT

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

in  
C.A.No. 983/85

Admitted and Interim Directions  
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

SRR

II Court

