

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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O.A.1156/95.

Dt.of Decision : 23-4-98.

A.Tatalu

.. Applicant.

Vs

1. The Superintendent of Post Offices,  
E.G. District, Kakinada.
2. The Inspector of Post Offices,  
North Sub-Division, Kakinada,  
E.G.District.
3. The Asst.Suptd.of Post offices,  
Samalkot, E.G.District.

.. Respondents.

Counsel for the applicant : Mr.A.Krishna Kumar

Counsel for the respondents : Mr.N.V.Raghava Reddy, Addl.CGSC.

CORAM:-

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.A.Krishna Kumar, learned counsel for the applicant and Mr.N.V.Raghava Reddy, learned counsel for the respondents.

2. The applicant is working as Extra Departmental Delivery Agent (EBDA for short) in Routhulpudi Branch Post Office, E.G. District from 27-7-1979. Earlier he was appointed as Extra Departmental Messenger on 5-10-59 in the same post office. The applicant submits that he applied for the post of Postman in post in the year 1991. His case was rejected for Group-D post by the impugned order No.B2/14/Dlgs/EDSL dated 22-3-95 (Annexure-8) Page-19 to the OA.

3. This OA is filed to set aside the impugned order No.B2/14/Dlgs/EDSL dated 22-3-95 by declaring it as ~~arbitrary~~ illegal and for a consequential direction to the respondents No.1 to 3 to promote the applicant as Postman retrospectively from the date he is eligible by considering the length of service and to give all the consequential benefits including pay and allowances.

4. The main contention of the respondents is that the applicant was over aged for consideration for the post of Postman in the year 1981 and Group-D post in the year 1991. The date of birth of the applicant is 1-7-39. He completed 40 years of age on 30-06-79 and 50 years of age on 30-6-89. For the post of Postman the applicant should be within 40 years of age. For this the respondents produced letter of DG P&T bearing No.47-5/79-SPB.I

*It*

*[Signature]*

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dated 20-03-79. This letter is taken on record. As per para-4 of the letter it is seen that Extra Departmental Agents with more than 3 years of E.B. Service and who are below 40 years of age (45 years for SC/ST) are eligible to appear for the examination for appointment to the cadre of Postman and Village postman. As per the date of birth of the applicant ~~and also~~ <sup>which</sup> is not disputed by the applicant, <sup>(The applicant had completed 40 years of age on 30-6-79 and hence he is not eligible for consideration for the post of postman when the notification was issued in the year 1981.</sup>

5. As regards the consideration of the applicant for the post of Group-D the respondents submit that he ~~had~~ <sup>has</sup> attained the 50 years of age as on 30-6-89 and hence he is not entitled for consideration of Group-D posts for the vacancy ~~arises~~ <sup>has arisen</sup> in the year 1991. The above contention of the respondents is supported by the letter of the Min. of Communication bearing No. 44-31/87-SPG.I dt. 28-8-90. As per this letter EDAs who are above the age of 50 years (55 years in the case of SC/ST communities) will not be eligible for appointment as Group-D. The crucial date for ~~determining~~ <sup>determining</sup> age will be 1st July of the year in which the recruitment is made. The applicant obviously ~~had~~ <sup>has</sup> crossed the age of 50 years even in June, 1989. Hence he cannot ~~be~~ <sup>be</sup> considered for the post of Group-D for the vacancy that ~~arise~~ <sup>arises</sup> on or after 1-1-91.

6. The applicant submits that one Mr. B. Tata Rao and another Mr. Shaik Bawaji who were also working as ED Staff were promoted as Group-D in the year 1992 and 1995 and they were also over aged by then. Hence the rejection of the case of the applicant on account of ~~an~~ <sup>an</sup> over age ~~is~~ <sup>is</sup> violates ~~the~~ <sup>the</sup> articles of the constitution.

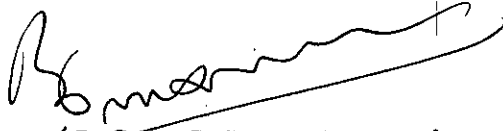
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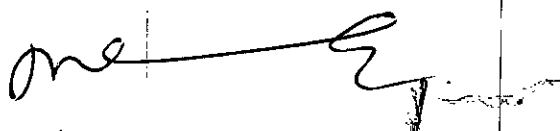
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7. The respondents have given the details of above two persons in para-10 of the reply statement. The date of birth of Mr.B.Tata Rao is 2-9-44 and he was promoted as Group-D on 30-1-92 and hence he was within the age of 50 years. Similarly the date of birth of Mr.S.K.Bhawaji is 4-1-51 and he was promoted as Group-D on 8-5-95 when he ~~was~~ not crossed the age of 50 years. Hence the respondents submit that there is no irregularity ~~in the promotion of the two other employees mentioned by~~ the applicant herein. No rejoinder has been filed controverting the above details given by the respondents in regard to the two other ED Staff. Hence, it has to be held that the statement made by the respondents are factual information. Hence the applicant cannot compare his case <sup>with the</sup> ~~to~~ two other Group-D employees.

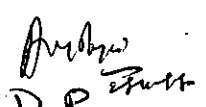
8. In view of what is stated above, we find no merit in this OA. Hence, the OA is dismissed. No costs.

(The letter No.47-5/79-SPB.I dated 20-3-79 and letter No.44-31/87-SPG.I dt. 28-8-90 is taken on record)

  
(B.S.JAI PARAMESHWAR)  
MEMBER (JUDL.)  
23/4/98

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 23rd April, 1998.  
(Dictated in the Open Court)

  
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DA.1156/95

Copy to:-

1. The Superintendent of Post Offices, E.G.District, Kakinada.
2. The Inspector of Post Offices, North Sub-Division, Kakinada, E.G.District.
3. The Asst. Supdt. of Post Offices, Samalkot, E.G.District.
4. One copy to Mr. A. Krishna Kumar, Advocate, CAT., Hyd.
5. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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14/5/98 (7)

II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN 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: 23.4.98

ORDER/JUDGMENT

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

in

O.A.NO. 1156/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

