

(46)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A. 765/95.

Dt. of Decision : 18-03-98.

P. Nageswara Rao

.. Applicant.

Vs

1. The Union Of India rep. by  
the Chief Post Master General,  
AP Circle, Hyderabad-1
2. The Postmaster General, AP.  
Visakhapatnam Region,  
Visakhapatnam.
3. The Sr. Supdt. of Post Offices,  
Amalapuram Division, Amalapuram.
4. The Supdt. of Post Offices,  
Anakapalli Division, Anakapalli.
5. The Supdt. of Post Offices,  
Kakinada Division, Kakinada.
6. The Supdt. of Post Offices,  
Parvatipuram Division,  
Parvatipuram.
7. The Sr. Supdt of Post Offices,  
Visakhapatnam Division,  
Visakhapatnam.
8. The Supdt. of Post Offices,  
Vizianagaram Division,  
Vizianagaram.
9. The Superintendent RMS 'V' Division,  
Visakhapatnam.

.. Respondents.

Counsel for the applicant : Mr. K.S.R. Anjaneyulu

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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ORAL ORDER (PER HON. Mr.B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.D.Subramanyam for Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.V.Rajeswara Rao <sup>for Mr.N.V.Raghava Reddy,</sup> learned counsel for the respondents.

2. The applicant herein is an ex-serviceman. He submitted his application for the post of Postal/Sorting Assistant in pursuance of the Advertisement in the year 1991 (Annexure-I). It is submitted that as per the advertisement one post of Postal Assistant is reserved for ex-serviceman in Amalapuram Division, Kakinada Division, Parvatipuram Division, Visakhapatnam division and Viszianagaram division and three posts were reserved in Anakapalle Postal division and one post of Sorting Assistant is reserved in Visakhapatnam RMS division. It is submitted that the applicant had fulfilled all the qualifications and that he was within the age limit prescribed as his date of birth is 9th March, 1960. He claimed to the reservation against the ex-serviceman quota. He was not selected. Hence he submitted a representation dated 10-02-95 (Annexure-6). In his representation he submitted that in the selection made for ex-serviceman bonus marks are given to SSC where minimum qualification is prescribed for SSC only, for ex-serviceman the bonus marks are not to be given for a special certificate without issuing a certificate by any university (competent authority) is not required to be considered for allotment of bonus marks for minimum qualification of SSC. The respondents did not issue any reply to the said representation.

3. Hence he has filed this OA praying to call for the records relating with the case and declare the action of the respondents in allotting bonus marks on the basis of Class-I certificate issued by Navy Army/Air Force authorities as

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arbitrary, illegal and direct the respondents to set aside the selection made in respect of ex-servicemen quota for the posts of Postal/Sorting Assistants and to make fresh selection by following correct procedure and to consider and appoint him for the said post.

4. On 5-7-95 an interim order was passed to the effect that if any order of appointment was going to be issued to the post of Postal/Sorting Assistants in respect of Ex-servicemen quota the same should be subject to the result of the OA.

5. The respondents have filed their counter giving details of the vacancies which arose in the respective divisions as per the advertisement and also the marks allotted to the candidates. The applicant was shown in the waiting list at Sl.No.6 by granting  $59.6 + 10 = 69.6\%$  marks in all the divisions for which the advertisement was issued. The marks awarded to other candidates and the marks awarded to the applicant against the vacancies in the various divisions are indicated in Page-2 to Page-6 to the reply.

6. From this list, it is seen that the bonus marks of 10 was granted to all the candidates including the applicant. The applicant submits that bonus marks granted to other candidates is irregular and he is the only candidate entitled for the bonus marks as he is a B.A., degree holder. The certificate of B.A., degree has been enclosed at Annexure-3 to the OA. The applicant relying on the letter No.RE/1-22/Rlgs. dated 6-6-92 and letter No.RE/1-22/Rlgs. III dated 12-3-90 submits that the bonus marks can be granted only to those candidates who had obtained graduation degree from a University and the candidates holding Defence certificates equating them to a degree holder are not entitled to the bonus marks.

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7. We have gone through the letter dated 12-3-90. That letter was issued enclosing a copy of the D.G. letter No.60-127/85-SPB-I/PT dated 5-3-90.

8. Para-2 (i) of the letter No.RE/1-22/Rlgs/III dated 12-03-90 is relevant. This para is reproduced below:-

"2. Some circles have desired further clarification as to how the bonus marks should be added to the percentage of basic examination which is now 10+2/12th pass. The matter has been considered and the following clarification is issued for the information and guidance of all concerned.

i) Weightage is to be allowed by raising the aggregate percentage in the basic examination (i.e., 10+2/12th class pass as the case may be) by 10 marks for candidates having graduate or postgraduate qualification viz., B.A., B.Sc., B.Ed., M.A., M.Sc., etc."

9. From this para, it is evident that the candidates with graduate or postgraduate qualification viz., B.A., B.Sc., B.Ed., M.A., M.Sc., etc. are alone to be given bonus marks. The candidates with the certificate given by the Defence equating them to degree holders are not to be given the bonus marks. Hence we are of the opinion that giving the bonus marks even to those who had not obtained a degree or a postgraduate degree from a recognised University is not in order. The certificate given by the Defence equating them to degree holder is only for the purpose of eligibility to appear for the Postal Assistant selection and not for granting them the bonus marks. We further asked the learned counsel for the respondents to clarify how the bonus marks was given to those who were not actual degree holders from a recognised university and whether there is any reason to grant the bonus marks for those who are degree holder by virtue of they are working in the defence service for over 15 years.



10. To-day the learned counsel for the respondents produced a letter No.60-42/95-SPB-I dated 1-11-95. He submits that this letter clarifies that even the ex-serviceman having certified by the concerned military authority are entitled for bonus marks. When we asked them the original letter for which the clarification was given. The learned counsel for the respondents stated that it is enclosed to the letter issued by the Dept. of Personnel & Training bearing No.15012/8/82-Estt(D) dated 12-2-86. The letter dated 1-11-95 is a clarificatory letter to the earlier letter of the Dept. of Personnel & Training dated 12-2-86 and because of the clarificatory letter those who are possessing even the degree certificates issued by the Defence was given the bonus marks.

11. We have gone through the letter of Dept. of Personnel & Training dated 12-2-86. In this letter there is no mention in regard to the bonus marks. When there is no mention in regard to the bonus marks the question of clarification of that letter does not arise. If at all the bonus marks to be given to the ex-serviceman who appeared for the post of Postal/Sorting Assistant they can be given the bonus marks on the basis of the certificate given by Defence service only for the selection ordered on or after 1-11-95. The present selection was held in 1994. Hence giving bonus marks to others who are not possessing the degree from a recognised university may not be in order. Hence we feel non selection of the applicant and keeping him in the waiting list may not be proper.

12. In the reply it has been stated that the representation of the applicant has been rejected. The applicant has not challenged that rejection order. If he had not got the rejection order after the reply is filed he could have asked for the

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rejection order of the respondents or he could have requested the Bench to call for that also and take further action to challenge that letter also. But neither action has been taken by the applicant. Hence it will be incorrect on our part to allow the application and ask the respondents to select the applicant as Postal/Sorting Assistant as there may be some other reasons for rejecting his case.

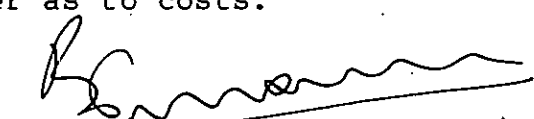
13. In view of the above the only direction that can be given is that the respondents should reconsider the rejection order of the case of the applicant and decide the issue in accordance with law bearing in mind the observations made by this Tribunal as above.


14. In view of the above, the following direction is given:-

The respondents are directed to reconsider the order of rejection of the applicant's representation dated 10-2-95 (Annexure-6 to the OA) taking into consideration the observations made by us as above, and send a suitable reply to the applicant, as per rules.

15. Time for compliance is four months from the date of receipt of a copy of this order.

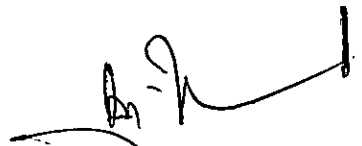
16. With the above direction the OA is disposed of. No order as to costs.

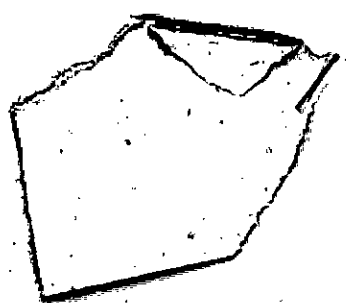
  
(B.S. JAI PARAMESHWAR)  
18/3/98 MEMBER (JUDL.)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 18th March, 1998.  
(Dictated in the Open Court)

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D.R.



DA.765/95

Copy to:-

1. The Chief Post Master General, A.P.Circle, Hyderabad.
2. The Postmaster General, A.P., Visakhapatnam Region, Visakhapatnam.
3. The Sr. Supdt. of Post Offices, Amalapuram, Division, Amalapuram,
4. The Supdt. of Post Offices, Anakapalli Division, Anakapalli.
5. The Supdt. of Post Offices, Kakinada Division, Kakinada.
6. The Supdt. of Post Offices, Parvatipuram, Division, Paravatipuram
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8. The Supdt. of Post Offices, Vizianagaram Division, Vizianagaram.
9. The Superintendent RMS 'V' Division, Visakhapatnam.
10. One copy to Mr. KSR.Anjaneyulu, Advocate, CAT., Hyd.
11. One copy to Mr. N.V.Raghava Reddy, Addl.CGSC., CAT., Hyd.
12. One copy to BSJP M(J), CAT., Hyd.
13. One copy to D.R.(A), CAT., Hyd.
14. One duplicate copy.

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G. H. S.  
24/98  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :  
M(J)

DATED: 18/3/98

ORDER/JUDGMENT

~~M.A./R.A/C.A.NO.~~

in

O.A.NO.

765/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~  
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक निकाय	भाग
Central Administrative Tribunal	भाग
मैसूरु/DESF/17	
30 MAR 1998	
हैदराबाद बेंच	
HYDERABAD BEN	