

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

Between

V. Lakshmi Prasada Rao : Applicant

and

1. The Union of India, rep. by
Chief Postmaster General
Andhra Pradesh Circle
Hyderabad

2. Senior Supdt. of Post Offices
Prakasam Postal Division
Ongole

: Respondents

Counsel for the applicant

: S. Venkata Subba Rao
Advocate

Counsel for the respondents

: V. Bhimanna
Addl. CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jaiparameswar, Member (Judl)



OA.1399/95

dt.13-3-97

Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn.))

Heard Sri K.C. Venkata Reddy, for Sri S. Venkata Subba Rao for the applicant and Sri V. Bhimanna for the respondents.

1. The applicant in this OA is an Ex-ED Branch Post Master, at Vellampalli in Ongole Postal Division since 23-6-1986. A notification was issued for promotion to the post of Postman vide No.IR.I/RE/PM/94 dated 13-10-94 (Annexure 2). The posts of Postmen are filled to the extent of 10% from the ED staff. The applicant applied against this quota of ED staff in pursuance of the notification quoted above. It is now submitted that all the 10 vacancies are filled up by appointing 10 persons from amongst those who were duly selected ^{through} ~~from~~ the process of selection. The applicant submits that one of the candidates who was selected for the post of Postman dropped out and hence that vacancy should be filled up by him. He further submits that he is the next ED staff who became eligible for promotion to the post of Postman though his name was ~~not~~ enlisted in the panel. He submits that when the vacancies are declared the posts are to be filled from amongst the candidates who have been declared qualified and the vacancy cannot be carried over. If any official declined then from the next below amongst the qualified candidates are to be approved and ^{provided} ~~provided~~. He submitted a representation as above to Respondent-2 and that representation was disposed of by the impugned letter No.IRI:RE:PM:94 dated 28-7-95 (Annexure-1), stating that there is no such provision.

...2.

2. This OA is filed challenging the impugned letter dated 28-7-1995 and for a consequential direction to post him as Postman against the vacancy caused due to dropout of one of the selected candidates.

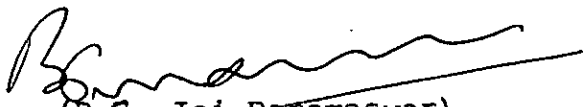
3. A reply has been filed in this connection.

4. It is stated that examination for Postman was held on 22-1-1995. One Sri G.V. Krishna Rao, ED Branch Vaidena, got highest marks and senior to all candidates secured qualifying marks. He was appointed as Postman at perala Sub office and he worked from 25-5-1995 to 30-6-95. However, ^{he -} resigned on 12-6-1995 and joined his earlier post of EDBPM on 1-7-1995. Since this vacancy had arisen due to the resignation of the incumbent, the same post will ^{have to} be filled up in the next selection. Accordingly, when the applicant represented for claiming the post, it was refused. It was further added that there is no provision to keep any waiting list or remaining qualified candidates to absorb automatically as and when any vacancy in respect of postman examination. The candidate will be selected on merit cum seniority basis exactly to the number to be empanelled and only to the extent of vacancies announced and ^{ratio} of candidates for the postman examination willing to be empanelled as per rules.

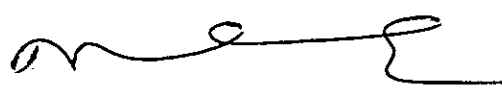
5. The above submission of the respondents are not controverted by the applicant by producing proper record to show that in case vacancies arise after the selection is over then a candidate who is not empanelled and who is ^{the} seniormost amongst those who are non-empanelled should be posted against that vacancy. The applicant only asserts that the direction as above should be followed. This is

^{submission}
not a proper ~~course~~ to give the applicant the relief.

6. In view of what is stated above, we find that there is no merit in the OA and hence the OA is dismissed. No costs.


(B.S. Jai Parameswar)
Member (Judl)

13.3.97


(R. Rangarajan)
Member (Admn)

Dated : March 13, 97
Dictated in Open Court

for file
20/3/97
D.R. (J)

sk

3.4.1.

Copy to:

1. The Chief Postmaster General, A.P.Circle, Hyderabad.
2. Senior Superintendent of Post Offices, Prakasam Postal Division, Ongole.
3. One copy to Mr.S.Venkata Subba Rao, Advocate, 2-1-76, Old Nallakunta, Behind Fever Hospital, Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A), CAT,Hyderabad.
6. One duplicate copy.

YLKR

848
25/4/98

TYPED BY
COMPILED BY

CHECKED 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:

13/3/97

ORDER/JUDGEMENT

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

D.A.NO. 1398/95 in

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेवट/DESPATCH
31 MAR 1997
हैदराबाद बेंच
HYDERABAD BENCH