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IN THE COURT OF THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:

AT HYDERABAD

O.A.No.1403 of 1995

Between:-

B.Kameswara Rao

Applicant

A N D

The Postmaster General,
Visakhapatnam and 2 others.

Respondents

REJOINDER AFFIDAVIT

I. B.Kameswara Rao, S/o.Late.B.Rama Murthy, aged 55 years, working as Supdt. of Post Offices, Vizianagaram Division, Vizianagaram having temporary come down to Hyderabad do hereby solemnly affirm and sincerely state as follows:

1. I am the ^{Deponent}~~Applicant~~ herein and the applicant in the main O.A and as such well acquainted with the facts of the case.
2. I have read the counter affidavit filed by the respondents and understood the contents. I deny all the averments made in the counter affidavit save those which are specifically admitted here under and respondent may be put to strict proof of the contentions made in counter.
3. The following reply may be read as part and parcel of the O.A filed by me.
4. I submit that the plea of the respondents that the cadre of IPOs and IRMs are different is not correct. It is evidenced from the Common All India Seniority list of IPOs and IRMs cadre issued by the Postal Directorate New Delhi that the IPOs and IRMs belong to the same cadre with the same scale of pay. When the seniority list is common for IPOs and IRMs, it is not correct to say that they are different cadres.

Contd.2.P

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Rule 72(c) shown by the respondents in this para is not relevant in the instant case. It speaks about the promotion to ASP and ASRM which is not the subject matter in the instant case. As per Rule 156(a) of P&T Manual Vol.IV, selection to the cadre of Postal Superintendents Class II shall be made by the Director-General P&T through Departmental Promotion Committee from among permanent ASP/ASRM and IPO/IRMs. Rule 156(a) and 156(b) are reproduced below. Rule 156 (a) and 156(b) may be read with Rule 26.

I humbly submit that the
5. /Promotion to the ASP and ASRM is done locally at circle level. No All India seniority list for ASPOs or HSG-I is maintained. Even HSG-I promotion of Sri B.Gurudas is a paper promotion in which he did not actually work from 10-5-91, as ordered in Chief PMG, Hyderabad, Memo No.ST/3-1/HSG-I/92,dt.3-12-92. It is not correct as stated by the respondents that Sri B.Gurudas officiated in HSG-I cadre from 1-2-92 to 3-12-92. A copy of the circle office memo dated 3-12-92 is enclosed for reference. In the memo several officers belonged to PSS Group B, both in service and retired have been promoted to HSG-I with back dates i.e., from 1-8-1988. The applicant's request to CPMG for promotion to HSG-I on the above lines was rejected. Therefore, the promotion to ASP and HSG-I from IPO/IRM cadre is at the whims and fancies of the local administration. Therefore, it has no bearing on the All India Seniority list of IPOs/IRMs and Group 'B'. For the purpose of consideration of promotion to PSS Group B seniority list of IPOs/IRMs only is the criteria, as the All India Seniority list of ASPOs and HSG-I are not maintained either locally or at All India level. Therefore, the plea of the respondent that the applicant has not satisfied the conditions of FR-22(1)(a) FR 22(c)(8) to get the pay stepped up with that of Sri B.Gurudas is not correct.

6. It is submitted that ~~xx xx xx xx~~ Postal and RMS are not different but of the children of the Postal Department. It is controlled by Director of Postal Services and Postmaster-General at Regional level, CPMG at Circle level and Director-General at Central level. They are paid from the same head of account. The same set of administrative and financial and conduct rules are applicable to officials working in both Postal and RMS. There were instances in which officials from RMS are transferred to Postal side and vice versa in Postal Assistant's cadre. Several officials in PA cadre from RMS are now working in Postal side. Even in the Group-B level postal officers are posted as Superintendent RMS and officers of RMS are posted as Postal Superintendents. For Eg. The applicant though belonged to IPO cadre (as said by the respondents), he was posted as Superintendent RMS, 'V' Dn, Visakhapatnam (Group 'B') and worked as such from May, 1992 to January, 1995. Similarly even though Sri. B.Gurudas belong to IRM cadre(as said by the respondent), he was posted as Supdt. of Pos Wanaparty Dn(Gr.B). Therefore, it is to submit that the IPOs, IRMs are not different cadres and postal and RMS are not different wings. If the Department considers that Postal and RMS are different wings, and IPO and IRMs are different cadres, there should have been separate lists of seniority for IPOs and IRM cadres and even at Group 'B' level, IRMs should have been posted as SRMs and IPOs should have been posted as SPOs. The respondents stated that Sri B.Gurudas was promoted to ASP cadre earlier to the applicant but this earlier promotion of Sri B.Gurudas did not keep him above the applicant in the seniority list of Group-B.

7. It is further submitted that the contention of the respondents that the applicant and Sri B.Gurudas belongs to separate cares of IPO and IRM respectively is not correct. They belong to same cadre as evidenced from the P&T services selection board Lr.No.7-10/73-SPG/I dated 8-8-75. Both stand on the same cadre and on the identical scale of pay.

Contd.4.P

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8. It is humbly submitted that in view of what has been stated above, the respondents arguments that the circumstances leading to promotion of Gr.B from Postal side is different from RMS side does not stand to reason and it is against the principles of natural justice. Even though the respondents tried to separate the postal and RMS just to deprive the senior's pay stepped up with that of junior. The postal and RMS are inseparable and IPO and IRMs belong to same cadre and identical scale of pay.

9. It is further submitted that the respondents have argued that IPO and IRMs cadres are different streams which merge in PSS group B cadre which is not correct. Since a common seniority list is maintained by Directorate for both IPOs and IRMs, it cannot be said that they are separate streams. It is only a single stream from which selection to Group B cadre is considered.

10. Lastly I submit that the respondents have not explained the circumstances under which the cases of OAs of Ernakulam Bench decisions are not similar.

For the above reasons it is prayed that the Hon'ble Court may be allowed the O.A.

Sworn and signed before me
on this the 19th day of
January, 1997.

D. Srinivas Rao
Before me, Advocate.

M. U. U. U.
DEPONENT
B. Ramaswami

(37)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

OA. No. 1463/95. 1403/95

Date of order: 21.2.1997.

Between:-

Sri B. Kameswara Rao

...

Applicant.

And

1. The Post Master General,
Visakhapatnam Region,
Visakhapatnam.
2. The Chief Post Master General,
A.P. Circle, Dak Sadan, Abids, Hyd.
3. The Director General, Department of
Posts, Dak Bhavan, Sansad Marg,
New Delhi-110 001.

.... Respondents.

Counsel for the Applicant: Mr. Krishna Devan

Counsel for the Respondents Mr. N.V. Raghava Reddy, CGSC.

CORAM:

HON'BLE MR. ~~JUSKIKEX~~ H. RAJENDRA PRASAD, MEMBER (A)

Hon'ble Tribunal made the following order:-

The Heard Sri Raghav Reddy, learned counsel for the respondents, ^{and} the learned counsel for the applicant is absent.

The respective positions taken by the applicant and respondents in the O.A. and counter affidavit have been noted. It is however seen that the applicant had submitted the application to the Director General on 7.4.95 containing the same request as in the present OA. It is stated that the same was forwarded to C.O. on 27.4.95. The same has not been disposed of so far. In view of this fact it is ^{not} considered necessary ^{to go into} ~~going into~~ the facts and merits of the case at this stage. It is considered adequate to direct respondent No. 3 to dispose of the representation as per law within ^{6 wks} ~~6 wks~~ from the date of the receipt of the order. Thus the O.A. is disposed of.

In case the applicant feel aggrieved about any decision taken by the Director General and communicated to him he has liberty to agitate his case if so advised.

Amil
DY. REGISTRAR (JUDL)

JA.No.1463/95.

Copy to:-

1. The Post Master General, Visakhapatnam Region,
Region, Visakhapatnam.
2. The Chief Post Master General, A.P. Circle,
Dak Sadan, Abids, Hyd.
3. The Director General, Department of
Posts, Dak Bhavan, Sansad Marg, New Delhi-110 001.
4. One copy to Mr. Krishna Devan, Advocate, CAT, Hyd.
5. One copy to Mr. N.V. Raghava Reddy, CGSC, CAT, Hyd.
6. One spare copy.

kku.

9/3/97

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. JUSTICE M.C. CHAUDHARI~~
~~VICE CHAIRMAN~~

AND

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 21-2-1997
ORDER / JUDGMENT

M.A./R.A/C.A. No. 7

O.A.No. 1403/96
T.A.No. W.P.

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भेद्य/DESPATCH
1-4 MAR 1997
हैदराबाद बेंच
HYDERABAD BENCH