

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT BENCH.

O.A.No.203/95.

Date of decision: October 22, 1997.

Between:

G.Ankalappa. .. Applicant.

And

1. The Superintendent of Post Offices,
Anantapur Division, Anantapur.
2. The Chief Post Master General,
Andhra Pradesh, Hyderabad.
3. The Director General of Posts and
Telegraphs, New Delhi.
4. The Post Master, Head Post Office,
Anantapur. Respondents.

Counsel for the applicant: Sri T.P.Acharya.

Counsel for the respondents: Mr. N.V.Ramana.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

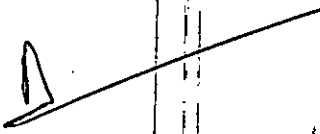
Hon'ble Sri B.S.Jai Parameshwar Member (J)

JUDGMENT:

(per Hon'ble Sri R. Rangarajan, Member (A))

Ms. Rajeswari for T.P.Acharya, learned counsel for
the applicant and Sri Rajeswara Rao for Sri Ramana, counsel
for the respondents.

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The Superintendent of Post Offices, Anantapur Division by Notification No.8 4/PM/Rectt/III dated 19.7.1990 invited applications for Departmental Examination for promotion to the cadre of Postman/Mail Guards for the

The posts to be filled up were 9. All the said posts earmarked to the Departmental personnel, ST 1, O.C. 4 and from outsiders (from EDAS) O.Cs., 4. The applicant had appeared for the said examination and ~~became~~ ^{Came out} successful. However, he was not appointed in any of the posts. He made a representation on 23-1-1992. He was not given any reply. Hence he filed O.A.362/93 before this Tribunal. On 21-4-1993 this Tribunal ^{disposed} ~~decided~~ the O.A., with a direction to Respondent No.1 to dispose of his representation dated 23.1.1992. In compliance ^{with} ~~of~~ the directions of this Tribunal, ~~the~~ Respondent No.1 considered the representation of the applicant and rejected the same. Then again the applicant filed O.A. 717/93 before this Tribunal. That O.A.717/93 was disposed of on 29-5-1993. A reading of the judgment indicates that the applicant ^{applied for the post of} ~~filed the~~ ^{postman} ~~O.A.717/93~~ for which a notification was issued on 19-7-1990 in which selection, his name did not figure as having been selected. Hence that O.A., is meant for enlisting him

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in the panel issued in pursuance of the notification issued on 19-7-1990. That O.A., was disposed of with the following direction:

"Respondent No.1 has to promote the applicant as Postman if Shri Papa Rao, BPM, Chintakunta has not joined the post of postman and if the applicant is the third qualified as per ~~the~~ seniority quota of ED Agents."

As per that direction the name of the applicant should be inserted in place of Sri Papa Rao, BPM., Chintakunta, if the said Papa Rao has not joined that post provided the applicant is the third qualified as per the seniority quota of EDM Agents. Thus, the essence of the judgment is that the applicant's name should find a place in the panel issued in pursuance of the notification dated 19-7-1990 and his name should figure vice Papa Rao if the conditions stipulated have been fulfilled.

in pursuance of the judgment in O.A. No 717/93
year, 1994 onwards. The applicant submitted a representation to empanel him in the 1990 list against the outsiders' quota. But that representation was rejected by the impugned order No.H/PM/C/IV dated 25.1.1995 (Annexure I to the O.A.,) and his seniority in the post was given with effect from 23.7.1994.

It is also stated that the date 27-3-1994 was given as per the

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directions of the C.A.T., of this Tribunal.

This O.A., is filed praying for setting aside the impugned Order dated 25-1-1994 (Annexure I to the O.A.,) and for a consequential direction to the respondents to appoint him with retrospective effect from 1990-91 from which date the other selected candidates were appointed in pursuance of the notification dated 19--7--1990 and fix his pay and allowances in the post from that date with all consequential benefits.

The only point for ^{our} consideration is --

"Whether the direction of this Bench of the ~~Central Administrative Tribunal~~ in O.A./17/93 is to the effect that the applicant should be posted as postman only from the date of the judgment ~~of~~ i.e., 2-3-1994 or his name should be inserted vice Papa Rao in the panel that was issued in pursuance of the notification dated 19--7--1990?

We have carefully considered the judgment in O.A.717/93. We had already extracted the direction in the said O.A., supra. The direction clearly indicated that the applicant should be empanelled vice Papa Rao if Papa Rao had not joined the post of Postman and if the applicant ^{was} ~~is~~ the third qualified as per the seniority quota of ED Agents. In view of the

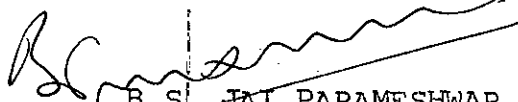
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above direction, we have no doubt, in our mind that the applicant should be shown for the post of postman in the panel vice Sri Papa Rao in which ^{selection} Sri Papa Rao was selected. His seniority should be fixed accordingly. He is eligible for all the consequential benefits on that basis.

The O.A., is ordered accordingly. No costs.


B.S. JAI PARAMESHWAR,
MEMBER (J)

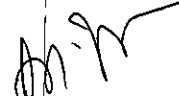

R. RANGARAJAN,
MEMBER (A)

22/10/97

Date: 22--10--1997.

Dictated in open Court.

SSS.


D.R.

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Copy to:

1. The Superintendent of Post Offices,
Ananthapur Division, Ananthapur.
2. The Chief Post Master General,
Andhra Pradesh, Hyderabad.
3. The Director General of Posts and Telegraphs,
New Delhi.
4. The Post Master, Head Post Office,
Ananthapur.
5. One copy to Mr.T.P.Acharya, Advocate,CAT,Hyderabad.
6. One copy Mr.N.V.Ramana, Addl.CGSC,CAT,Hyderabad.
8. One duplicate copy.

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7/11/97
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COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 22-10-97

~~ORDER/JUDGMENT~~

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

in

O.A.NO. 203 /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.

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II Court

