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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. NO.409 OF 95

Between:

Smt. T. Kumbamma  
And

Applicant

The Chief Postmaster General  
A.P.Circle, Dak Sadan, Abids  
Hyderabad-1 and 4 others

Respondents

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, H.Seshagiri Rao, son of H.Narasimha Murthy, aged about 54 years, Occupation: Government service do hereby affirm and state as follows:

1. I am the Assistant Postmaster General (S&V) ~~in the~~ working in the office of the Chief Postmaster General, A.P.Circle Hyderabad and as such I am fully acquainted with all facts of the ~~statement~~ statement on behalf of all the Respondents ~~in the~~ ~~as~~ as I have been authorised to do so. The material averments in the OA are denied save those that are specifically admitted hereunder. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder:

The Respondents 1 to 4 submit the brief history of the case as follows:

The ~~Resp~~ applicant was appointed as a Temporary clerk in Mahabubnagar HO on 20-10-66 under 'ST' quota. She was transferred to Vellore Division under Rule 38 of P&T Manual Volume IV and she joined there on 1-3-68, and worked upto 1-8-68 and she was again

ATTESTOR

*[Signature]*  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमास्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
A.P. Circle, HYDERABAD-500 001.

DEPONENT

*[Signature]*  
Asst. Postmaster General (S. & V.)  
O/o. Chief Postmaster General,  
A.P. Circle, Hyderabad-500 001,

transferred under Rule 38 and posted as PA, Chittoor HO with effect from 2-8-68. She was qualified to the cadre of LSG against 1/3 quota as ST candidate and worked as LSG Clerk, Chittoor HO with effect from 19-8-79. She was transferred to Hyderabad City Division at request and worked in that division from 24-10-82 to 23-9-84. She again came under Rule 38 transfer from Hyderabad City Division to Chittoor division and has been working in the said division with effect from 24-9-84. A complaint that she does not actually belong to ST community having been received against the applicant, the Collector, Chittoor was addressed on 13-8-91, to make enquiries as to her actual social status. The Revenue authorities are yet to complete the verification. According to them, the case is pending with Collector, Visakhapatnam. The applicant got her BCR promotion on completion of 26 years of service with effect from 1-1-93, vide PMG, Kurnool letter No.ST/BCR/CTR dated 11-8-93, along with other official of 'OC' community.

The gradation particulars of the applicant are as follows:

1. Name ~~and~~ Designation of the official : Smt. T. Kuppamma,  
HSG II OA D.O., Chittoor
2. Whether SC or ST : ST
3. Date of birth : 1-2-48
4. Date of entry into Govt. service : 20-10-66
5. Date of entry into the present grade : 1-1-1993
6. Pay : 2050/-
7. D.L.I. : 1-1-19925
8. CGL No. : 196

ATTESTOR

*[Signature]*  
सहायक लेखा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमास्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
आ. व. परिमंडल, हैदराबाद-500 001.  
A.P. CIRCLE, HYDERABAD-500 001.

*[Signature]*  
DEPONENT

Asst. Postmaster General (S. & V.)  
O/o. Chief Postmaster General  
A.P. Circle, Hyderabad-500 001.

On the aforesaid backgrounds, the respondents  
1 to 4 submit their reply to para 4 of the O.A. as follows:

(a) It is not correct to say that the applicant joined the Department on 22-1-66. The actual date of appointment is 20-10-66. The position of the applicant was shown in the Divisional gradation list correctly. There is no dispute about the fact that she had qualified in the examination for filling up 1/3 quota of LSG posts but it was against ST quota.

(b) It is fact that the department of post introduces the time Bounded one promotion scheme giving the benefit of next higher pay to the officials who have put in 16 years of service in the basic cadre with effect from 30-11-1983. The official who have already been promoted on regular basis to LSG grade prior to 30-11-83, will no doubt rank senior to those promoted under the TBOP scheme.

(c) It is a fact that Shri C.T.Gopalarathnam is junior to the applicant in LSG cadre but in HSG II cadre, he ranks senior to the applicant, having been promoted to BCR cadre with effect from 1-10-91, as against the promotion of the applicant on 1-1-93. The applicant was permitted to work as Postmaster, Chittoor in the vacancy caused due to the grant of leave on subsequent retirement of the regular incumbent. She was relieved of the uties of the Postmaster subsequently at her request.

The basis for promotion under the Biennial cadre revision is 26 years of service in the basic cadre. The name of the official was formally included in the list of officials to be promoted under the scheme taking her community as 'ST'. In view of the non-completion of the verification of social status

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Assistant Accounts Officer (Bills)  
Office of the Post  
A.P. Circle, Hyderabad-500001.

DEPONENT  
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A.P. Circle, Hyderabad-500001.

by the Revenue authorities, she had to be given promotion under the Biennial Review Cadre with effect from 1-1-93, on completion of 26 years of service on par with the officials coming under other caste category. The applicant becomes eligible for promotion under BCR Scheme against ST quota provided her social status as 'ST' is established in the verification by the Revenue authorities. Unless this verification is completed it would be irregular to extend such concession to the official under 'ST' quota. However the applicant has not been put to inconvenience as she has not been denied any promotion on completion of 26 years of service, which is the basic requirement for promotion under the scheme.

In reply to the grounds taken by the applicant in para 5 of the OA, the respondents 1 to 4 submit as follows:

(a) As already submitted above, Shri C.T.Gopalarathnam, the 5th respondent ranked junior to the applicant only in LSG cadre but not in BCR cadre.

(b) It is not correct to say that the duties of the Postmaster were taken away from the applicant after the introduction of BCR scheme, while acting as Postmaster the applicant herself made a request to the department to be relieved of the duties of the Postmaster, on the grounds that she is not willing to officiate as Postmaster. A photostat copy of her letter dated 22-11-1991 is enclosed. It is also not correct to say that Shri C.T.Gopalarathnam is reluctant to continue as Postmaster, Chittoor HO. His representation that he is determined to continue as a Postmaster is on record in this office. It is his averment that if the applicant is very much interested to work as Postmaster only,

ATTESTOR

सहायक लेखा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमास्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
जॉ २, परिसर, हुबल्ल-500 001.  
A.P. CIRCLE. HYDERABAD-500 001.

DEPONENT


Asst. Postmaster General (S. & V.)  
O/o. Chief Postmaster General,  
A.P. Circle, Hyderabad-500 001.

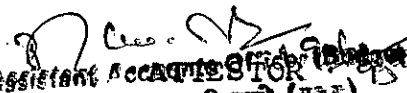
she could be accommodated in any of the posts of Postmasters that are likely to fall vacant. In this connection it may be stated that ~~the~~ ~~work~~ ~~carries the same~~ scale of pay as any other BCR official work in the same office.

The judgements of Bangalore Bench and Principal Bench of this Hon'ble Tribunal referred to have not been filed alongwith the O.A. The judgement of Bangalore Bench dated 3-8-93 in OA ~~Max~~ No.403/92 was stayed by the Supreme Court vide order dated 24-2-95 in ~~Max~~ C.C. No. 704, where in the applicant Smt. Leelamma Jacob was a similarly placed person having not completed 26 years of service after having been selected under 1/3rd quota of LSG. However, it is submitted that each case has to be decided in its own merits and the plea of the applicant that her case covered by the judgement of the Bangalore and Principal Bench of this Hon'ble Tribunal is not correct.

For the reasons stated above, the applicant has not made out any case ~~neither~~ on facts or on law and there is no merit in the OA. It is, therefore, prayed that this Hon'ble Court may be pleased to dismiss the OA with costs and pass such further and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed this  
20th day of June, 1995 and he signed  
his name in my presence.

  
DEPONENT  
Asst. Postmaster General (S. & V.)  
O/o. Chief Postmaster General,  
A.P. Circle, Hyderabad-500 001.

  
Assistant Accountant General (Finance)  
रहायस सेवा अधिकारी (वित्त)  
Office of the Post Master General  
कार्यालय: मुख्य पोस्टमास्टर जनरल  
A.P. Circle, Hyderabad-500 001.  
बी.प्र. बुदिमंडल, हैदराबाद-500 001.

BEFORE ME

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
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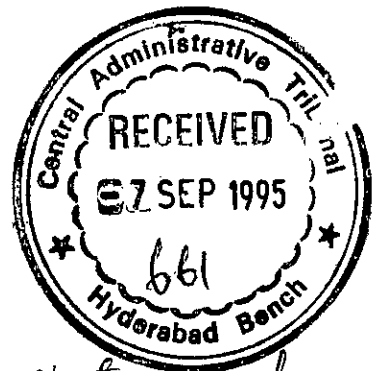
Between:

Smt. T. Kupamma .. Applicant

And

The Chief PMG  
A.P. Circle  
Dak Sadan, Abids  
Hyderabad-1  
and 4 others

.. Respondents



Reply Statement

Filed on:

*Received*  
*21/9/95*

Filed by:

*N.R. Devraj*  
*Sr. 2682*

May be filed  
on  
9/9/95