

(42)

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

Original Application No.778/96

Dt. of decision:10-7-1996

Between:

Smt. V. Hymavathi .. Applicant

and

1. The Chief Postmaster General,
A.P. Circle,
Hyderabad-500001

2. The Sr.Superintendent of
Post Offices,
Hyderabad City Division.
Hyderabad-500 001.

.. Respondents

Counsel for the applicant : Sri I.Dakshina Murthy

Counsel for the respondents: Sri N.R. Devaraj, Sr.CGSC

CORAM

Hon'ble Mr.Justice M.G.Chaudhari : Vice Chairman

Hon'ble Mr. H.Rajendra Prasad : Member (A) *Q/uv*

JUDGEMENT

(Oral order as per Hon'ble Mr.Justice M.G.Chaudhary,V.C.)

Sri I.Dakshina Murthy for the applicant, and

Sri N.R.Devaraj for the respondents.

2. Although we expected the respondents to carry out our direction dt.1-7-96 to furnish information on the

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points indicated the respondents have not chosen to file any reply. Sri Devaraj orally tried to explain on instructions which explanation however relates to points No.2 to 4 and there is no categoric information provided on Point No.1. Hence we examined the merits of the case.

3. The positive case of the applicant as stated in Para 5 (V and VI) is that she having passed the Eligibility Test for Open University Distance Education course of 3 years for B.A. degree examination in 1994 she must be deemed to have passed the Intermediate Examination in 1994 and consequently in terms of the order dt.22-7-94 in O.A.No.135/93 and Others, she is not liable to be reverted. The applicant is presently working as Postal Assistant on adhoc basis. On apprehension that she may be reverted she has approached the Tribunal. The basis of apprehension is that the officials have been collecting details from various employees in order to find out whether they are eligible to be continued as Postal Assistant, or should be reverted to the lower post of Postman/Postwoman. This is however is a general statement and no particulars in that respect have been given.

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4. The apprehension seems to stem from the doubt as to whether she could be deemed to have passed the Intermediate examination which is necessary to derive benefit of the above mentioned judgement dt.23-3-94. In that connection it is stated in the O.A. that by Memo dt.18-7-94 the Office of the Superintendent of Post Offices had asked the applicant to intimate whether she had applied for the First Examination in April, 1996 or not. Obviously, that was done in the light of the judgement dt.23-3-94. It is stated that the applicant by her letter dt.6-10-95 had intimated the said respondents that she had passed the Eligibility Test conducted by the Osmania University for admission into B.A. under the open university scheme and she had taken admission for B.A. By further Memo dt.17-10-95 the applicant was asked by the Department to intimate as to whether she had passed B.A.Examination, By letter dt.30-10-95.— She had intimated that the First Year B.A.Examination scheduled to be conducted in October, 1995 was postponed and that the same was conducted in February, 1996 and the results were ^{awaited} awarded. She has further intimated that she had already passed the Eligibility Test for admission into B.A. and that she was already promoted to 2nd Year B.A. although results of the 1st Year examination were yet to be announced. It is averred that as the applicant had already passed

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the Eligibility Test which is equivalent to Intermediate Examination she should be taken as having complied with the orders of the Tribunal and permitted to prosecute higher studies. In this context, it is averred that she was apprehending that she may be reverted as details were being collected in respect of such employees.

5. During the course of hearing the question was debated as to whether the 1st year B.A. Examination of Distance Education can be treated as equivalent to passing Intermediate and whether since the 1995 Examination was held in February, 1996. The applicant should be entitled to pass that examination which may be again held during the year 1996 if she happens to ~~fail~~^{fail} in the instant examination and should be held qualified to get the benefit of the judgement dt.23-3-94. That question however is not germane to be examined at all having ~~been referred~~^{regard} to the averments made by the applicant ~~referred~~^{referred} to hereinabove and that being her case. The assertion made by the applicant is ^{based} only on eligibility test ~~to~~ which she has passed and on the basis of which she has been admitted to B.A.Course, ^{describing it as} is equivalent to Intermediate Examination. After the explanation stated to have been submitted by the applicant on these lines to

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the respondents on 6-10-95 and 30-10-95, the respondents have not taken any steps to ~~revert~~ the applicant. The applicant is not in a position to state nor the respondents have come forward to say that her explanation has not been accepted and that her contention that passing of the eligibility test should be treated as equivalent to passing of Intermediate examination has been rejected. It is possible that the respondents may have been inclined to accept that explanation or may not have been inclined to do so. It is not possible to assume one way or the other at this stage. Hence unless the respondents inform the applicant that her contention cannot be accepted or they take any step which would be indicative of their not having accepted that explanation and would purport to ~~revert~~ refer the applicant that any action will arise to the applicant to make a grievance, ^{In that sense the} ~~in that sense.~~ The instant application appears to be filed at a premature stage. It is based purely on the apprehension which in the above noted circumstances is not sufficient to carve out a cause of action. Hence, following order is passed.

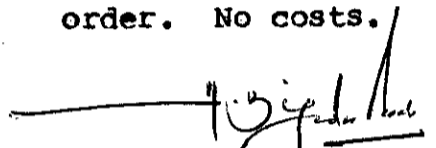
The respondents including the Sr. Superintendent of Post Offices will examine the explanation of the applicant given in her letters dt. 6-10-95 and 30-6-96

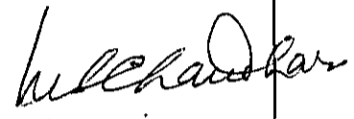
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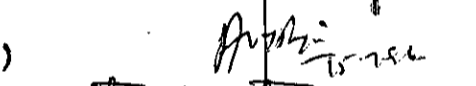
about her eligibility to continue as Postal Assistant
 and ~~if~~ ^{and if even} have been thereafter it is proposed to revert
 the applicant, then it is directed that the respondents
 shall not give effect to the order of reversion as and
 when issued on this ground for ^a the period of 15 days
 from the date of issuance of the said order. The
 applicant will be at liberty to agitate her grievance
 against the reversion order within ^{the said} a period of 15 days
 by adopting ^{appropriate} proper legal proceedings.

6. The O.A. is disposed of interms of the aforesaid
 order. No costs.


 (H. Rajendra Prasad)
 Member (A)


 (M.G. Chaudhari)
 Vice Chairman

Dt. 10-7-1996
 (Open court dictation)


 Deputy Registrar (D) CC

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O.A.778/96.

To

1. The Chief Postmaster General,
A.P.Circle, Hyderabad-1.
2. The Sr.Superintendent of Post Offices,
Hyderabad City Division,
Hyderabad-1.
3. One copy to Mr.I.Dakshinamurthy, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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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.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 10 - 7 - 1996

ORDER/JUDGMENT

~~M.A./R.A/C.A.No.~~

in

O.A.No. ~~595/96~~ 778/96

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.

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केन्द्रीय प्रशासनिक न्यायिकरण
Central Administrative Tribunal
ब्रेवण / DESPATCH
22 JUL 1996
हैदराबाद बेंच
HYDERABAD BENCH