

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

O.A. 864 of 1996.

Date: July 18, 1996.

Between:

Abdul Hameed. .. Applicant.

And

1. Union of India Rep. by Secretary,  
Ministry of Communications, Department  
of Posts, New Delhi - 110 001.
2. Chief Post Master General, A.P. Circle  
Hyderabad - 500 001.
3. Post Master General, Visakha Region,  
Visakhapatnam 530 001.
4. Superintendent, RMS 'V' Division,  
Visakhapatnam 530 001.
5. B. Prasada Rao. .. Respondents.

COUNSEL FOR THE APPLICANT: Sri B.S.A. Satyanarayana.

COUNSEL FOR THE RESPONDENTS Sri N.R. Devraj, Senior Standing  
Counsel for respondents.

ORDER BY

HON'BLE H. RAJENDRA PRASAD, MEMBER (A) 8/18/96

O.A.864/1996.

22

Date: July 2 18/25,  
1996.

ORDER:

Heard Sri B.S.A. Satyanarayana, learned counsel for the applicant, and Sri N.R.Devraj, Senior Standing counsel for the respondents.

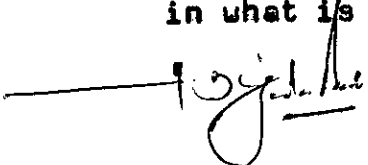
2. This is an unusual case where the applicant, who was a <sup>successful</sup> candidate at the promotional test for departmental staff in the year, 1983, and was selected for promotion to Mail-Guard, ~~and has~~ not yet been so promoted. An Order was passed by this Tribunal in O.A.765/91 dated 14th February, 1994, where the list of selected candidates issued on 14th March, 1984, was ordered to be implemented as per seniority in respect of Respondent 5, who was the applicant in the said O.A. According to the learned counsel for the applicant, a categorical statement was made in the earlier O.A., that candidates 1 to 11 of the select list had been duly promoted, and orders were obtained on the basis of that statement among others. The same is, however, found to be factually incorrect inasmuch as the 11th candidate is the present applicant who is still awaiting promotion.

3. Be that as it may, the Respondents have since ordered the promotion of Sri D.Prasada Rao (Respondent No.5) who is at Sl.No.13 of the select list on the ground that he is a candidate from the outsider quota. The ultimate result of this, as well as the

earlier appointments, is that the candidates upto Sl.No.13 of the Select List have so far promoted leaving out only the present applicant who is at Sl.No.11. (The official at Sl.No.12 is said to have <sup>since</sup> ~~since~~ been promoted to "Group 'C' "). This is indeed not a very happy or equitable situation for the applicant.

4. It has been ~~disclosed~~ on behalf of the applicant that a vacancy is due to arise in the applicant's own Unit by the end of this month due to the ensuing retirement of one D.Appalanarasayya, Mail Guard. The applicant's request is that his case may be considered for the said vacancy.

5. Sri Devraj, on the other hand, submitted that as it is there have been excess of promotions in favour of the Departmental candidates over the past several years, which according to him, was <sup>mainly</sup> due to the non-availability of outside candidates. It was only to rectify the resultant imbalance that it is decided to promote Sri Prasada Rao. There is no further scope to promote one more departmental candidate in the next vacancy. These are matters which are to be decided by the Department on the basis of Rules and fair-play. It is not considered desirable to interfere once more in what is purely of Departmental concern. It is,



necessary, however, to point out that in the select list of 14th March, 1994, the present applicant seems to be the only official <sup>still</sup> awaiting promotion. Considering the fact that the applicant has been continuing to serve the Department for the past 16 years in <sup>the</sup> expectation of advancement in his turn, it would appear to be an eminently fit case where the Chief Post Master General, and Post Master General, Visakhapatnam Region, ought to have everything possible done to settle this claim expeditiously, specially since the issue seems to have been discussed in the meetings with the staff representatives at the Regional and Circle levels and certain indications, as possible means to solve this problem, have already been given.

6. It is, therefore, directed that a suitable decision be taken by Respondents 2 and 3 on the representations submitted by this applicant on 14th May and 18th June, 1996 (Annexures 5 and 6, respectively, to the O.A.) and efforts be made to give him the overdue appointment of Mail-Guard at the earliest opportunity. He may be considered for appointment against the next arising vacancy in the Division, if permissible. If for some reason, this is not feasible, an effort shall be made to accommodate him in a neighbouring RMS Division, failing which he could be promoted in any other Division in the Circle. I have, no doubt, that helpfulness

— *[Signature]* —

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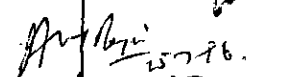
and accommodation shall be the key-note of any decision that might be taken, and which shall be within thirty days from today at the latest.

With these observations, the D.A.,  
is disposed of.

  
H. RAJENDRA PRASAD,  
MEMBER (A)  
25 JUL 96

Date: July 18, 1996.

Dictated in open Court.

  
Deputy Registrar (D) CC

333.

O.A. 864/96.

To

1. The Secretary, Union of India,  
Ministry of Communications,  
Dept.of Posts, New Delhi-1.
2. The Chief Postmaster General, A.P.Circle,  
Hyderabad-1.
3. The Postmaster General, Visakha Region,  
Visakhapatnam-1.
4. The Superintendent, RMS, 'V' Division,  
Visakhapatnam.
5. One copy to Mr. B.S.A.Satyanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One copy to Hon'ble Mr.Rajendraprasad.H. Member (A) CAT.Hyd.
9. One spare copy.

pvm

①/5/96

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: 18-7-1996

~~ORDER~~/JUDGMENT

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

in

O.A.No. ~~595/96~~ 864/96.

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 प्रेषण/DESPATCH - 2 AUG 1996 हैदराबाद न्यायपीठ HYDERABAD BENCH
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