

37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD  
O.A.NO. 1328/97.

Between:

Date of Order: 7-10-97.

S.Ramulu.

.. Applicant.

and

1. Superintendent of Post Office,  
Medak Division, Medak.
2. The Director of Post Offices,  
Hyderabad Region, Hyderabad-1.

.. Respondents.

For the Applicant: Mr. S.Ramakrishna Rao, Advocate.

For the Respondents: Mr. N.R.Devraj, Sr.CGSC.

CORAM:

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

THE HON'BLE MR.B.S.JAI PARAMESWAR : MEMBER(JUDL)

The Tribunal made the following Order:-

Heard Sri S.Ramakrishna Rao for the applicant and  
Mr. N.R.Devraj for the Respondents.

The O.A. is admitted. Counter within 6 weeks.  
List it soon thereafter. Parawise comments are placed. No  
restriction on the completion of selection process of a suitable  
candidate in response to Annexure-2. However, the respondents shall  
specifically insert in any appointment order that may be issued  
a clause that the selection so made is subject to the outcome of  
this O.A.

  
Deputy Registrar

To

1. The Superintendent of Post Offices Medak Division, Medak.
2. The Director of Post Offices, Hyderabad Region, Hyderabad-1.
3. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
5. One spare copy.

pvm

Notice

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE.  
VICE-CHAIRMAN

And

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

The Hon'ble Mr. B.S.Tamhane :M(J).

DATED:-

7/10/97

ORDER/JUDGMENT

M.A./RA./C-A.No..

in

O.A.No. 1328/97.

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

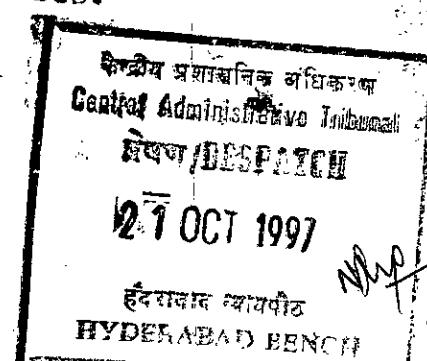
Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.



## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

M.A.NO.1116/97 in O.A.NO.1328/97

Between: ... Dt. of Order: 27.11.97.

S.Ramulu ...Applicant  
And1. Superintendent of Post Offices, Medak Division,  
Medak.2. The Director of Post Offices, Hyderabad Region,  
Hyderabad.

...Respondents.

Counsel for the Applicant : Mr.S.Ramakrishna Rao

Counsel for the Respondents. : Mr.N.R.Devraj

CORAM:

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

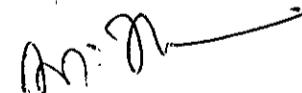
THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

None for the applicant. Sri N.R.Devraj for the respondents.

It is stated ~~that~~ by Sri N.R.Devraj that no fresh recruitment is posted and the applicant is still continuing as provisional EDBPM. Hence no further orders are necessary in this O.A. The OA has to be disposed of quickly. Hence list it on 22.12.97. Reply in the meanwhile.

M.A. is disposed of.



DEPUTY REGISTRAR (J)

..2..

Copy to:

1. The Superintendent of Post Offices,  
Medak Division, Medak.
2. The Director of Post Offices, Hyderabad Region,  
Hyderabad.
3. One copy to Mr.S.Ramakrishna Rao, Advocate,  
CAT, Hyderabad.
4. The Director of Post Offices, Hyderabad Region,  
Hyderabad.
5. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
7. One duplicate copy.

YLKR

(2)  
TYPED BY  
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: 27/11/87

ORDER/JUDGMENT

M.A/R.A/C.A. NO. 1116/87

in

O.A. NO. 1328/87

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक अधिकार  
Central Administrative Tribunal

प्रेषण/DESPATCH

- 2 DEC 1997

हैदराबाद आयोग  
HYDERABAD BENCH

41

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 1328 OF 1997

Dated, the 8th March, '99.

BETWEEN :

S. Ramulu ... Applicant.

A N D

1. Superintendent of Post Office,  
Medak Division, Medak.
2. The Director of Post Offices,  
Hyderabad Region, Hyderabad-1.

... Respondents.

COUNSELS :

For the Applicant :: Mr. S Ramakrishna Rao

For the Respondents :: Mr. B. Narasimha Sarma

CORAM:

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN)

THE HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER (JUDL)

3

- : 2 :-

O R D E R

(PER: HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL))

1. Heard Mr. S. Ramakrishna Rao, Learned Counsel for the applicant and Mr. M.C. Jacob for Mr. B.N. Sharma, Learned Standing Counsel for the respondents.
2. The post of ED/BPM, Rajakkapet fell vacant on account of the regular incumbent being dismissed from service. The applicant was appointed purely on provisional basis w.e.f. 16.3.95. The respondent authorities approached the Employment Exchange, Sangareddy, to sponsor eligible candidates to fill up the said vacancy. There was no response. Hence, an open Notification dt. 11.3.97 was issued fixing the last date for receipt of applications as 11.4.97. Three applications including that of the applicant were received in response to the said Notification. It was stated in the Notification that preference will be given to candidates belonging to reserved communities. The DPC considered the candidatures received in response to the said Notification. As no one was found eligible, the DPC felt it proper to issue a fresh Notification. Accordingly, a Notification dt. 11.9.97 was issued specifically reserving the post for the reserved communities.
3. The applicant has filed this O.A. praying to set aside the 11.9.97 IIInd Notification No.83/Rajakkapet/97 dt. (9.7.97?) reserving the post for SC/ST candidates when the post was actually notified for OC/General candidates vide Notification dt. 11.3.97 declaring the same as arbitrary, illegal and in violation of Article 14 and 16 of the Constitution. for consequential direction to the Respondent No.1 to finalise the selection from among the applicants applied pursuant to the Notification No.83/Rajakkapet dt.11.3.97 and to select the applicant from among them.

Jr

- : 3 :-

4. The respondents have filed a reply stating the circumstances under which they issued the Notifications dt. 11.3.97 and 11.9.97. Further they have stated that since there was short-fall in the representation of the reserved communities <sup>Candidates</sup> in the division, they felt it proper to reserve the post for the reserved community candidate. It is stated that 3 candidates belonging to SC community <sup>have</sup> responded to the Notification dt. 11.9.97 and that the selection is under process.

5. The main contention of the applicant is that the Notification dt. 11.9.97 has been reserved for the reserved communities whereas earlier in the Notification dt. 11.3.97 the same was not reserved. The contention of the applicant is not correct. In the Notification dt. 11.3.97, the respondents had specifically stated that preference would be given to the reserved community candidates. In response to the said notification only 3 candidates including the applicant had responded. No one was found eligible for the post by the DPC. Hence, the respondents issued the 2nd Notification dt. 11.9.97.

6. When the respondents submit that there is short fall in the representation of the reserved community candidates in the division and they felt it proper to reserve the post for the reserved communities, the applicant cannot have any grouse. In the first Notification itself they had specified to the effect that preference would be given to the candidates of reserved community. Despite, the applicant had responded to the said Notification. The respondents could have rejected his application

7. The respondents submit that the DPC verified the documents of the applicant in response to the first notification. The submission of the respondents is not clear. There is no need for the DPC for the selection of a ED Staff. The Inspector calls for the applications and after verifying the documents produced by the eligible candidates considers them for appointment.

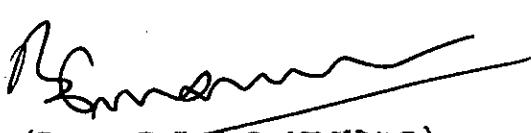
*3*

-: 4 :-

Hence, the respondents should clearly state that the report of the SQI is submitted to the S.P. for selecting and appointing an eligible candidate, who is meritorious and fulfils all the other conditions. The authorities should clearly state in the reply in regard to the verification of the documents of the eligible candidates instead of saying that DPC met for consideration of the applications. This leads to unnecessary misunderstanding. Such cases should be avoided in future.

7. In this view of the matter, we find no merits in the O.A. and the O.A. is liable to be dismissed.

8. The O.A. is accordingly dismissed leaving the parties to bear their own costs.

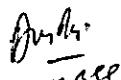
  
(B.S. JAI PARAMESHWAR)

8/3/99

  
(R. RANGARAJAN)

Dated, the 8th March, '99

Dictated in Open Court.

  
R. RANGARAJAN  
nsc

CS

Copy to:

1. H.H.N.J.
2. H.H.R.P. M.(A)
3. H.B.S.O.P. M.(J)
4. D.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:  
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA ARASAD:  
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR  
MEMBER (J)

DATED: 8-3-99

ORDER/ JUDGEMENT

PLA./RA./CP. No.

IN

O.A. NO. 1328/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS

SRR

(7 copies)

केन्द्रीय प्रशासनिक अधिकार  
Central Administrative Tribunal  
प्रेषण / DESPATCH

17 MAR 1999

हैदराबाद स्थायी डिप्टी  
HYDERABAD BENCH

PAGE NO. 1 :

FORM III (SEE RULE 8(3))  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT: HYDERABAD

M.A. NO: 1116 OF 1997  
IN  
D.A. No. 1328 of 1997

BETWEEN:

S. Ramulu, S/o. Chandraiah,  
aged about 32 years,  
R/o. Rajakkapet, Dubbik Mandal,  
Medak Postal Division, Medak Dist.

APPLICANT

A N D

1. Superintendent of Post Offices,  
Medak Division, Medak, Medak.
2. The Director of Post Offices,  
Hyderabad Region, Hyderabad-1

RESPONDENTS

MISCELLANEOUS APPLICATION FILED UNDER RULE 8(3) OF C.A.T.  
(PROC.) RULES, 1987

For the reasons stated in the accompanying affidavit,  
it is respectfully prayed that the Hon'ble Tribunal may be  
pleased to stay all further proceedings in pursuance to the  
second notification dated 11.9.1997, in view of the clarification  
of DoP, in the interest of justice and be pleased to pass such  
other and further order or orders as the Hon'ble Tribunal may  
deem fit and necessary in the circumstances of the case.

Hyderabad.  
Dt. 08.11.1997

COUNSEL FOR THE APPLICANT

contd.....

FORM III (SEE RULE 8(3))  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT: HYDERABAD

M.A. NO: 1116 OF 1997  
IN  
O.A. No.1328 of 1997

BETWEEN:

S. Ramulu .. APPLICANT

AND

Supdt. of Post Offices, Medak Divsn.,  
Medak and another .. RESPONDENTS

A F F I D A V I T

I, S. Ramulu, S/o. Chandraiah, aged about 32 years,  
R/o. Rajakkapet, Dubbak Mandal, Medak Postal Division, Medak  
Dist., do hereby solemnly and sincerely affirm and state on oath  
as follows:

1. That I am the deponent herein and therefore well acquainted with the facts of the case.
2. I submit that I filed the above O.A.No.1328/97, aggrieved against the second notification dated 11.9.1997 without cancelling the earlier notification dated 11.9.1997. In the first notification, the 1st Respondent did not indicate that the post is reserved for SC/ST except incorporating the usual clause that SC/ST are preferred. This aspect of indicating specifically the post reserved for certain communities has been considered by the DoP Lr.No.17-366/91-ED and Trg. ED dated 26.5.1995, in which a clarification was issued by DoP as follows :

"Clarification: This has to be seen in the context whether adequate representation is available for candidates belonging to SC/ST in the recruiting unit concerned. If it is not available, then the best course would be to make it clear in the notification issued to

contd.....

the Employment Exchange may nominate more than one candidates belonging to SC/ST, etc. In such a situation the candidates belonging to SC/ST, etc. In such a situation the candidates belonging to reserved communities will have to compete amongst themselves and the point that the OC candidates have secured higher percentage of marks in matriculation examination and should or should not be given preference will become immaterial. However, in other cases, if SC/ST candidates satisfies all the minimum prescribed eligibility conditions including the educational qualification and the representation to that category is not adequate, the question of his competing with OC candidates does not arise. He has to be given preference over candidates, irrespective of the percentage of marks secured subject only to the condition that he satisfied all the other prescribed eligibility criteria."

3. In view of the above clarification, the respondents have not indicated that the post is reserved for SC/ST vide their notification dated 11.3.1997, obviously that there is no reservation for the post of ED/BPM, Rajakkapet BO. Therefore, the issue of a second notification reserving the post for SC/ST is only an afterthought and for extraneous reasons.

4. I further submit that the interview for the candidates is fixed and the selection is going to take on 12.11.1997 for the said post. Since the clarification of DoP clearly indicates that without notifying the vacancy for reserved communities, no selection process should proceed with, the action of the respondents is arbitrary, to reserve the post for SC/ST.

:PAGE NO. 5 :

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL: HYDERABAD BENCH:  
AT: HYDERABAD.

M.A. NO. OF 1997  
IN  
D.A. NO: 1328 OF 1997

BETWEEN:

S. Ramulu ... Applicant

A N D

SPOs, Medak and another

Respondents

DIRECTION ETITION:

PETITION FILED UNDER RULE 8(3)  
OF CAT (PROC.) RULES, 1987.

FILED FOR: APPLICANT

FILED ON: 07.11.1997

FILED BY:

SANKA RAMA KRISHNA RAO,  
ADVOCATE, 1-8-549/C, 11nd Floor  
CHIKKADAPALLY, HYDERABAD-20.

COUNSEL FOR THE APPLICANTS.



:PAGE NO. 4 :

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to stay all further proceedings in pursuance to the second notification dated 11.9.1997, in view of the clarificationi of DoF, in the interest of justice and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and necessary in the circumstances of the case.

Sworn and signed on this  
07th day of November 1997  
at Hyderabad.

D E P O N E N T.

BEFORE ME

ADVOCATE.

contd.....

सूची प्रति DUPLICATE

MA 1116/97 in-of 1328/97

27-11-97

None for the applicant.  
Sri N.R. Devraj for the respondent.

If it is stated by Sri N.R. Devraj that no fresh recruitee is posted and the applicant is still continuing as provisional EDBPM, hence no further orders are necessary in this O.A. The O.A has to be disposed of quickly! Hence left it on 22-12-97. Reffy in the meanwhile.

MA is disposed.

✓  
JER  
HSS:SP  
MS

HRAN  
MCA

पोस्टल/POSTAL बैच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

M.A. NO.

1116

OF 1997.

IN

O.A. NO.

1328

OF 1997

To stay further proceedings

Mr. S. Rama Krishna Rao  
COUNSEL FOR THE APPLICANTS.

AND

Mr. N.R. Devraj  
Sr. ADDL. STANDING COUNSEL FOR  
C.G.Rlys.

FORM III (SEE RULE 8(3))  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT: HYDERABAD

M.A. NO: 1116 OF 1997  
IN  
O.A. No.1328 of 1997

BETWEEN:

S. Ramulu, S/o. Chandraiah,  
aged about 32 years,  
R/o. Rajakkapet, Dubbak Mandal,  
Medak Postal Division, Medak Dist.

APPLICANT

AND

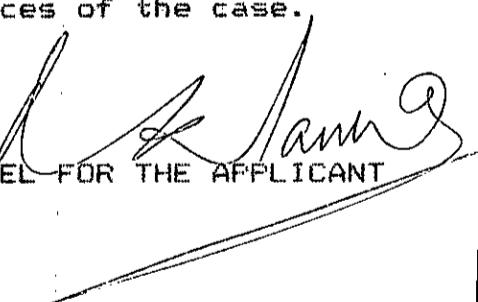
1. Superintendent of Post Offices,  
Medak Division, Medak, Medak.
2. The Director of Post Offices,  
Hyderabad Region, Hyderabad-1

RESPONDENTS

MISCELLANEOUS APPLICATION FILED UNDER RULE 8(3) OF C.A.T.  
(PROC.) RULES, 1987

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second notification dated 11.9.1997, in view of the clarification  
of DoP, in the interest of justice and be pleased to pass such  
other and further order or orders as the Hon'ble Tribunal may  
deem fit and necessary in the circumstances of the case.

Hyderabad.  
Dt.08.11.1997

  
COUNSEL FOR THE APPLICANT

FORM III (SEE RULE 8(3))

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT: HYDERABAD

M.A. NO: 1116 OF 1997  
IN  
O.A. No.1328 of 1997

BETWEEN:

S. Ramulu .....

APPLICANT

A N D

Supdt. of Post Offices, Medak Divsn.,  
Medak and another .....

RESPONDENTS.

A F F I D A V I T

I, S. Ramulu, S/o. Chandraiah, aged about 32 years,  
R/o. Rajakkapet, Dubbak Mandal, Medak Postal Division, Medak  
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as follows:

1. That I am the deponent herein and therefore well  
acquainted with the facts of the case.

2. I submit that I filed the above O.A.No.1328/97,  
aggrieved against the second notification dated 11.9.1997 without  
cancelling the earlier notification dated 11.3.1997. In the  
first notification, the 1st Respondent did not indicate that the  
post is reserved for SC/ST except incorporating the usual clause  
that SC/ST are preferred. This aspect of indicating specifically  
the post reserved for certain communities has been considered by  
the DoP Lr.No.17-366/91-ED and Trg. ED dated 26.5.1995, in which  
a clarification was issued by DoP as follows :

"Clarification: This has to be seen in the context  
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candidates belonging to SC/ST in the recruiting unit  
concerned. If it is not available, then the best course  
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contd.....

the Employment Exchange may nominate more than one candidates belonging to SC/ST, etc. In such a situation the candidates belonging to SC/ST, etc. In such a situation the candidates belonging to reserved communities will have to compete amongst themselves and the point that the OC candidates have secured higher percentage of marks in matriculation examination and should or should not be given preference will become immaterial. However, in other cases, if SC/ST candidates satisfies all the minimum prescribed eligibility conditions including the educational qualification and the representation to that category is not adequate, the question of his competing with OC candidates does not arise. He has to be given preference over candidates, irrespective of the percentage of marks secured subject only to the condition that he satisfied all the other prescribed eligibility criteria."

3. In view of the above clarification, the respondents have not indicated that the post is reserved for SC/ST vide their notification dated 11.3.1997, obviously that there is no reservation for the post of ED/BPM, Rajakkapet BO. Therefore, the issue of a second notification reserving the post for SC/ST is only an afterthought and for extraneous reasons.

4. I further submit that the interview for the candidates is fixed and the selection is going to take on 12.11.1997 for the said post. Since the clarification of DoP clearly indicates that without notifying the vacancy for reserved communities, no selection process should proceed with, the action of the respondents is arbitrary, to reserve the post for SC/ST.

To stay further breeding

:PAGE NO. 5

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL: HYDERABAD BENCH:  
AT: HYDERABAD.

M.A. NO. OF 1997  
IN  
O.A. NO: 1328 OF 1997

## BETWEEN:

S. Ramulu ... | Applicant

A N D

SPOs, Medak and another  
Administrative Respondents

A circular stamp with the text "Central Administrative Tribunal" at the top, "Hyderabad Bench" at the bottom, and "RECEIVED" in the center. The date "12 NOV 1987" is stamped in the middle. The reference number "3722" is stamped below the date. The text "State Election Commission" is curved along the inner edge of the stamp.

DIRECTION ETITION:

PETITION FILED UNDER RULE 8(3)  
OF CAT (PROC.) RULES, 1987.

Received  
L. V. D. - Derry

FILED FOR: APPLICANT

FILED ON: 07.11.1997

FILED BY:

SANKA RAMA KRISHNA RAO,  
ADVOCATE, 1-8-549/C, 11nd Floor  
CHIKKADAPALLY, HYDERABAD-20.

COUNSEL FOR THE APPLICANTS.

contd. *etc.*

may be filed  
2/1/57

:PAGE NO. 4 :

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to stay all further proceedings in pursuance to the second notification dated 11.9.1997, in view of the clarificationi of DoP, in the interest of justice and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and necessary in the circumstances of the case.

*Sworn*

Sworn and signed on this  
07th day of November 1997  
at Hyderabad.

D E P O N E N T.

BEFORE ME

*K*  
ADVOCATE.

MA W6/97 in of 1328/97

प्रूफ/ORIGINAL

27-11-77

None for the applicant.  
Sri N.R. Devraj for the respondents.

It is stated by Sri N.R. Devraj that no fresh recruitee is posted and the applicant is still continuing as provisional EDBPM. Hence no further orders are necessary in this OA. The OA has to be disposed of quickly. Hence fix it on 22-12-77. Rely in the meanwhile.

OA is disposed.

पोस्टल/POSTAL पैकेज/ BENCH CASE  
CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

M.A. NO.

1116

OF 1997.

IN

D.A. NO.

1328

OF 1997

To stay further proceedings

HCS SP HAN.  
MS MPA

Mr. S. Rama Krishna Rao  
COUNSEL FOR THE APPLICANTS.

AND

Mr. N.R. Devraj

Sr. ADDL. STANDING COUNSEL FOR  
C.G.Rlys.

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

WRIT PETITION NO 7347/200 99  
W.P.M.P. No. 200

A Writ Petition was filed in the High Court of Andhra Pradesh  
by Sri S. Ranjith v/s. Superintendent

vs. of Post offices, Medak against the Order/Judgment of this Hon'ble Tribunal dated 8/3/99  
and made in O.A.No... 1328/97

The High Court was pleased to Dismiss/Allow/Dispose of the W.P.  
under Interim Suspension/Stay/Notice the operation of judgement dt.

20/3/03. Disposing of the writ petition

The Judgment of the Tribunal in O.A.No. 1328/99/97 and the order /Notice of the High Court of Andhra Pradesh is enclosed herewith for perusal.

Submitted

DEPUTY REGISTRAR (J)

REGISTRAR

HON'BLE VICE-CHAIRMAN

HON'BLE MEMBER (ADM. I)

HON'BLE MEMBER (ADM. II)

HON'BLE MEMBER (JUDL)

HON'BLE SRI JUSTICE BILAL NAZKI

AND

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.7347 OF 1999

ORAL ORDER:

(per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties. The petitioner has challenged the selection made to the post of Extra Departmental Branch Post Master on the ground that the post had been reserved for Scheduled Castes/Scheduled Tribes. Since the petitioner belonged to an unreserved category he could not compete. The Tribunal found that the notifications dated 11-3-1997 and 11-9-1997 were issued reserving the post for the reserved category as there had been short-fall in the representation of the reserved community. The post had been advertised only for reserved community since representation of reserved category was not adequate in the department and therefore the Tribunal dismissed the original application and we do not find any illegality in the order passed by the Tribunal.

However, the learned counsel for the petitioner has drawn our attention to paragraph 7 of the counter-affidavit filed by the respondents. The respondents have contended that in terms of letter No.43-4/77-Pen, dated 18-5-1979 of the Director General of Posts, the department was bound to make efforts to give alternative employment to ED agents who were provisionally appointed and were subsequently discharged from service due to administrative reasons. The petitioner submits that he was also provisionally appointed

*2nd Pg*

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH AT HYDERABAD  
(SPECIAL ORIGINAL JURISDICTION) (M)

THURSDAY THE TWENTIETH DAY OF MARCH  
TWO THOUSAND AND THREE

PRESENT

THE HONOURABLE MR.JUSTICE: BILAL NAZKI

A N D

THE HONOURABLE MR.JUSTICE: GOPALAKRISHNA TAMADA

WRIT PETITION NO. 7347 OF 1999

BETWEEN

S.Ramulu

...PETITIONER

A N D

1. The Superintendent of Post Offices, Medak Division
2. The Director of Postal Services, Hyderabad Region, Hyderabad
3. The Central Administrative Tribunal, rep. by its Registrar, Hyderabad Bench, Hyderabad

..RESPONDENTS

Petition under Art. 226 of the Constitution of India  
praying that in the circumstances stated in the affidavit filed  
herein the High Court will be pleased to issue a writ order or direc-  
tion especially one in the nature of writ of certiorari calling for  
the records in Order dt. 8.3.99 in OA 1328/97 of the Central  
Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the  
same and further declare that petitioner is entitled to be  
regularised/regularly appointed as Extra Departmental Branch Post  
Master of Rajakkapeta of Medak Dist. and action to terminate the  
services of the petitioner as illegal, arbitrary and therefore  
violate of Arts. 14 & 21 of the Constitution of India.

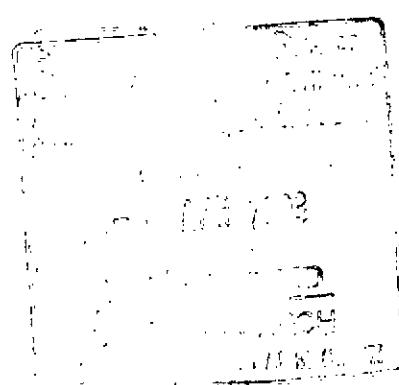
For the Petitioner: Mr. Ch. Ravinder,  
Advocate

For the Respondents 1 & 2: Mr. T. Ramakrishna Rao, SC for  
Central Govt.

For the Respondent No. 3: none appeared

The court made the following order:—

Contd...



110  
10-4-03

*Tunc*  
*Ver*  
*08/10/03*

previously and continues to work even today because of the stay granted by this Court. The only condition for providing alternative appointment was that the person should have rendered at least three years of provisional service in ED cadre. The respondents in their counter have volunteered to include the names of those who were terminated as ED agents, in the waiting list. They also stated that the petitioner would be offered a suitable post on his turn in terms of the said letter of the Director General of Posts.

In view of these submissions in the counter-affidavit, we dispose of the writ petition upholding the order of the Tribunal with further direction that the petitioner's name shall be placed in the waiting list and he shall be offered suitable alternative employment on his turn in accordance with the said letter of the Director General of Posts.

Sd/-Habeebunnisa Begum  
Asst. Registrar

//true copy//

Section Officer *ho*

To,

1. The Superintendent of Post Offices, Medak Division
2. The Director of Postal Services, Hyderabad Region, Hyderabad
3. The Central Administrative Tribunal, rep. by its Registrar,  
Hyderabad Bench, Hyderabad
- 4CC to Mr. T. Ramakrishna Rao, Advocate (OPUC)
- 5 2CD copies.

TCR

*✓*

High court File NO. 31/99

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

WRIT PETITION NO. 7347

/1999

Petition was filed in the High Court of Andhra Pradesh by Sri S. Ramulu ~~V~~ Superintendent of Post Office, Medak Division & by. against the Order/Judgment of this Hon'ble Tribunal dt. 8-3-99 and made in O.A.No. 1328/97. The High Court was pleased to ~~Dismiss/Allow~~ Order Interim ~~Suspension stay the operation of Judgment~~. Issue notice on 7/4/99.

The Judgment of the Tribunal in O.A.No. 1328/97

~~is enclosed~~ The High Court's Judgment and the order of the High Court of Andhra Pradesh enclosed herewith for perusal.

Submitted.

Deputy Registrar.

Hon'ble Vice-Chairman.

Hon'ble Member (A) I

Hon'ble Member (A) II

Hon'ble Member (B)

Hearing date

RETURN OF THE WRIT OF CERTIORARI ORDER NISI

[To be @ordered on Writ to appear]

The process of the writ of certiorari where of mention is made, was served on respondent this day of One thousand nine hundred and ninety.

This should be served on the Respondent No. and to the High Court.

[Sd]

Writ and Rule Nisi

W.P.No. of 199

Certified that the required conveyance charges and the process for the service of the process have been collected. It is requested that the English Translation of the process services respect if is vernacular, may be sent along with the Rule Nisi returned.

FORM NO. 8.

FORM NO. 8

RETURN OF THE WRIT OF CERTIORARI UNDER NISI

To be endorsed on writ to produce.

The process of the writ certiorari were of mention is within made with all things launching the same in the several papers hereto annexed, as with commanded.

The annexure of

The respondent herein

Date day of

Sd/-

J.C.P. 1487-9-3-98-1,00,000

H. Ct. F. No. 699-A

WRIT OF COURT ORDERS—ORDER LIST (TO PRODUCE AND/OR TO APPEAR)  
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD.

**(Special Original Jurisdiction)**

Wednesday the 11th day of April, 1991  
One thousand nine hundred and ninety one

**WRIT PETITION NO.**

7347 9  
of 199

### Petitioneis

Between 21° & 25°. Below

for  
ex 2. Director of <sup>and</sup> postal services  
Hyderabad region, Hyderabad <sup>Respondent</sup>  
3. Central Administrative Tribunal re by  
Registrar Hyderabad <sup>Respondent No.</sup> 3  
Hyderabad.

Mr. .... Upon motion this day made into this Court by being  
opinion that the record relating to and touching upon all the matters and contentions raised in the Memorandum  
of representation petition, a copy of which is annexed hereto, together with the decision therein, should be called  
up and pursued.

## IT IS HERESY COMMANDED

1) That you, the aforesaid respondent No. .... do send for our use in High Court of Judicature of Andhra Pradesh, Hyderabad, all and singular the said record and other with all things touching the same as fully and perfectly as they have been made by you and now remain your custody or power together with this, Rule nisi before the day of 199 . and .....

That you intend to oppose the petition, you the aforesaid Respondent No. ...., do appear personally or by Advocate be the ..... day of ..... 199..... at 10-30 a.m. before the Court show cause why this Petition should not be complied with and that we may cause to be done there on what of right and according to Law shall see fit to be done.

NOTICE:— YOU HAVE TO FILE YOUR COUNTER AFFIDAVIT WITHIN 6 MONTHS, UNLESS OTHERWISE DIRECTED BY THE HIGH COURT, MATERIAL PAPERS RELIED UPON BY YOU SHOULD BE FILED IN BOOK FORM DULY STITCHED GIVING EXHIBIT NUMBERS TO EACH DOCUMENT.

WITNESS : The Hon'ble  
Andhra Pradesh at Hyderabad, this the  
One thousand nine hundred ninety

Chief Justice of High Court of  
day of 1997 i.e. the year

केन्द्रीय प्रभु प्रतिक्रिया अधिकारी  
Central Admn. Officer, Pratikriya Adhikari  
केन्द्रीय प्रभु प्रतिक्रिया अधिकारी  
CENTRAL PRACTICE ADHIKARI

### Assistant Registrar

223  
21699

stated that persons applying for the said post must have adequate means of livelihood. He/She must have an adequate source of income and must be able to offer suitable space to locate the post Office, with provision for installation of even Public Call Office (PCO). The property /income certificates must be certified by the concerned revenue authorities not below the rank of Mandal Revenue Officer. In the notification dt. 11.3.1997 it was stated that preference will be given to Schedule Caste and Schedule Tribe candidates subject to fulfilment of all other eligibility conditions.

3. It is necessary to mention that the post is not reserved for either SC or STs. I applied in pursuance of the said notification. I fulfilled the eligibility criteria. I own 4 acres of land in the concerned village (Rajakkapet). I also own a house in the said village. I studied upto 10th class and I passed the 10th class with 76%. For reasons which were not mentioned the respondents have cancelled the notification dt. 11.3.1997. They issued another notification dt. 11.9.97. Through the said notification dt. 11.9.97 the post is reserved for SC and ST. It is submitted that one post cannot be reserved both for SC and ST. It is further submitted that the post was not a reserved post when it was held by the candidate who was dismissed from service. It was not shown as a reserved post either when the vacancy was notified to Employment Exchange or when the vacancy was notified on 11.3.1997. It is further necessary to mention there that no roaster is maintained in the matter of appointment of EDBPM. The instructions clearly say that for Extra Departmental Post others than post of EDBPM/EDSPMS preference to SCs/STs may still be given in order to ensure the

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

W.P.NO. 7347 OF 1999

Between:

S. Ramulu S/o. Chandrasih  
aged 34 years, R/o. Rajakkapet  
Dubbik Mandal, Medak District.

.. Petitioner

And

1. Superintendent of Post Offices,  
Medak Division and others.

.. Respondents

AFFIDAVIT

I, S. Ramulu, S/o. Chandrasih, aged 34 years, R/o. Rajakkapet, Medak District having presently come down to Hyderabad do hereby solemnly verify and state as follows:

1. I am the petitioner herein as such I am well acquainted with the facts of the case.
2. I was appointed as E.D.B.P.M. (Extra Departmental Branch Post Master w.e.f. 16.3.1993. It was in a vacancy caused due to the suspension of the EDBPM who was working in the said village. The said EDBPM was dismissed from service. After the dismissal of the earlier EDBPM, the post was sought to be filled by drawing candidates from Employment Exchange. It appears that the employment exchange could not sponsor the candidates. A paper notification dt. 11.3.1997 was issued calling for applications from eligible candidates. The post of EDBPM has to be filled up in accordance with the rules and instructions pertaining the Extra Departmental Staff in Postal Department. The educational qualifications required for EDBPM is 8th standard according to the instructions given. However, in the notification dt. 11.3.1997 it was stated that one should possess 10th class/Matriculate or equivalent course. It was also

1st page  
corrections:

Deponent

sufficiently long time. As I have been rendering service for the past 4 years, I am entitled to be regularised.

6. As the OA was dismissed the respondents want to dispense with my services. If my services are dispensed I will be put to irreparable loss and injury. The reason for not finding me suitable appears to be that I am a poor man. It is submitted that I have secured as stated above 76% marks in 10th class examination. My non-selection on the ground that I am a poor man and not continuing me in service on the ground that I am a poor man is illegal, arbitrary and violative of Arts. 14 and 21 of the Constitution of India. It is further submitted that the D.G., Posts in, letter No. 17-497/98 ED & TRG., dt. 10.6.1991 stated as follows:

"The deciding factor for the selection of ED BPMs/ ED SPMs should be the income and property and not the marks, has been examined threadbare but cannot be agreed to as this will introduce an element of competitiveness in the matter of possession of property and earning of income for determining the merit of candidates for appointment as ED Agents. Proof of financial status is not only subject to manipulations but is also detrimental to merit. When the Constitution of India guarantees equal opportunity to all for their advancement, the reasonable course would be to offer ED appointments to the person who secured maximum marks in the examination which made him eligible for the appointment, provided the candidate has the prescribed minimum level of property and income so that he has adequate means of livelihood apart from the ED Allowance."

7. It is therefore submitted that the action of the respondents in not continuing me as ED BPN is illegal and arbitrary. In the above circumstances I am constrained to approach this Hon'ble Court for redressal of my grievance.

8. I submit that I have left with no other effective alternative except to approach this Hon'ble Court for redressal of my grievance under Art. 226 of the Constitution of India.

4th page  
corrections:

Deponent

minimum fixed percentage as laid down in letter dt. 8.10.80. It is necessary to submit that from the above it is clear that for EDBPM/ EDSPMS preference cannot be given to SCs or STs.

4. As I have been working from 16.3.1995 and as I was prevented from making an application even by reserving the said post in favour of SC/ST I filed OA No. 1328/97 in the Central Administrative Tribunal questioning the notification dt. 11.9.97. I also prayed that I am entitled to be regularly absorbed/ appointed as EDBPM. The respondents filed counter affidavit and stated that a DPC was conducted in pursuance of the notification dt. 11.3.1997 and none of the applicants was found to be suitable for holding the post. The Tribunal gave a categorical finding that there is no question of holding a DPC for selecting the candidates for the post of EDBPM. The Tribunal also gave a finding that eligibility of the candidates to be examined who makes the applications and among the eligible candidates the candidate who is more suitable will be selected. Having held so in my humble submission, the Tribunal should have allowed the OA. Instead the Tribunal stated that such counter affidavit shall not be filed and that filing of such counter affidavit should be avoided infuture.

5. It is submitted that the Government itself has issued instructions dt. 18.5.79 directing regularisation of such of those provisionally appointed Extra Departmental Branch Post Masters who have completed three years of service. IT is necessary to submit here that the Government issued another instructions dated 7.1.1997 directing the regularisation of services of ED Postmasters who have rendering service for the

9. I further submit that I have not filed any other writ or OA before any other court and there is no pending of such Writ or OA before any other court.

10. In the above circumstances, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order, or direction especially one in the nature of writ of certiorari calling for the records in Order dated 8.3.1999 in OA No. 1328 of 1997 of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and quash the same and further declare that petitioner is entitled to be regularised /regularly appointed as Extra Departmental Branch Post Master of Rajakkepet of Medak District and action to terminate the services of the petitioner as illegal, arbitrary and therefore violative of Arts. 14 & 21 of the Constitution and pass such order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

11. It is further prayed that this Hon'ble Court may be pleased to direct the respondents to continue the petitioner in service as Extra Departmental Branch Post Master of Rajakkepet, Medak District pending disposal of the W. P. and pass such order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly affirmed at Hyderabad  
on this day of 7th April, 1999  
and signed

Deponent

Before Me

Advocate, Hyderabad

Medak District

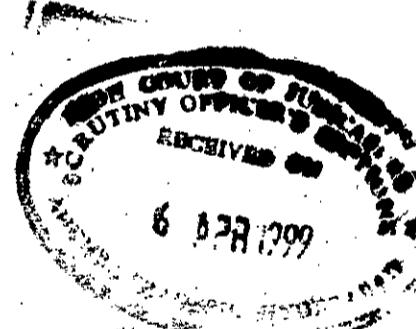
High Court of A.P.

Hyderabad

W.P. No. of 1999

5485

Writ of Certiorari



Filed by:

Mr. Ch. Ravinder (4662)

Counsel for Petitioner

Memorandum of Writ Petition filed under Art. 226 of the  
Constitution of India

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD  
(Special Original Jurisdiction)

W.P./NO. 7347 OF 1999

Between

S. Ramulu B/o. Chandreiah  
aged 34 years, R/o. Rajakkapet  
Dubbak Mandal, Medak District.

.. Petitioner

And

1. Superintendent of Post Offices,  
Medak Division.
2. Director of Postal Services,  
Hyderabad Region, Hyderabad.
3. Central Administrative Tribunal  
Rep. by its Registrar,  
Hyderabad Bench, Hyderabad.

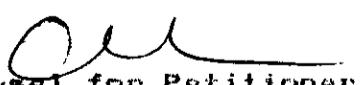
.. Respondents

Address for service of notices, summons etc. on the  
above named petitioner is that of his counsel M/s. ~~S. Suresh~~  
~~Rao M. Srinivas, P.C.~~ Advocates at High Court Buildings,  
Hyderabad.

For the reasons stated in the accompanying affidavit it  
is therefore prayed that this Hon'ble Court may be pleased to  
issue a writ, order or direction especially one in the nature of  
writ of certiorari calling for the records in Order dated  
8.3.1999 in OA No. 1328 of 1997 of the Central Administrative

Tribunal, Hyderabad Bench, Hyderabad and quash the same and  
further declare that petitioner is entitled to be regularised  
/regularly appointed as Extra Departmental Branch Post Master of  
Rajakkapet of Medak District and action to terminate the  
services of the petitioner as illegal, arbitrary and therefore  
 violative of Arts. 14 & 21 of the Constitution of India and pass  
such order or further orders as this Hon'ble Court may deem fit  
and proper in the circumstances of the case.

Hyderabad  
Dte: 7-4-99

  
Counsel for Petitioner

High court File No. 31/99

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDER

W.P.M.P. 9118 of 1999

WRIT PETITION NO.

7347 of 1997

Petition was filed in the High Court of Andhra Pradesh by Sri S. Ramulu Asstt. D.P.A. & Secy. against the Order/Judgment of this Hon'ble Tribunal dt.

dt. 8-3-99 and made in O.A. No. 1328/97

The High Court was pleased to direct to the continuation in the ~~order~~ Inter

EDBPM Post until further order

~~Suspension stay the operation of Judgment on 7-4-99.~~

The Judgment of the Tribunal in O.A. No. 1328/97

and the order of the High Court of Andhra Pradesh enclose herewith for perusal.

Submitted.

Deputy Registrar.

Hon'ble Vice-Chairman. 15/6

Hon'ble Member (A) I

Hon'ble Member (A) II

Hon'ble Member (J) 15/6

He:31/99

CA ~ 132 3/37

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH AT HYDERABAD.

WEDNESDAY THE SEVENTH DAY OF APRIL, 1999  
PRESENT

THE HON'BLE SRI JUSTICE B. SUBHASHAN REDDY  
AND  
THE HON'BLE SRI JUSTICE Y.V. NARAYANA

W.P.M.P.No.9118 of 1999  
in  
W.P.No.7347 of 1997

### Between:

S. Ramulu,

...Petitioner/(Petitioner in W.P.  
No.7347/99 on the file of the High Court)

andi

1. Superintendent of Post Offices,  
Medak Division.
2. Director of Postal Services,  
Hyderabad Region, Hyderabad.
3. Central Administrative Tribunal,  
rep., by its Registrar, Hyderabad Bench,  
Hyderabad.

(R3 is not necessary in this petition) ... Respondents/Respondents  
in do

Counsel for petitioner: Mr. M. Surendar Rao

Counsel for respondents: Mr. T. Ramakrishna Rao, S.C., for C.G.,

Petition filed under Section 151 of C.P.C., to direct the respondents to continue the petitioner in service as Extra Departmental Branch Post Master of Rajakkapet, Medak District pending disposal of the W.P.No.7347/99 on the file of the High Court.

The Court, while directing issue of notice to the respondents herein to show cause why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case)

## ORDER

If the petitioner is working as on today as Extra Departmental Branch Post Master at Rajakkapet, Dubbaka Mandal, Medak District, he shall be continued until further orders.

## Notice.

|| TRUE COPY ||

Sd/- B. ESTHARY RAO,  
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

TO

1. Superintendent of Post Offices, Medak Division. (BY RPAD)
2. Director of Postal Services, Hyderabad Region, Hyderabad. (BY RPAD)
3. Central Administrative Tribunal, rep., by its Registrar,  
Hyderabad Bench, Hyderabad. (BY RPAD)
4. Two spare copies.

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कृष्णप्रसादनिक अधिकारी  
Krishna Prasadniki Adhikari  
Editor & Publisher Tribhuvan  
द्वितीय वर्षा तीट  
MYEDERABAAD BENGA  
28 APR 1999  
प्राप्त/RECEIVED  
उपा. विभाग/PAI SECTION