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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.742/97

dt.5-8-97

Between

G. Paripoorna Chari

: Applicant

and

The Supdt. of Post Offices
Dept. of Posts
Nalgonda Division
Nalgonda 508001

: Respondent

Counsel for the applicant

: V. Venkateswara Rao
Advocate

Counsel for the respondent

: V. Rajeswara Rao
Addl. CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

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

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Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn))

Heard Sri V. Venkateswara Rao for the applicant and Sri V. Rajeswara Rao for the respondent. Mr. M. Poorna Chandra Rao, Superintendent of Post Offices, Nalgonda Division, Nalgonda, was present along with the records.

1. The applicant in this OA is an EDBPM, Peddakaparthi Post Office and he is working ⁱⁿ on that post ^{on} with regular basis with effect from 4-8-1988. Notification was issued vide No.B2/PE/96 dated 8-2-96 inviting applications from the Departmental Group-D and outsider (EDAs) candidates for filling up the posts of Postmen(Annexure-1 to the OA). A corrigendum was issued to the notification dated 8-2-96 by letter No.B/PE/96 dated 27-3-1996 wherein the number of posts to be filled by EDAs are three. As per the letter dated 27-3-1996 against the Departmental quota 2 OCs and 1 ST should be filled whereas against the outsiders (EDAs) 2 OCs and 1 OBC to be filled and one of the posts against EDAs ^{was} is to be filled on the basis of seniority-cum-fitness. Hence, by ~~the Departmental~~ examination only one post is to be filled in the OC quota by EDAs. As there was no Departmental candidate to fill up in OC quota of 2 in the Departmental quota, these two were also added to the outsider (EDAs) quota. Thus three posts from OC and one post of OBC from the EDAs had to be filled. The ST vacancy of the Departmental quota was not filled as there was no ST candidate. The applicant is an OC candidate.

2. The examination was conducted in accordance with Section 6 of the ED Service Rules for Extra-Departmental Staff in Postal Department. For the appointment to the post of Postman from EDAs there are three papers viz. Paper-A, Paper-B and Paper-C. Subjects against each paper is given in the notification dated 8-2-1996. We also see from ^{the} Rules referred to above that the total marks for each paper is 50 and the qualifying marks is 45%. The duration of the examination is also given in the rules referred to above. The examination is conducted as per the above referred rule.

3. In all 14 EDAs qualified in the examination but only four posts ^{were} ~~are~~ to be filled viz. 3 OCs and 1 OBC. Hence, the top rankers as per the total marks obtained by them were ~~the~~ selected. Officially Postal Incharges were informed by the Superintendent of Post Offices that none qualified in the Examination held on 12-5-1996, as per letter NO.B/PE/96 dated 13-8-1996 (Annexure-A.II to the OA). The applicant was informed of his marks by the respondent by letter No.B.3 dated 23-9-96 (A-3 to the OA). In this letter marks obtained by the applicant is given but the maximum marks is not indicated. However, later, four candidates were appointed by memo No.B/PE/96 dated 25-9-96. The ^{name} ~~name~~ of the applicant does not find a place in the memo dated 25-9-96.

4. This OA is filed for promoting him on the basis of the examination held on 12-5-1996 as Postman with effect from due date if found qualified with all consequential benefits.

5. Before we analyse this case we would like to bring on record the manner in which the case was dealt by the respondent viz. Superintendent of Post Offices, Nalgonda Division, Nalgonda. The applicant was informed that no candidate had qualified in the selection by letter dated 13-8-1996.

6. But later ^{four} candidates were reported to be posted on the basis of the examination held on 12-5-1996. Hence, we called for the register containing the selection details. The register containing the ^{names of} candidates along with their marks who appeared for the examination held on 12-5-1996 for the post of Postmen was produced. In the official noting dated 12-8-96 in the register of the said respondent it is seen that "none of the candidates secured 45 marks in the OC Category and 40 marks in the SC/ST category in the examination. Hence, it was declared that all the candidates have failed." Subsequently, another note has been written below the earlier note dated 12-8-1996. The second note does not bear any date. In this second note it is stated "that 14 candidates ^{were} ~~are~~ qualified in the examination, and four out of fourteen were given postings as Postmen. The remaining ^{were} ~~are~~ treated as surplus candidates. A report was also submitted to the Regional Office."

7. The second noting does not indicate why the first noting was incorrect. There is no indication that the first noting was cancelled. Thus the respondent had prepared the office noting with no clarity and with no care at all. This carelessness on the part of the respondent had led to the issuance of letter dated 13-8-96.

Thus we find that a senior official of the P&T Department viz. Superintendent of Post Offices, Nalgonda, had acted without any responsibility. This has resulted in the unnecessary litigation. We would like the Chief Postmaster General, to look into this case and decide action as deemed fit to be taken to avoid recurrence of such mistake in future. This will also avoid unnecessary litigation in future. We leave the issue to the Chief Postmaster General, to act as he deems fit.

8. In the letter addressed to the applicant, dated 23-9-1996, the maximum marks against each paper has not been indicated. Initially it is stated that the maximum mark is 100 but subsequently it was corrected as 50. Thus the respondent authorities have acted without reading the regulations properly. The applicant has not been told even in the letter dated 23-9-1996 that though he had obtained qualifying marks he could not be posted as Postman as he had secured less marks compared to other selected candidates. Thus the whole case was dealt in a prefuntory manner which resulted in this litigation.

9. Coming back to the question of non-selection of the applicant for the post of Postman, we had asked the authority to show us the question papers and marks list. All the three question papers viz. Paper-A, Paper-B and Paper-C was to be corrected each for a total mark of 50. We have also seen the answer papers of the four selected candidates and also of the applicant. The four candidates selected obtained more marks in the total after obtaining the minimum and qualifying marks compared to the applicant. The marks obtained by the four selected

are
candidates and the applicant is as follows :

S.No. in the regi- ster-	Name of the Candidate	Marks secured			Total S.No. marks in the register
		Paper-A	Paper-B	Paper-C	

A. Selected candidates

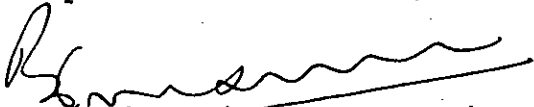
1. S/Sri					
A. Veerananarayana(OC)	36	50	37	123	34
2. A.Narasimhulu (OBC)	40	35	48	123	122
3. R.DavagnaChary(OBC)	37	34	48	119	86
4. D. Bhaskar Rao	35	34	48	117	21


B. Applicant

8. G. Panipoorna Chary (OC)	31	30	37	98	127
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10. From the above tabulation it is clear that the applicant cannot be selected and posted against the four vacancies as his total marks ^{are} ~~is~~ less than that of the four selected candidates. In view of the above, the application fails.

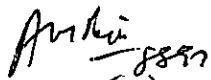
11. In the result the OA is dismissed as having no merits. A copy of the judgement should be placed before the Chief Postmaster General by the respondent for his perusal. No costs.


(B.S. Jai Parameshwar)
Member(Judl.)


(R. Rangarajan)
Member(Admn.)

Dated : 5 August, 97
Dictated in Open Court

sk


D.R.(S)

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Copy to:

1. The Superintendent of Post Offices, Dept. of Posts, Nalgonda Division, Nalgonda.
2. One copy to Mr. V. Venkataswara Rao, Advocate, CAT, Hyderabad.
3. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
4. One copy to D.R(A), CAT, Hyderabad.
5. One duplicate copy.

YLKR

9/8/97
18/8/97
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TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 5/8/97

ORDER/JUDGEMENT

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

in

C.A.NO. 742/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेषण/DESPATCH

18 AUG 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH