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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A.857/97

BETWEEN

Date of decision: 12.10.98

P. Maheswar, EDMC

.. Applicant

A N D

1. Union of India,
Secretary,
Department of Posts,
New Delhi.
2. The Director Postal Services,
O/O PMG Hyderabad Region,
Hyderabad - 500 001.
3. Superintendent of Post Offices,
Peddapalli Division,
Peddapalli - 505 172. .. Respondents

Counsel for the applicant : Ms. Padma

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

Coram:

Hon'ble Shri Justice D.H. Nasir, Vice Chairman

Hon'ble Shri H. Rajendra Prasad, Member (A)

OA 857/97

JUDGEMENT

Date:

(Per Hon'ble Mr. H. Rajendra Prasad, M(A))

The applicant, while functioning as an Extra Departmental Mail Carrier, appeared at a departmental examination for promotion to Postman held on 12-5-1996, and was declared to have duly qualified in it. His grievance is that despite having been so declared he has not been promoted as Postman. The applicant's representation dt. 1-3-1997 was disposed of on 12-6-97 by rejecting his promotion to the Postman cadre.

2. The applicant bases his claim mainly on the cases of Sarvashri Malla Reddy and Linga Reddy, ED candidates who were promoted by virtue of having passed a similar examination.

3. We directed the Superintendent of Post Offices, Peddapalli Division, to appear before this Tribunal with necessary record to provide the details of the applicant's case as well as those relating to Linga Reddy/Malla Reddy, as the counter-affidavit filed by the Respondents was found to be insufficient for the disposal of this case. The officer duly appeared and assisted the court.

4. It is explained by the Respondents that in accordance with the scheme, as it stood upto 1989, candidates qualifying at the relevant examination were absorbed upto the number of vacancies announced for a particular division, in order of merit as per their turn. Those who could not be so absorbed were declared as surplus - qualified and adjusted in vacancies in divisions other than own, where there was a shortfall of qualified candidates. In 1989, however, the provisions of the scheme were amended and the system of absorbing

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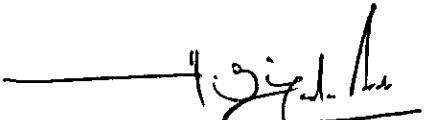
surplus candidates was given up altogether. Under the amended scheme, the applicant was not found to be meritorious enough among the qualified candidates to be absorbed on promotion within the vacancies announced in the Division, and could not be promoted since there was no waiting-list to be maintained any longer and he could not also be adjusted against any vacancies in other divisions as well, since that practice had been given up.

5. As regards Linga Reddy and Malla Reddy, it was explained that the former had qualified for promotion/ when the system of surplus qualified candidates was still in ^{force} ~~place~~, and was ultimately appointed only in 1990 after a long wait of nearly 8 years; similarly, Malla Reddy who had passed the examination in 1984 was appointed in 1998 as a surplus qualified candidate as the concept of surplus-qualified candidates was still in vogue in the year in which he qualified. In this connection it is importantly mentioned by the Senior Standing Counsel that from 1982 to 1994 no examinations were conducted at all due to administrative reasons. The only two candidates, Malla Reddy and Linga Reddy who had earlier been declared as surplus qualified were promoted as per the original rules as they existed upto 1989, in the very next available vacancies. It was elaborately explained that by the time the applicant qualified at the examination (1996), the concept of waiting-list, or the practice of adjusting surplus-qualified candidates in other divisions, had been given up. Hence, citing the cases of Malla Reddy and Linga Reddy are not relevant to the claims of the applicant himself. They were promoted as per the rules applicable to them. He could not be

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absorbed as per the rules which became applicable to him at the relevant time. It is added finally that none else has ever been promoted or absorbed as a surplus-candidate except the above two candidates.

6. In view of the adequate and satisfactory explanation rendered by the official Respondents, it is not found possible to grant any relief to the applicant as prayed for by him. The OA is therefore disallowed as lacking in merit. No costs.


(M. RAJENDRA PRASAD)

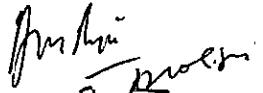
Member (A)

12 Oct 98

MD


(D.H. NASIR)

Vice-Chairman


Deputy Registrar

O.A. 857 & 858/97

To

1. The Secretary, Union of India,
Dept. of Posts, New Delhi.
2. The Director Postal Services,
O/o PMG, Hyderabad Region, Hyderabad-1.
3. The Superintendent of Post Offices,
Peddapalli Division, Peddapalli-172,
Karimnagar Dist.
4. One copy to Ms. Padma, Advocate, CAT.Hyd.
5. One copy to Mr. N.R.Devraj, Sr.CGSC, CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One spare copy

pvm

22/10/98

I COURT

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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

DATED: 12-10-1998.

ORDER/JUDGMENT

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

in

O.A.No. 857/97

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.

pvm.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ग्रंथ / DESPATCH

20 OCT 1998

हैदराबाद न्यायालय
HYDERABAD BENCH