

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA ~~STAY RA CP MA PT~~ ..... 130.6 ..... of 1997

..... *for the Munnar* ..... Applicant(s)

Versus

..... *The Chief P.M.G. Agency H. Lal u.s.* ..... Respondent(s)

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders		
Interim Orders	— 1-10-97.	25 to 27
Orders in MA (s)		
Orders in (Final Orders)	3-10-97	28 to 32

Certified that the file is complete  
in all respects.

*[Signature]*  
Signature of *21/10/97*  
Dealing Hand  
(In Record Section)

Signature of S.O.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD-500 004.

3161

SUB: O.A / ~~M.A~~ / S.R. No. OF 1997

( DIVISTON / SINGLE BENCH. )

THE Applicant desires to seek urgent Interim Orders.  
Be pleased to circulate to Court On 1-10-97 at 1030.  
or after recess to day for orders.

I undertake to remove office objections if any.  
Advance copy is served / ~~not served~~ on the Respondent's  
Counsel / ~~Applicant's Counsel~~ ✓

Dated : 30-9-97

Time : 1415

ADVOCATE for APPLICANTS/RESPONDENTS

( J. APPALA RAO )

( 1st. Court / 2 nd. Court. )

Per Court ... (Division Bench/ ~~Single Bench~~)

Circulate for orders in Court D on 1.10.97 at 10.30A  
~~today at 2.15 PM~~

Dated :

Time :

COURT OFFICER.

Slip presented  
in this Sec. at  
3.45 PM  
~~30/9/97~~  
30/9/97

Central Administrative Tribunal Hyderabad Bench; Hyderabad.

C.A. No. 1306 of 1997.

Mohd Mannan Applicant(s).

VERSUS

The Chief Post Master General, A.P. Circle,  
Hud & Hott (Respondents).

Date	Office Note.	ORDER
------	--------------	-------

1-10-97

List it on 3-10-97 for consideration of the interim orders. On that day the question of admission of this OA will also be considered.

2. If the services of the applicant as Group-C employee were not terminated in pursuance of the order dt.26-9-97 till today, it should not be terminated till 3-10-97. List it on 3-10-97 as a priority case under the heading admissions.

JW  
(HBSJP)  
M(J)

✓  
(HRRN)  
M(A)

CC today.

-10-97

OA Disposed of at the admission stage itself. order on separate sheets. No costs.

JW  
HBSJP  
M(J)

JW  
HRRN  
M(A)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: BENCH HYDERABAD.

ORIGINAL APPLICATION NO. 1306 OF 1997.

Mohd. Mansoor

(Applicants(sS))

VERSUS

Union of India, Repd., By.

Chief Post Master Genl,

AP, Hyderabad & others

Respondents(sS(S))

The Application has been Submitted to the Tribunal by Shri

Shri Y. Appalaraju

Advocate/~~Attorney~~

~~in person~~ Under Section 19 of the Administrative Tribunal Act. 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the administrative Tribunal(procedure) Rules 1987.

The application is in order and may be listed for Admission

No.

1.10.97

Scrutiny List

DEPUTY REGISTRAR(JUDL).

- ✓
10. Is the application accompanied IPO/DD, for Rs.50/- ✓
10. ✓
11. Have Legible copies of the annexure duly attested ✓  
been filed.
12. Has the applicant exhausted all available remedies. ✓
13. Has the Index of documents been filed and pagination done properly. ✓
14. Has the declaration as a required by item No. 7 of form, I been made. ✓
15. Have required number of envelopes (file six) bearing full addresses of the respondents been filed. ✓
16. (a) Whether the relief sought form arise out of single cause of action. ✓
- (b) Whether any interim relief is prayed for, ✓
17. In case an Ma for connonation of delay in filed, it supported b an affidavit of the a. llicant. —
18. Whether t is cause ben heard by a single bench. NO
19. Any other points. —
20. Result of the scrutiny with initial of the scrutiny clerk. May 2

  
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

Numbered

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Deiry No. 3161

Report in the Scrutiny of Application.

Presented by Y. A. R. Q. V. Date of presentation.

Applicant(s) Red Ranner

30.1.87

Respondent(s) CPN, A. P. H. D. A. O. S.

Nature of grivenace Termination

No. of Applicants 1 No. of Prespondents 5

CLASSIFICATION.

Subject Termination No. (24) Department Police (No. 11)

1. Is the application in the proper form, (three complete sets in paper books form in the two complitions). ✓
2. Whether name description and address of all the parties been furnished in the cause title. ✓
3. (a) Has the application been fully signed and varified. ✓  
(b) Has the copies been duly signed. ✓  
(c) Have sufficient number of copies of the application been filed. ✓
4. Whether all the necessary parties are impleaded. ✓
5. Whether English tranlation of documents in a Language, other than English or Hindi been filed. ✓
6. Is the application on time, (see section 21) ✓
7. Has the Vakalatnama/Memo of apperance/Auttorisation been filed. ✓
8. It the application maintainbilty. (U/S 2, 14, 18, or/U/R. 8 Etc.,) ✓
9. Is the application accompanied, duly attested legitable copy been filed. ✓

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BRANCH: HYDERABAD

INDEX SHEET

O.A. NO. 1306 of 1997.

CAUSE TITLE Md Mannan

V K S U S

In CPM, AQ, And & 4th

SL.NO.	Description of documents	Page no.
1.	Original Application	1 to 10
2.	Material Papers	11 to 21
3.	Vakalat	1
4.	Objection sheet	—
5.	Spere Copies 5 (five).	
6.	Covers 5. A	

Reg:- To Quash the notice of termination dt. 26.9.97 and declare that the selection of the applicant is on regular basis and according to relevant recruitment Rules.  
 IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 HYDERABAD BENCH AT HYDERABAD-500 004.  
 O.A., No. 1306 OF 1997.

Application filed under Section 19 of the Central Administrative Tribunals Act, 1985. (24) notice of termination

-0-

Bench

BETWEEN:

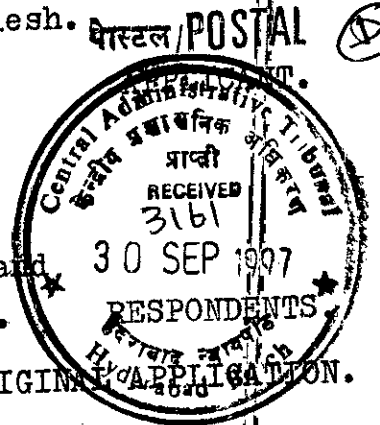
MOHD.MANNAN son of late Mohd.Suleman,  
 aged 49 years, R/O Mahabubnagar,  
 Occupation: Group.D, Industrial Estate TSO  
 Mahabubnagar and Dist.Andhra Pradesh.

Postal (11)

AND

1.Union of India:Repyb:

The Chief Postmaster-General,  
 Andhra Pradesh Circle,Hyderabad and  
 4 others.



INDEX TO MATERIAL PAPERS FILED WITH THE ORIGINAL APPLICATION.

Sl. No.	Brief particulars of documents filed with the Original Application	Marked as ANNEXURE.	Page numbers	
			From	To
	ORIGINAL APPLICATION	...	1	10
1.	Memo No.B1/Gr.D/Dlgs. dt. 26-9-1997 of Supdt.of P.Os,Mahabubnagar Divn.	I	..	11
2.	Seniority List of EDAs as on 1-7-91 of Mahabubnagar Divn.issued by SPOs Mahabubnagar Divn.(Extract)	II	12	14
3.	Memo No.B1/Gr.D/Dlgs. dt. 5-8-97 issued by the Supdt.of POs,Mahabubnagar	III	..	15
4.	Memo No.Group.D/EDA/97 dt. 7-8-1997 issued by Asst.Supdt.of P.Os, Mahabubnagar East Sub Divn.	IV	..	16
5.	Letter No.47-11/93-SPB.I.dt.25-8-93 issued D.G.Posts, New Delhi.(Extract)	V	17	18
6.	Letter No.47-11/93-SPB.I. dt.31-3-94 issued by the DG Posts, New Delhi.	VI	..	19
7.	Representation dt. 5-8-97 of the applicant addressed to Supdt.of P.Os, Mahabubnagar Divn.	VII	..	20
8.	Lr.No.AC/Acct.II/SB/97 dt. 30-8-97 of Head Postmaster, Mahabubnagar HO	VIII	..	21

Hyderabad-4,

Dated 29 Sep.1997.

Counsel for Applicant.

Lawyer  
 20/9/97  
 LMR



3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD-500 004.

O.A., No. 1306 OF 1997.

**BETWEEN:**

Mohd. Mannan son of late Mohd. Suleman,  
aged 49 years R/O Mahabubnagar,  
Occupation: Group.D, Industrial Estate TSO.,  
Mahabubnagar and Dist. Andhra Pradesh.

... APPLICANT.

A N D

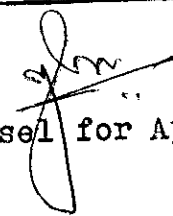
1. Union of India; Rep. By:  
The Chief Postmaster-General,  
Andhra Pradesh Circle and  
4 others.

... RESPONDENTS.

: CHRONOLOGY OF EVENTS :

Sl.No.	Date of	Authority	Brief particulars of the event.
1.	5-10-1947	Applicant	Date of birth of applicant as entered in the EDA's Seniority List of Mahabubnagar Divn.
2.	20-5-1969	do	Date of appointment of applicant as EDMC/Pkr. Devarkadra SO.
3.	Jul/Aug. 1997	Supdt. of POs Mahabubnagar	Occurrence of Group.D vacancy at Mahabubnagar HO and Industrial Estate TSO(MBN) owing to promotion of regular incumbents as Postmen.
4.	5-8-1997	Applicant	Representation sent by applicant to Supdt. of POs, Mahabubnagar.
5.	5-8-1997	Supdt. of POs, Mahabubnagar.	Adhoc appointment order issued appointing/alloting the applicant to Mahabubnagar East Sub Divn.
6.	7-8-1997	Asst. Supdt. of Mahabubnagar East Sub Divn.	Appointment order issued posting applicant as Group.D at Industrial Estate TSO(MBN)
7.	30-8-97	Postmaster Mahabubnagar HO	Letter calling for Nomination and family particulars.
8.	26-09-1997	Supdt. of P.Os, Mahabubnagar Divn.	Order proposing termination of appointment of applicant as Group.D issued.

Hyderabad-500 004,  
Dated 29<sup>th</sup> Sept. 1997.

  
Counsel for Applicant.

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD-500 004.

O.A., No. 1306 OF 1997.

Application filed under Section 19 of the Central Administrative  
Tribunals Act, 1985.

-0-

BETWEEN:

MOHD.MANNAN, son of late Mohd.Suleman,  
aged 49 years, R/O Mahabubnagar,  
Occupation: Group-D; Industrial Estate P.O.  
Mahabubnagar-509 001 and Dist.Andhra Pradesh.

...

APPLICANT.

A N D

- 1.Union of India:Rep.by:  
The Chief Postmaster-General,  
Andhra Pradesh Circle,Hyderabad-500 001,
- 2.The Postmaster-General,  
Hyderabad Region, Hyderabad.500 001,
- 3.The Superintendent of Postoffices,  
Mahabubnagar Division, Mahabubnagar.509 001,
- 4.The ☐ Assistant Superintendent of Postoffices,  
Mahabubnagar East Sub Divn., Mahabubnagar-509 001 and
- 5.The Head Postmaster, Mahabubnagar HO.509 001.

RESPONDENTS.

~~DETAILS~~ : DETAILS OF APPLICATION ::

1. PARTICULARS OF THE APPLICANT : The particulars of the Applicant are as mentioned in the cause-title above. The address of the Applicant for the purpose of service of summons, notices, processes etc. is as that of his counsel:

Y.APPALA RAJU,  
Advocate,  
House No.283, Indraprastha Township Phase.I.  
Vinaynagar, Saidabad:Hyderabad-500 059.A.P.

2. PARTICULARS OF THE RESPONDENTS : The particulars of the respondents and their addresses for the purpose of service of summons, notices, etc., are as that mentioned in the cause-title above.

3. ORDERS AGAINST WHICH THIS APPLICATION IS MADE :

- |                               |   |
|-------------------------------|---|
| (a) Order Number and<br>Date. | : Memo.No. BI/Gr.-D/Dlgs.<br>dated 26-09-1997.(ANNEXURE I<br>Page. 11 )     |
| (b) Issued by                 | : The Superintendent of Postoffices<br>Mahabubnagar Divn. <u>rd.Respdt.</u> |

No.of corrections: NIL

Attestor : B.S.

APPLICANT.

(c) Subject matter in brief:

Threatened irregular termination of selection to the post of Group.D against rules of recruitment and selection prescribed.

: The Applicant whose date of birth is 05-10-1947 has been regularly appointed as EDMC/Packer, Devarakadra SO on 20-05-1969 and has been continuously working as such without break till 07-08-1997 on which date he was selected and appointed as Group-D official in the scale of pay of Rs. 750/940 on adhoc basis as per his seniority in the Extra Deptl. Post held by him and other eligibility conditions prescribed. He joined in the new post on 8-8-1997 and is continuing to hold the said post till date. He has been selected and appointed against a regular and vacant post. His selection and appointment as Group-D is proposed to be terminated by the 3 rd. respondent herein vide his orders dated 26-9-97 (impugned order) without any reason which is illegal, arbitrary and against Recruitment/selection to Group.D posts.

4. JURISDICTION OF THE TRIBUNAL: The Applicant declares that the subject matter of the order against which he seeks redressal is within the jurisdiction of this Tribunal under the provisions of Section 14(1) of the Central Administrative Tribunals Act, 1985.
5. LIMITATION : The Applicant also further declares that the application made herein is within the period of limitation prescribed in Section 21(1) of the Central Administrative Tribunals Act, 1985 in as much as he is seeking redressal in the case aggrieved by the impugned orders dated 26-9-1997 issued by the 3 rd. respondent threatening termination of his selection and appointment to the post of Group-D in the scale of pay of Rs.750/940.
6. FACTS OF THE CASE : The Applicant whose date of birth is 05-10-1947 has been regularly appointed as EDMC/Packer ,

No. of corrections: one

Attestor

:                     

DEPONENT.

at Devarkadra SO on 20-05-1969 and he held the said post on regular and continuous basis till 07-08-1997 .

(ANNEXURE. II Page 12 to 14 ).

6.2. Being the seniormost eligible Extra Departmental Agent (EDA for short) in Mahabubnagar Division, he was selected to the Grade of Group-D in the scale of pay of Rs.750/940 and appointed on adhoc basis as Group-D., Industrial Estate PO Mahabubnagar vide Memo No.B1/Gr.D/Dlgs.dated 5-8-97 of the 3 rd. respondent (ANNEXURE. III Page 15 ). In pursuance of the orders issued by the 4 th.Respondent herein vide his Memo No.Group.D/EDA/97 dated 7-8-1997 (ANNEXURE. IV Page 16 ) the applicant joined as Group-D., Industrial Estate SO (MBN) on 08-08-1997.

6.3. As per the revised recruitment rules which came into effect from 1-1-1991 , selection from EDAs to Group-D will be on the basis of seniority subject to satisfactory service. The seniority list will be a combined one for all EDAs posts. Group-D vacancies occuring in a ☐ calander year should be calculated in January each year and the select list will be drawn up strictly in order of seniority (subject to satisfactory service) and the EDAs put on the select list should be allotted immediately to the Sub Division/Recruiting Unit agreeably with the number of Group-D vacancies calculated for that sub division/Recruiting unit. EDAs who are above the age of 50 years (55 years in the case of ST/SC communities) will not be eligible for appointment as Group.D. The crucial date of determinign age will be 1 st.July of the year in which the recruitment is made.

6.4. It has also been prescribed by the Directorate,Dept. of Posts, New Delhi that the DPCs for promotion of ED Agents to Group-D should be held as per the prescribed schedule, particularly keeping in view of those cases where some of the

No.of corrections: 2

Attestor

: Ans

x H.d. [Signature]  
DEPONENT.

ED Agents due for promotion are nearing the age of 50 years as prescribed in the Recruitment rules. vide DG Posts letter No.47-11/ 93-SPB.I. dated 25-8-93 -ANNEXURE V Page 17 to 18 The process of selection was stipulated to be completed by March of each year by a Departmental promotion Committee to be constituted for the purpose as per DG Posts lr.No.47-11/93-SPB.I dated 31-3-1994. ANNEXURE VI Page. 19 ).

6.5. Two clear Group-D vacancies had arisen in July/Aug.1997 on promotion of S/Sri. Balappa, Group-D, Kodangal SO and M.Sevia , Group-D , Industrial Estate (Mahabubnagar) TSO to the cadre of postmen on regular basis. The said two officials who have come out successful in the Postman's Examination have been regularly appointed as Postmen at Gadwal and Mahabubnagar HOs respectively during July/Aug.1997. Thus, two clear vacancies have arisen which were required to be filled by senior most EDAs of Mahabubnagar Division who fulfilled age and satisfactory service condition.

6.6. Two more Group-D vacancies have also arisen subsequently consequent on promotion of Srimathi.Rukmanamma, Group-D, office of the Supdt.of Postoffices, Mahabubnagar Divn and Sri.V.Shakru Group-D, office of the Supdt.of Postoffices, Mahabubnagar Divn. to the cadre of Postal Assistants during the month of Sept.1997. These two Group.D vacancies were also to be filled by the senior most eligible EDA of Mahabubnagar Division. Thus there were four clear Group.D vacancies in Mahabubnagar Division, which have fallen vacant during 1997.

6.7. As per the prescribed recruitment rules for Group-D posts as stated in para 6.3. and 6.4 above, the 3 rd. respondent herein should have constituted a DPC and completed the process of selection as per recruitment rules prescribed in respect of all Group-D vacancies both existing and anticipated by March and allotted the selected candidates to the respective recruiting units/subdivisions concerned.

*M. D. [Signature]*  
DEPONENT.

No.of corrections: nil  
Attestor : [Signature]

The specific directions of the Director-General, Posts vide his letter No.47-11/93-SPB.I dated 25-8-1993 (Annexure V page 17 & 18) to hold the DPCs as per the prescribed schedule keeping in view of those cases where some of the ED Agents due for promotion would be nearing the age of 50 years etc. have been blatantly violated and no such select lists were drawn by the 3 rd.respondent and allotment of selected candidates was made in advance by March itself as prescribed.

6.8. As the 3 rd.respondent did not take any steps to fill up the Group-D vacancies that had arisen till July, 1997 as prescribed under the relevant recruitment rules, the applicant submitted his representation dated 5-8-97 addressed to the 3 rd.respondent (ANNEXURE. VII Page 20) praying for his selection and posting as Group-D against one of the clear vacancies that had arisen by then and in that representation, the applicant had also brought to the notice of the 3 rd.respondent that he would be completing 50 years of age by 5-10-1997 and would thus become ineligible for promotion to Group-D post.

6.9. The 3 rd. respondent there upon selected and appointed the applicant along with another senior EDA and allotted him to Mahabubnagar East Sub Division ( independent recruiting unit) vide his Memo. dated 5-8-1997 (Annexure VI Page 15). In pursuance of these orders, the 4 th.respondent in turn appointed and posted the applicant as Group-D at Industrial Estate TSO (MBN) vide his Memo. dated 7-8-97 (Annexure IV Page 18). The 5 th.respondent i.e., the Head Postmaster, Mahabubnagar who is entrusted with the duties of maintenance of service record of the applicant after his appointment as Group-D had in his letter No.AC/Acct.II/SB/97 dated 30-8-1997 (Annexure V page 21) directed the applicant to furnish nomination particulars together with family particulars. The same were duly furnished to the 5 th.respondent by the applicant.

6.10. The Applicant humbly submits that he has been

*H. S. Mahabubnagar*  
DEPONENT.

No.of corrections: *one*

Attestor

: *[Signature]*

duly selected to the post of Group-D by virtue of his seniority and satisfactory service as prescribed in the prescribed rules of recruitment and against a clear vacancy. If there was any delay in holding the DPC it was due to the fault of the 3 rd. respondent and not due to any lapse on the part of applicant. For the reasons stated above his selection and posting as Group-D, Industrial Estate TSO (MBN) has to be treated as one made on regular basis by a duly constituted DPC.

6.11. The 3 rd. respondent instead of ratifying the said overdue selection even at this late juncture had irregularly proposed to terminate the selection and promotion of the applicant to the Group-D cadre without assigning any reasons therefor and without notice to the applicant which is illegal, arbitrary and against the rules of recruitment prescribed for the posts of Group-D.

7. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

The Applicant most humbly submits that the impugned orders dated 26-9-1997 of the 3 rd. respondent herein ordering termination of selection and appointment of the applicant as Group-D be declared as null and void and set aside on the following grounds besides other relevant grounds.

The applicant was regularly appointed as EDMS/Packer, Devarkadra SO from 20-5-1969 and by virtue of length of service and being below 50 years of age as on 1 st. July, 1997 was fully eligible to be appointed as Group-D against the clear vacancies that had arisen in July/Aug. 1997 in as much as he had all through his service rendered a satisfactory service as EDA. He was the senior most eligible EDA for being selected to the post of Group-D as per extant rules of recruitment at the posts of Group-D.

7.2. Though the DG Posts, New Delhi had clearly and categorically stipulated in his orders dated 25-8-93-Annexure page 17 & 18 that DPCs for promotion of EDAs to Group-D should

*M. J. A.*  
DEPONENT.

No. of corrections: one  
Attestor : *B. B.*

be held as per the prescribed schedule particularly keeping in view of those cases where some of the EDAs due for promotion are nearing the age of 50 years, the 3 rd. respondent for reasons best known failed to constitute the DPC in time and to make selections within the stipulated time. The crucial date for determining the age (i.e., 50 years) as per the recruitment rules is 1 st. July every year. The applicant was within the prescribed age of 50 years as on 1-7-1997 and hence should have been regularly selected and appointed against the regular vacancies that had arisen in July/Aug. 1997 as aforesaid.

7.3. In view of the facts and circumstances stated above the selection and appointment of the applicant against the clear vacancy occurred in July/Aug. 97 should be got ratified by the 3 rd. respondent by constituting the DPC which he failed to do earlier as per the rules prescribed.

7.4. The applicant humbly submits that he had fulfilled all the requisite conditions as prescribed for recruitment and selection as Group-D both as per length of service, fulfilment of age condition of 50 years age as on 1 st. July, 97 and by the fact of rendering fully satisfactory service throughout his 28 long years of ED service. Thus, the orders of the 3 rd. respondent dated 26-9-1997 proposing to terminate his appointment as Group-D is illegal, arbitrary and against the principles of natural justice and hence unsustainable.

7.5. In the circumstances stated above, the applicant respectfully prays that his Hon'ble Tribunal may be pleased to call for the records of recruitment to the cadre of Group-D from the 3 rd. respondent and to declare the proposed termination of appointment /selection of the applicant as Group-D Industrial Estate TSO(MBN) contained in the impugned order dated 26-9-97 as null and void and to set aside the same as illegal, arbitrary and contrary to the extant rules of recruitment to Group-D cadre.

*H. D. [Signature]*  
DEPONENT.

No. of corrections: *nil*

Attestor : *[Signature]*



8. DETAILS OF REMEDIES EXHAUSTED: The Applicant declares that in view of threatened immediate termination of his adhoc appointment without notice and without assigning any reasons therefor and also considering the fact that he will cross the maximum age limit of 50 years for being eligible for the post by 5-10-1997, he has no other immediate effective and alternate remedy available to him except approaching this Hon'ble Tribunal by way of filing this Original Application seeking immediate redressal in as much as he will become permanently ineligible for selection to the promotional post of Group-D by becoming over-aged for the post.

9. RELIEFS SOUGHT: MAIN: The applicant humbly prays that in view of the valid relevant facts and circumstances stated in paras 6 and 7 above, this Hon'ble Tribunal may be pleased to grant the following reliefs:

- (a) To call for the records of recruitment to the posts of Group-D for filling the existing and anticipated vacancies during 1997 more particularly those that have arisen owing to selection of S/Sri.Balappa, Group.D, Kodangal SO and M.Sevia, Group-D, Industrial Estate TSO(MBN), both promoted as Postmen and V.Shakru and Smt.Rukmanamma both Group-D promoted as Postal Assistants on regular basis.
- (b) To declare the selection of applicant as Group-D Industrial Estate TSO(MBN) as one made on regular basis and according to relevant recruitment rules as the applicant had fulfilled all the prescribed conditions adequately and fully <sup>duly complied with the notice of termination dt 26-9-97</sup> ~~and~~ <sup>and</sup> other order or orders or directions which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and in the interests of justice.
- (c) To award cost of this application or such other relief as deemed fit and proper by this Hon'ble Tribunal.

No.of corrections: Nil

Attestor

:                     

                      
DEPONENT.

10. INTERIM RELIEF: The Applicant further humbly prays that this Hon'ble Tribunal may be pleased to direct the respondents 1 to 4 herein to continue the applicant as Group-D, Industrial Estate TSO(MBN) on adhoc basis as per the orders dated 5-8-97 of the 3 rd.respondent pending final outcome of this Original Application filed or to pass such other order or orders or directions as deemed fit and proper in the circumstances of the case and to meet the ends of justice.

11. MATTERS NOT PREVIOUSLY FILED OR PENDING: The Applicant further submits and declares that he had not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this application has been made before any court or any other authority or any other bench of the Tribunal, nor any such application, Writ petition or suit is pending before any court.

12. DETAILS OF INDEX:

AN Index showing the details of Material Papers filed and to be relied upon along with a Chronology of Events is enclosed to this Original Application.

13. PARTICULARS OF BANK DRAFT/INDIAN POSTAL ORDER FILED :

The following are the particulars of the Indian Postal Order filed.

(a) Indian Postal Order No.	:	8 10 437819
(b) Date of issue	:	29-08-1997
(c) Office of issue	:	Saidabad Colony SO Hyd.59.
(d) Value	:	Rs.50/- (Rupees fifty only)
(e) Whether crossed	:	Yes A/C Payee.
(f) Drawn in favour of	:	The Registrar, The Central Administrative Tribunal, Hyderabad Bench at Hyderabad.500 004.

No.of corrections: Nil

Attestor

:

Rs. 50/- A  
P.O. No. 810437819  
M.D. 29-08-1997

DEPONENT.

14. LIST OF ENCLOSURES:

The following documents are enclosed to this O.A.

- |                                 |                             |
|---------------------------------|-----------------------------|
| (a) Vakalatnama duly executed.  | (d) Chronology of events.   |
| (b) Indian Postal Order         | (e) File pad.               |
| (c) Material Papers with Index. | (f) Addressed envelopes (5) |

: V E R I F I C A T I O N :

I, Mohd.Mannan son of late Mohd. Suleman, aged 49 years R/O Mahabubnagar, Occupation : Group.D, Industrial Estate TSO (Mahabubnagar), Mahabubnagar Dist., Andhra Pradesh, the Applicant having temporarily come down to Hyderabad, do hereby verify the contents of the above Application as contained in paras 1 to 6 as true to my own knowledge and paras 7 to 14 are believed to be true on legal advice and that I have not suppressed any material facts and that the same are

v e r i f i e d

on

this 29<sup>th</sup> day of September, nineteen hundred and ninety seven  
at Hyderabad.A.P.

*Mohd. Mannan*  
(MOHD:MANNAN . )  
APPLICANT.

*Y. Appala Raju*  
(Y.APPALA RAJU.)

Counsel for Applicant

Dated at Hyderabad.500 004,  
the 29<sup>th</sup> Day of Sep.1997.

To

The Registrar,

The Central Administrative Tribunal,

Hyderabad Bench at Hyderabad.500 004.

ANNEXURE I

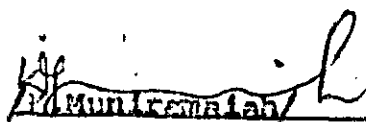
11

Department of Post : India  
O/O the Supdt. of Post offices, Mahbubnagar Divn. 509 001

Memo. No. B1/Gr-D/Digs. dtd. at MBN the 26.9.97.

The orders issued in this office Memo. of even No. dtd. 5.8.97 for adhoc appointment of the following ED officials to the cadre of Gr-D are terminated with immediate effect:

1. Mohd. Moinkhan, EDMC, Markal SO a/w Nawabpet SO
2. Md. Mannan, EDMC/PKR, Deverkadra SO

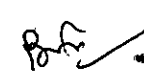
  
M. Munir Khan  
Supdt. of Post offices  
Mahbubnagar Divn.

Copy to:-

1. The Postmaster, Mahbubnagar HO. He should terminate the arrangement immediately and report compliance. He should keep LR Gr-D post vacant and also depute LR Group-D to Ind. Estate TSO until further orders.
2. The ASP, MBN East Sub-Dn. He should take immediate action for terminating the arrangement at Sl. No. 2 immediately and report compliance.
3. Officials
4. The SPM, Ind. Estate TSO
5. The SPM, Nawabpet SO/Deverkadra SO
6. Office copy
7. Spare

  
Supdt. of Post offices  
Mahbubnagar Divn.

// P.W.C. copy - Attached

  
Advocate

Annexure II

12

QUALITY OF

MAHENDRANAGAR 503001

MAHENDRANAGAR 503001

\*\*\*\*\*

(As on 12-7-1991)

MOHD. HUSSAIN/  
SUPTD. OF POST OFFICES  
MAHENDRANAGAR DIV.

Sl.No.	Name of the person.	Designation.	Office where working.	Date of birth.	Date of continuous service.	Comm. nity.	Remarks
1.	2.	3.	4.	5.	6.	7.	8.
1.	K.M.Chandrappa	BPM	Hakeempet BO/w Husnabad SO	1.5.1932	1.7.1947	OC	
2.	Malkappa	EDMC-II	Doulatabad BO/Ravulapally SO	5.11.1938	14.2.1948	OC	
3.	G.Veeraiiah	BPM	Sarjakanpet BO/Kosgi SO	1.7.1931	7.6.1949	OC	
4.	Abdul Jaleel	BPM	Garlapahad BO/Koilkonda SO	25.3.1936	2.2.1950	OC	
5.	T.Narsappa	BPM	Sijwar BO/Huladkal SO	5.4.1929	1.10.1953	OC	
6.	Khajim Hussain	EDMC	Lohangapur BO/Narayanpet SO	5.7.1934	15.1.1954	OC	
7.	Hannanthu	BPM	Karni BO/Makthal SO	25.6.1941	17.2.1955	OC	
8.	Sahab Hussain	EDMC	Chowdapur BO/Hawabpet SO	10.7.1930	26.2.1955	OC	
9.	P.Laxman	BPM	Linganwai BO/Undavally SO	13.10.1936	26.2.1955	OC	
10.	Mohd. Zameeruddin	EDMC	Ippatur BO/Hawabpet SO	15.10.1935	7.6.1955	OC	
11.	Ashanna	EDMC	Chandrajally BO/Koilkonda SO	10.7.1936	1.8.1955	OC	
12.	Thimanna	EDMC	Itikyal BO/Menavapad SO	13.5.1933	31.3.1956	OC	
13.	V.Lakshmaiah	BPM	Karkonda BO/Hawabpet SO	10.2.1930	19.7.1956	OC	
14.	Mohd. Osman	EDMC	Kosgi SO	10.6.1932	14.9.1956	OC	
15.	Y.Baleiah	BPM	Muchintala BO/Koukuntla SO	23.7.1938	27.10.1956	OC	
16.	Mohd. Ibrahim	BPM	Sukkapur BO/A lampur SO	10.7.1931	22.11.1956	OC	
17.	Shaikali	EDMC	Kudrimala BO/Husnabad SO	1.2.1933	8.2.1957	OC	
18.	Narsappa	EDDA	Krishna SO	1.4.1932	1.5.1957	OC	
19.	Hannanthareddy	BPM	Pathanogera BO/Bhutpur SO	19.10.1935	13.8.1957	OC	
20.	Shaik Dawood	EDMC/pkr.	Koilkonda SO	1.5.1938	1.10.1957	OC	
21.	M.Narayana	BPM	Koileagar BO/Daverkadra SO	15.6.1936	13.11.1957	OC	
22.	A.Ananthaiah	EDDA	Kulakcherla SO	11.6.1933	16.11.1957	OC	
23.	Gopalakrishnaiah	BPM	Kelwal BO/Makthal SO	13.9.1936	12.12.1957	OC	
		EDMC	Ammapur BO/Hawabpet SO	6.4.1933	20.12.1957	OC	

# Annexure 'u' (Contd.)

1.	2.	3.	4.	5.	6.	7.	8.
151. G. Krishnaswamy	BPM	Konkal DO a/w Rajoli SO		15.10.1938	22.12.1967	OC	
152. Vithal Rao	BPM	Togepur DO/Aosgi SO		16.1.1933	17.1.1968	OC	
153. S. Basappa	BPM	Sapanpally DO/Damaragada SO		15.9.1942	23.1.1968	OC	
154. G. Venkataramulu	EDMC	Peddutandrapad DO/Rajoli SO		20.6.1947	1.2.1968	OC	
155. M. Bal Reddy	BPM	Salkarpet DO/Monammadabad SO		12.12.1941	22.2.1968	OC	
156. P. Satyanarayana Reddy	BPM	Undial DO/Merchinta SO		5.6.1942	23.4.1968	OC	
157. Mohd. Moulana	BPM	Gundmal DO/Kosgi SO		6.2.1935	24.4.1968	OC	
158. Ramulu	BPM	Lingampalli DO/Uthur SO		1.9.1944	31.5.1968	OC	
159. K. Nageswara Rao	BPM	Kalakuntla DO/Manavapad SO		1.7.1935	1.9.1968	OC	
160. A. Dattar	EDMC-II	Manavapad SO		5.2.1946	11.9.1968	OC	
161. Yelleppa	EDMC	Sijwar DO/Dhanwada SO		1.7.1928	11.1.1969	OC	
162. Achanna	EDMC	Undavally SO		15.5.1946	7.2.1969	OC	
163. Raghavendra Rao	BPM	Bhutpur DO/Jaklair SO		1.7.1941	18.2.1969	OC	
164. Mahabub Ali	EDMC	Bhutpur DO/Jaklair SO		18.2.1935	18.2.1969	OC	
165. Md. Manna	EDMC/pkr.	Deverkadra SO		5.10.1947	20.5.1969	OC	
166. T. Hanmanthareddy	BPM	Chintalakunta DO/Macherla SO		1.5.1950	19.6.1969	OC	
167. M. Raghupathireddy	BPM	Mastipur DO/Merchinta SO		15.3.1947	7.10.1969	OC	
168. Md. Nayeemuddin	BPM	Sandameedipally DO/MBHO		20.6.1943	5.2.1970	OC	
169. Ramulu	BPM	Budharam DO/Hunwada SO		4.11.1937	12.2.1970	OC	
170. Khajan Goud	EDMC	Kistapur DO/Deverkadra SO		1.6.1947	10.12.1970	OC	
171. J. P. Muneendranath	EDMC	Dharur DO/Gadwal SO		5.7.1945	17.8.1970	OC	
172. Khaja Moinuddin	EDMC/pkr.	Musapet SO		13.6.1940	1.10.1970	OC	
173. M. Krishnalah	BPM	Pallepeda DO/Manavapad SO		17.6.1948	6.12.1970	OC	
174. V. Veeraswamy Naidu	EDMC	Undavally SO		1.8.1952	1.1.1971	OC	
175. S. Venkatasarma	BPM	Markal DO/Nawabpet SO		4.6.1945	4.1.1971	OC	

ANNEXURE III

15

18

Department of Post : India  
% the Supdt. of Post Offices, Mahabubnagar Divn, -509 001.

Memo No. B1/Gr.D/Dlgs dtd. at Mahabubnagar the 5.3.1997.

The following ED officials are selected to the cadre of Gr. 'D' purely on adhoc basis and allotted to the units noted against their names.

S/S	Name of the unit allotted
1. Mohd. Moinkhan EDMC Markal a/w Nawabpet SO	Mahabubnagar H.O.
2. Md. Mannan, EDMC/Pkr Deverakadra S.O.	Mahabubnagar (East) Sub-Division.

A copy of this memo is issued to:-

1. The officials.
2. The Postmaster MB NO. He will please issue posting orders to the ED officials at Sl.No. 1 above under intimation to this office.
3. The ASP/MDN (East) Sub-Divn. While issuing posting orders to the ED official at Sl.No. 2 above, the ASP should clearly specify that the appointment is subject to the outcome of enquiries in r/o Sri B. Balaiah, EDMC Maramungala BU a/w Undavally S.O. who is senior most in the Division.
4. The PFs of the officials.
5. O/C.
6. Spare.

*K. Muniramaiah*  
Supdt. of Post Offices,  
Mahabubnagar Divn, -509 001.

1/ TAVE 0877 *[Signature]*

*[Signature]*  
Advocate

RECORDED  
10-508



## DEPARTMENT OF POSTS, INDIA

OFFICE OF THE

Asst. Supdt. of Post Offices

Mahabubnagar East Sub-Division

MAHABUBNAGAR-589001 A.P.

Memo. No: Group-D/ED/97 MBN(E) Dt: 07-8-1997

In pursuance of orders contained in SPos Mahabubnagar memo. No. B1/GrD/Dlgs dtd 05-8-1997 the following EDAs of Mahabubnagar East Sub-Divn are permitted to join as Group-D in respective units to which they are allotted ~~on~~ purely on ad hoc basis.

Sd/- Shri

Name of the unit to which allotted

① Mohd. Maimkham EDC  
Markal Bas a/w Nawabpet SO

Mahabubnagar HO

② Md. Maimmam, EDC/PK  
Devorkadra SO

Mahabubnagar East Sub-Divn

2. While getting themselves relieved from the charge of EDA they may arrange <sup>suitable</sup> ~~their own~~ substitute on their own responsibility to work in their place. However they should note that their substitute arrangement can be terminated at any time without assigning any reason.

3. The EDA at Sl. No ② above should note that his appointment as Group-D is subject to outcome of enquiries in R/o Shri P. Balasah EDC Markamunagala Bas a/w Lindavally SO, who is senior most in the Divn.

A copy of this memo is issued.

1. The Officer

3. The Postmaster Mahabubnagar HO 58901

4. The Supdt. of Pos Mahabubnagar 58901

5. & P of the Officials

"TARE 005-ATK"

for  
Advocate.

(NARAYANA REDDY)

Asst. Supdt. of Post Offices  
Mahabubnagar East Sub-Division  
MAHABUBNAGAR-589001 A.P.

Annexure V (Contd)

20 18  
121

## PROMOTION PROSPECTS

where some of the ED Agents due for promotion are nearing the age of 50 years as prescribed in the Recruitment Rules.

[ D.G., Posts, Letter No. 47-11/93-SPB-I, dated the 25th August, 1993. ]

**Authority to consider appointment of ED Agents to Group 'D'.—**  
For appointment of ED Agents as Group 'D' as per the revised procedure, necessary action to hold DPCs may be initiated in the beginning of the year itself and the process of selection completed by March. The following shall be the composition of DPC for this purpose:—

- (i) Divisional Head/Group 'A' Postmaster as Chairman
- (ii) Another Group 'A' or Group 'B' Postal/RMS Officer at the station or in a Region as a Member
- (iii) A Group 'B' Officer from Telecom. Department at the station or in the Region as a Member

The composition of DPC in PTCs shall be as follows:—

- (i) Vice-Principal as ... ... Chairman
- (ii) Administration Officer as ... ... Member
- (iii) A Group 'B' Officer of Department of Telecom. at the station/District as a ... Member

[ D.G., Posts, Letter No. 47-11/93-SPB-I, dated the 31st March, 1994. ]

## 2. Postman's Examination

2.1 In order to be eligible to take the examination for recruitment to Postman's cadre, an EDA should have completed a minimum of 5 years of satisfactory service as on the 1st January of the year in which the examination is held.

2.2 The standard of the examination will continue to be the same as it is now.

2.3 The present position of there being no age-limit for Group 'D' staff for taking Postman's examination will remain unchanged.

2.4 For EDAs, the age-limit will be 50 years with five years relaxation for SC/ST candidates as on 1st July of the year in which the examination is held.

2.5 There will be no limit for the number of chances allowed to a Group 'D' official or EDA for sitting for the Postman's examination, provided he/she is within the age-limit as prescribed above.

2.6 An examination fee of Rs. 5 will be charged from all the applicants whether they are from Group 'D' or EDAs.

H. T. C. - Attached

B. B.  
Advocate

Some of the Circles have sought clarification on the number of candidates to be permitted to take the examination for the vacancies to be filled on the basis of merit.

It is hereby clarified that there is no restriction on number of ED Agents to be permitted to take the examination under 25% merit quota for outsider vacancies. In other words, all eligible ED Agents may be allowed under this quota for appearing in the examination. As far as seniority quota, on the basis of length of service, is concerned, the position will remain unchanged.

[ D.G., Posts, Letter No. 44-2/21-SPB- I, dated the 3rd April, 1991. ]

**(10) Removal of test for absorption of EDAs in Group 'D' cadre and raising of upper age-limit to appear in the Postmen examination.**—A proposal on the above subject has been under consideration for quite some time and the matter was also discussed in the Departmental Council recently. The following orders are issued:—

#### 1. Group 'D' Examination

1.1 The literacy test prescribed for EDAs for selection to Group 'D' posts is hereby abolished. Selection from EDAs to Group 'D' will be on the basis of seniority subject to satisfactory service. The seniority list will be a combined one for all EDAs posts. The Selection Committee shall consist of the Head of the Division and a Gazetted Officer of the Department of Posts or any other Central Government Department at the station. Group 'D' vacancies occurring in a calendar year should be calculated in January each year and the select list will be drawn up strictly in order of seniority (subject to satisfactory service) and the EDAs put on the select panel should be allotted immediately to the Sub-Division/ Recruiting Unit agreeably with the number of Group 'D' vacancies calculated for that Sub-Division/ Recruiting Unit. If a vigilance or disciplinary case occurs against an EDA before he/she is actually appointed, his/her appointment will not be made and matter will be reviewed after conclusion of Vigilance case/disciplinary proceedings. This recruitment procedure will be effective for vacancies occurring on or after 1-1-1991.

1.2. EDAs who are above the age of 50 years (55 years in the case of SC/ST communities) will not be eligible for appointment as Group 'D'. The crucial date of determining age will be 1st July of the year in which the recruitment is made.

**Departmental Promotion Committee for promotion of ED Agents to Group 'D'.**—It has been reported to the Directorate that in number of Circles, the Departmental Promotion Committee for ED Agents to Group 'D' is not being held in time. As the maximum age prescribed for promotion of ED Agents to Group 'D' is 50 years, some of the ED Agents lost their chance to get promoted as Group 'D'. It is, therefore, requested that the DPCs for promotion of ED Agents to Group 'D' should be held as per the prescribed schedule, particularly keeping in view those cases

25%

Amnagwe. VI

22

19

## PROMOTION PROSPECTS

121

where some of the ED Agents due for promotion are nearing the age of 50 years as prescribed in the Recruitment Rules.

[ D.G., Posts, Letter No. 47-11/93-SPB-I, dated the 25th August, 1993. ]

**Authority to consider appointment of ED Agents to Group 'D'.—**  
For appointment of ED Agents as Group 'D' as per the revised procedure, necessary action to hold DPCs may be initiated in the beginning of the year itself and the process of selection completed by March. The following shall be the composition of DPC for this purpose:—

- (i) Divisional Head/Group 'A' Postmaster as Chairman
- (ii) Another Group 'A' or Group 'B' Postal/RMS Officer at the station or in a Region as a Member
- (iii) A Group 'B' Officer from Telecom. Department at the station or in the Region as a Member

The composition of DPC in PTCs shall be as follows:—

- (i) Vice-Principal as ... ... Chairman
- (ii) Administration Officer as ... ... Member
- (iii) A Group 'B' Officer of Department of Telecom. at the station/District as a ... Member

[ D.G., Posts, Letter No. 47-11/93-SPB-I, dated the 31st March, 1994. ]

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2.5 There will be no limit for the number of chances allowed to a Group 'D' official or EDA for sitting for the Postman's examination, provided he/she is within the age-limit as prescribed above.

2.6 An examination fee of Rs. 5 will be charged from all the applicants whether they are from Group 'D' or EDAs.

Amnagwe

ANNEXURE - VII

20 23

Deverkadra.

Dated: 5.8.1997.

From:

MD. Hannan,  
S.D. Packer,  
Deverkadra. S.O.,  
-----

To,

The Superintendent of  
Post Offices,

Mahabubnagar-509001.

( THROUGH THE S.P.M. DEVERKADRA )

Sub:- Appointment of class IV on Adhoc basis -  
Requested - Regarding.

..XX..

Respected Sir,

I submit the following few lines for your  
kind consideration and favourable orders.

I understand that Sri. M. Sevia (Class IV Industrial  
Estate) and Sri. Balappa (Class IV Kodangal) have passed the  
examination of postman and they are being posted as postman  
in the vacant posts shortly.

I entered into the postal Department on 20-5-1967  
in the cadre of ED and I am having more than 28 years of service  
in the department. But I could not get promotion in the cadre  
of class IV till date for want of vacancies.

As I am crossing the age of 50 years on 5.10.1997,  
I request your kind self to consider my case and kindly provide  
me to work as class IV (considering my length of service in the  
department) in the vacant post of class IV at Industrial Estate  
P.O. (MNR) . I submit that I am willing to work as class IV  
even on adhoc basis till finalisation of regular appointment.

Therefore, I declare that I am ready to revert  
(at any time) from the provisional appointment of class IV to my  
original cadre of ED in case any ED official who is senior to  
me claims for the post of class IV either on adhoc basis or on  
regular basis.

Thanking you sir,

Yours faithfully,

Copy submitted to:-

The As Post. MNR. East Sub-Division  
Mahabubnagar - " TRUE COPY - Attached "

(MD. HANNAN)  
ED. PACKER,  
Deverkadra.

Bud  
S. V. K. R.

ANNEXURE - VIII

21

कोर - 7/ Cor-7

भारतीय डाक विभाग / DEPARTMENT OF POSTS, INDIA

कार्यालय / Office of the

POST MASTER  
MAHBUBNAGAR, H. O.

श्री: Md. Mannan c/iv

Ind. Estate Tso

Ac/Mr/H/II/53/97 dated MON the 30.8.97.

Subj: - Furnishing of nomination for Gs and  
List of family members

The form for furnishing nomination  
of Gs and form-3 for furnishing list of  
family members are enclosed herewith. please  
fillup the forms at the appropriate columns and  
resubmit the same to this office duly signed

DA

-/Signature

POST MASTER  
MAHBUBNAGAR, H. O.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD WING: YDAR.8.3

S.A.No.1266/97

Between:

Dt. of Order: 1.10.97.

Mohd. Mahan

...Applicant.

and

1. The Chief Postmaster General, A.P. Circle, Hyderabad.
2. The Postmaster General, Hyderabad Region, Hyderabad.
3. The Superintendent of Post Offices, Mahabubnagar Division, Mahabubnagar.
4. The Post-Superintendent of Post Offices, Mahabubnagar District ~~xxxxxxx~~ Sub Division, Mahabubnagar.
5. The Head Postmaster, Mahabubnagar.

...Respondents.

Counsel for the Applicant : Mr. Y. Appala Raju

Counsel for the Respondents : Mr. V. Rajaswara Rao

Order:

THE HON'BLE JARI R. RAMS. RAMAN : MEMBER (A)

THE HON'BLE JARI C. S. SAI PARNESWAR : MEMBER (B)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

List it on 3.10.97 for consideration of the interim order. On that day the question of admission of this OA will also be considered.

2. If the services of the applicant as Group-D employee were not terminated in pursuance of the order dt. 25.9.97 till today, it should not be terminated till 3.10.97. List it on 3.10.97 as a priority order under the heading admissions.

*M. N. S. Rao*  
DEPUTY REGISTRAR (3)

..2..

Copy to:

1. The Chief Post Master General, A.P.Circle, Hyderabad.
2. The Post Master General, Hyderabad Region, Hyderabad.
3. The Superintendent of Post Offices, Mahaboobnagar ~~XXXX~~ 808 9 Division, Mahaboobnagar.
4. The Asst.Superintendent of Post Offices, Mahaboobnagar East Sub Division, Mahaboobnagar.
5. The Head Postmaster, Mahaboobnagar.
6. One copy to Mr.Y.Appala Raju, Advocate, CAT, Hyderabad.
7. One copy to Mr.V.Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
8. One duplicate copy.

YLKR



*C.C. today*

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: 11/10/97

ORDER/JUDGMENT

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

in

O.A.NO. 1306/97

Admitted and Interim Directions  
Issued.

~~Allowed~~

~~Disposed of with Directions~~

~~Dismissed~~

~~Dismissed as withdrawn~~

~~Dismissed for Default~~

~~Ordered/Rejected~~

~~No order as to costs.~~

*with a 3-10-97  
for admission  
admission*

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal ब्रेवण/DESPATCH 15 OCT 1997 हैदराबाद ब्याचपीठ HYDERABAD BENCH
---

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.1306/97

DATE OF ORDER : 03-10-1997.

Between :-

Modh.Mannan

... Applicant

And

1. Union of India rep. by  
The Chief Postmaster-General,  
AP Circle, Hyderabad-1.
2. The Postmaster General,  
Hyderabad Region, Hyderabad-1.
3. The Superintendent of Postoffices,  
Mahabubnagar Division, Mahabubnagar-509 001.
4. The Asst. Superintendent of Post Offices,  
Mahabubnagar East Sub Divn., Mahabubnagar-  
509 001.
5. The Head Postmaster, Mahabubnagar HO 509 001.

... Respondents

-- -- --

Counsel for the Applicant : Shri Y.Appala Raju

Counsel for the Respondents : Shri V.Rajeshwar Rao, Addl.CGSC

--- -- --

CORAM:

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

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

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

3/10

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Jg

## Judgement

Oral order (per Hon. Mr. H. Rajendra Prasad, Member (Admn))

The grievance of the applicant is that he was selected for adhoc promotion to Group-D from amongst the ED Agents on the ground that he was the third senior-most in the division and there was some enquiry against the senior-most EDA., Mr. Balaiah.

2. The learned standing counsel for the respondents submits that the case against Mr. Balaiah having since been cleared, he had to be accommodated in the first available vacancy of Group-D, and the applicant being the junior-most adhoc appointee had to be reverted. Since there are only two vacancies, the first of which is earmarked for OC, the senior-most official Mr. Balaiah (BC) has to be adjusted against it. The second available vacancy is for ST, for which the applicant <sup>not</sup> is of course eligible to be considered. The respondents state that there are no more vacancies against which the applicant's case could be considered.

3. Sri Y. Appala Raju, learned counsel for the applicant, submits that in addition to the vacancies mentioned above, two more vacancies have arisen very recently on account of the reallocation of two eligible candidates from Mahaboobnagar Division to other divisions on their success at the IGO's promotional examination conducted in 1996. The counsel also mentions that, as per recruitment rules all vacancies likely to become available during the year have to be assessed in the month of <sup>March</sup> every year in order to safeguard the interests of eligible EDAs. It is his contention that this was not done in respect of Mahaboobnagar Division, in that, the anticipated vacancies, which have to be determined with


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accuracy, were underestimated. Hence <sup>the</sup> case of the applicant needs to be considered favourably.

4. We have no opinions to express in the matter on the basis of the record available before us. Nevertheless, if two additional vacancies have indeed arisen as contended by the learned counsel, and if the rules permit the throwing open of such vacancies to officials like the applicant, then there should not be any objections for Superintendent of Post Offices, Mahaboobnagar Division (Respondent No.3) to take this into account and consider the case of the applicant in accordance with the vacancy position and relevant rules. The main apprehension of the applicant is that within next four days he will be overaged for consideration for promotion to Group-D as per the relevant rules.

5. In view of what has been stated, Superintendent of Post Offices, Mahaboobnagar Division, is directed to examine the merits of this case in the background of the claims made by the applicant, as noted above, and take a suitable decision in the matter expeditiously, or at any rate before the end of this month.

6. OA is disposed of accordingly. No costs.

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

  
(H. Rajendra Prasad)  
Member(Admn.)

3.7.97

Dated : October 3, 97  
Dictated in Open Court

  
D.R. (S)

OA.1306/97

To

1. The Chief Postmaster General, A.P.Circle, Hyd.
2. The Postmaster General, Hyderabad Region, Hyd.
3. The Superintendent of Post Offices, Mahabubnagar Division, Mahabubnagar.
4. The Assistant Superintendent of Post Offices, Mahabubnagar East Sub Divn., Mahabubnagar.
5. The Head Postmaster, Mahabubnagar HO - 509001.
6. One copy to Mr.Y.Appala Raju, Advocate, CAT., Hyd.
7. One copy to Mr.V.Rajeswar Rao, Addl.CGSC., CAT., Hyd.
8. One spare copy.

1306/97  
Wfent

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. JAI PARAMESWAR  
DATED:- 3-10-97 (J)

~~ORDER~~ JUDGMENT.

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

in

O.A.No. 1306/97

~~P.A.No.~~

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

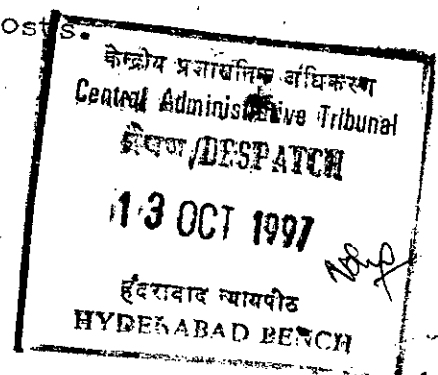
Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No. order as to costs.



32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDRABAD

J.A.NO.1308/57

Between:

State of Orissa

Respondent

...Applicant.

And

1. The District Collector General, S. Circle, Hyderabad.
2. The District Collector General, Hyderabad Region, Hyderabad.
3. The Superintendent of Post Offices, Mahabubnagar Division, Mahabubnagar.
4. The Asst. Superintendent of Post Offices, Mahabubnagar District, Mahabubnagar Sub Division, Mahabubnagar.
5. The District Collector, Mahabubnagar.

...Respondents.

Counsel for the Applicant : Mr. Y. Appala Raju

Counsel for the Respondents : Mr. V. Rajendra Rao

Re: Mr.

1. List it on 3.12.57 for consideration of the interim order.

2. On that day the question of admission of this Di will also be considered.

3. If the services of the applicant as Group-C employee are not terminated in pursuance of the order of 26.8.57 till today, it should not be terminated till 3.12.57. List it on 3.12.57 as priority case under the heading admissions.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal

58/-x x x  
RE COPY REGISTERED (1)

3.12.57  
[Handwritten notes and stamps]