

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.559/99

DATE OF ORDER : 10.2.2000

Between :-

Mannuru Sreenivas

...Applicant

And

1. The Superintendent of Posts, Warangal District, Warangal.
2. The Sub Divisional Inspector of Posts, Warangal-North, Warangal.

...Respondents

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Counsel for the Applicant : Shri J.Sudhir

Counsel for the Respondents : Shri J.R.Gopal Rao, Addl.CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Mrs.Shakti for Sri J.R.Gopal Rao, learned Standing Counsel for the Respondents. None for the applicant.

2. The applicant was appointed as provisional EDDA, Wadde Kothapalli with effect from 10.5.1998 in the place of one Mr.Uppalaiah, who was working as such. The provisional appointment was necessitated in view of the fact that the regular incumbent died. A notification was issued bearing No.PP/EDDA/W.Palli dated 25.2.1999 (Annexure-II page-13 to the OA) for filling up that post on regular basis. It is stated ~~that~~ the notification that the post is reserved for ST community candidates.

3. The applicant and others applied for the the same. Before finalisation of the results, the applicant has filed this OA on 13.4.1999 praying to direct the Respondents herein to retain and continue the applicant herein as Extra Departmental Delivery Agent of Wadde Kothapalli Village, Kodakonda Mandal, Warangal District on regular basis with all consequential benefits and attendant benefits by ^{Eq} set aside the notification dated 25.2.1999 and by holding that the action of the Respondents herein treating the post of Extra Departmental Delivery Agent of Wadde Kothapalli Village, Kodakonda Mandal of Warangal District by set aside the notification dated 25.2.1999 as reserved for the Scheduled Tribe candidates though it is reserved for the Backward Class community candidates and resorting to fill up the said post by a non-local/local Scheduled Tribe candidate and not continuing and retaining the Applicant herein who is working as Extra Depart-

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mental Delivery Agent of Wadde Kothapalli is illegal, arbitrary, discriminatory, unconstitutional and violative of Articles 14, 16 and 21 of the Constitution.

4. The first point for consideration in this OA is whether the post can be reserved for ST community. The applicant submits that the post was earlier filled by OBC community candidate. Hence reserving the same now for ST is irregular. The above contention is not at all acceptable one. Filling up the post by a particular reserved category depends on availability of such reserved candidates in the cadre. The Respondents in page-5 of the reply has stated that against the 7½% reservation for ST candidates, there should be 4.2 candidates in the cadre whereas there are only 2 candidates are there and there is short fall of 2 candidates. Hence the Respondents are perfectly in order if they reserve the post for ST community. Just because the post was occupied by OBC candidate earlier, it should not be treated as it should be continued with the OBC candidate only. It depends on the availability of the representation of the reserved categories. As the availability of ST candidates in the cadre is less, than the requirement, the respondents have rightly reserved it for ST candidate. Hence the first contention fails.

5. The applicant has got no right to be considered against the an vacancy reserved for ST when he is OBC. Further, it will not be reserved for OBC also as the representation has more than the required OBC candidates as seen from the reply.

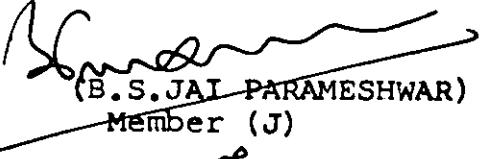
6. From the reading of the O.A. affidavit, we find that there is no other worthwhile contention in the O.A. Hence the OA is

liable to be dismissed. An interim order was passed in this OA on 13.4.1999 for maintaining status quo. As the O.A. fails, the interim order is vacated. The Respondents are directed to fill up the post in response to the notification dated 25.2.1999 in accordance with the law.

7. The Original Application is disposed of. No order as to costs.

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(B.S.JAI PARAMESHWAR)

Member (J)

10-2-00


(R.RANGARAJAN)

Member (A)

10-2-00

Dated: 10th February, 2000.

Dictated in Open Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

1. HON. J
2. HON. M (ADMN.)
3. HON. M (JUDL.)
4. D.R. A (ADMN.)
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPIRED BY

CHECKED BY
APPROVED BY

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

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.) ✓

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

* * *

DATE OF ORDER: 10/2/2000

MA/RAT/CP.NO.

IN

DA. NO. 559/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CLOSED

CLOSED

(6 copies)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

