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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.585/99

DATE OF ORDER : 21.3.2000

Between :-

V.Adinarayana

..Applicant

And

1. The Superintendent of Post Offices,  
Guntur Division, Guntur.

2. S.Hanumantha Rao

..Respondents

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Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Ms. Shyama, 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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... 2.

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

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Heard Sri K.Sudhakar Reddy, learned counsel for the applicant and Ms.Shyama, learned Standing Counsel for the Respondent. Notice served on Respondent-2 but called absent.

2. The applicant in this OA is an ED Agent. The applicant submits that he is entitled for promotion to Group-D as he possesses<sup>es</sup> the necessary seniority as well as the<sup>educational</sup>/qualifications required for promotion to the post. For this he relies on the letter No.44-31/87-SPB?I dated 28.8.1990 (Annexure-III page-11 to the OA) where it is stated that the literacy prescribed for EDAs~~for~~ selection to Group-D posts is abolished. Selection from EDAs to Group - D will be on the basis of seniority subject to satisfactory service. The applicant submitted representation for not promoting him and that <sup>was</sup> ~~the~~ replied by the impugned letter No.B.III/4/99 dated 19.3.99 (Page-9 to the OA). In that impugned letter it is stated that the applicant was not selected for appointment of Group-D under seniority as he did not have minimum educational qualification of 8th standard.

3. This OA is filed to quash the selection of the second respondent herein for appointment to Group-D cadre through the impugned order No.B.III/4/99 dated 22.3.1999 and also the rejection letter No.B.III/4/99 dated 19.3.1999 <sup>holding them as</sup> ~~as~~ clearly illegal, arbitrary and unconstitutional and consequently direct the respondents herein to consider the applicant herein for selection under Group-D cadre and issue appointment orders to the applicant herein forthwith.

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*Handwritten signature*

4. An interim order was passed in this OA on 21.6.1999.

The relevant portion of the interim order reads as follows :-

If R-2 has not joined any group-D post as per the Memorandum dated 22-3-1999 Annexure-2, the order dated 22-3-99 is suspended.

5. In the reply it is stated that the applicant is junior to Respondent No.2. For that they rely on the seniority list of EDAs wherein Respondent No.2 is shown at Sl.No.36 and the applicant is at Sl.No.38. The applicant contends that this seniority list was modified by a subsequent letter and that subsequent letter has not been enclosed and requests for calling for the records. In the present context <sup>within</sup> <sup>regarding</sup> and case, the seniority of the applicant vis-a-vis Respondent No.2, we do not consider it necessary to call for the records. However, we direct the Respondent No.1 to issue the seniority list circular among all the EDAs to enable them to agitate if their position is wrongly indicated. That will meet the ends of justice as far as the present contention is concerned.

6. The only point for consideration in this OA is whether the applicant is qualified for promotion under seniority quota and whether the applicant should also be promoted along with Respondent No.2 as he contends that Respondent No.2 is junior to him.

7. As far as the seniority is concerned, no further orders are necessary as we have already <sup>initiated</sup> ~~initiated~~ <sup>indicated</sup> official action to the/respondent earlier. However, the only point for consideration is whether the applicant is entitled for promotion for the qualifications possessed by him as of now. It is stated in the reply that the applicant possess 5th class. Learned counsel for the applicant submits that 5th class is the middle school standard and hence he is entitled

for promotion to Group-D in the seniority quota irrespective of the category. In order to examine the above issue, we ~~have~~ asked the learned counsel for the respondents to file additional reply. The Department of posts has issued the promotion Channels-Conditions for ED Agents for promotion to Group-D post (Annexure R-IV page-10 to the additional reply). That Annexure consists of promotion channels to the EDAs. There are 2 ways of promotional channels to EDAs. The applicant comes under the Group of Promotion under seniority to Group-D in which there are again 2 category of posts. First category of posts requires minimum Middle class pass qualification whereas Category-II posts can be filled without insisting on the minimum educational qualification of 8th standard/ Middle class. Under the II category of posts the posts of Sweepers, Chowkidar, Waterman and Gardener are indicated whereas in the I category of posts Mail Peon, LB Peon, Orderly and Packers are indicated.

8. The main contention of the respondents in not promoting the applicant even if he is considered as senior to Respondent No.2 to the post of Group-D, Respondent No.2 is promoted to Category-II <sup>I</sup> ~~II~~ whereas the applicant is not eligible for category-II <sup>I</sup> ~~II~~ post. Counsel for the applicant submits that middle class means 5th Class and that is sufficient for category-I post. The 8th standard is prescribed only for direct recruitment but not to seniority quota.

9. From the above submissions it is to be adjudicated whether the 5th Class can be treated as pass in the middle class. We are of the opinion that the required standard has already been indicated under the educational conditions prescribed for Category-II

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post is 8th Standard/middle class.. From the wording it is evident that 5th class passers do not equal to middle class. Hence we do not accept the contention of the applicant that 5th class pass can be treated as middle class. Further the applicant is eligible for promotion to the Category-II post in accordance with the seniority as per the recruitment rules. If any of his juniors in the seniority list of ED Agents had been promoted to Category-II post, then the case of the applicant should also be considered for promotion and that promotion should be given in accordance with the seniority list.


10. With the above direction the OA is disposed of. No costs.


11. Before we part with this OA, we would like to add that the Respondents are very careless in issuing the impugned proceedings. The reasons given for rejection of the applicant's case is not in accordance with the Recruitment Rules. That definitely goes to prove that the respondents acted in a very casual manner. Had they passed the order on the basis of the rules explaining the reasons for <sup>not</sup> his <sup>in his</sup> consideration in Group-D category posts, then this litigation would not have arisen. We are of the opinion that the respondents failed to issue the impugned letter after scrutinising the records. Hence, even though we are of the opinion that some costs <sup>may</sup> be awarded, <sup>for the respondents to issue letters more clearly indicating reasons.</sup> we feel that passing <sup>the strictures</sup> on the officer who passed the impugned order will be sufficient. Hence the Post Master General of the region should call for the papers and ~~pass~~ suitably advise the officer who issued the impugned order

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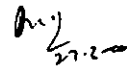
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so as to avoid recurrence of such lapses in future.

  
(B. S. JAI PARAMESHWAR)  
Member (J)

  
(R. RANGARAJAN)  
Member (A)

Dated: 21st March, 2000.  
Dictated in Open Court.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.  
HYDERABAD.

1ST AND 2ND COURT

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

COPY TO

1. HDHND
2. HRRN ( ADMN ) MEMBER.
3. HBSJP. M. (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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

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

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

DATE OF ORDER

21/3/00

MA/RA/CF. NO

IN

G.A. NO.

585/009

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद बेंच  
HYDERABAD BENCH

4 APR 2000

Despatch dep  
RECEIVED

आप विभाग/सुपल SECTION