

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.940/99

dt. 5-8-99

Between

V. Nagaraju

: Applicant

and

1. Union of India, rep. by
Secretary
Postal Department
New Delhi

2. Supdt. of Post Offices
Gudivada Division
Gudivada
Krishna Dist.

: Respondents

Counsel for the applicant

: K. Ranga Rao
Advocate

Counsel for the respondents

: M.C. Jacob
CGSC

Coram

Hon. Mr. R. Rangarajan, Member(Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member(judl.)





Order

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

Heard Mr. K. Ranga Rao for the applicant and Mr. M.C. Jacob for the respondents. Mr. K. Prabhakar Rao, Respondent No.2, ~~Superintendent~~ Superintendent of Post Offices, Gudivada Division, Gudivada, Krishna District, is present.

1. The applicant in this OA challenges the notification No. BE/Surepalli dated 26-5-99 (Annex.I) whereby ~~the~~ applications were called for filling up the posts of EDBPM Surepalli post office, to be reserved for SC candidates.

2. Two main contentions are advanced by the learned counsel for the applicant. They are

i) The post in question is occupied by a regular EDBPM (APS) who had gone on deputation to Army Postal Service. As he has still got lien in this post as EDSPM, Surepalli, the question of filling up the post does not arise. The applicant having been appointed on provisional basis should be continued till the ~~lien~~ of the regular incumbent in the post is discontinued.

ii) Even if the post is to be filled regularly it should not be filled up by SC candidates as there is enough representation of SC candidates in that cadre.

3. The learned counsel for the respondents submitted that the regular candidates who worked as EDBPM in that post office ~~is~~ now serving on deputation in APS ~~as~~ already been appointed ~~as~~ in Group-D post. We see no reason to dispute ~~above submissions~~ that ~~these~~ ^{lien} things. In view it is to be held that the ~~last~~ of the regular candidate/s has been discontinued from that post. Hence, the issue of the notification for regularly filling up of the post is in order.

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..2.

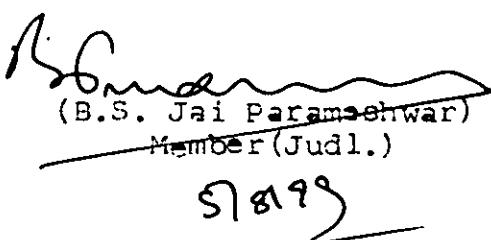
4. The applicant is verbally asserts that the posts should not be filled up by SC candidates.

5. The learned counsel for the respondents submits that there is a shortage of SC candidates and hence in view of the DG P&T letter No.43-117/30-Pen, dated 8-10-1990 it was ordered to fill up ^{the} posts by reserving ^{an} ~~post~~ for SC candidates. The above submission of the respondents also cannot be disputed as they are possessing necessary ~~status quo~~ ^{documents} in this connection in regard to ^{the} sanctioned strength of EDAs in that unit and number of SC/ST employees in that category.

6. In view of the above the following direction is given :

The applicant in this OA should be informed of the above ^{similarly worded} details in a letter. After that letter is issued the respondents are at liberty to process the notification dated 26-5-1997, in accordance with rules.

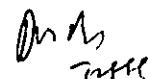
7. The OA is ordered accordingly. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)
S1819


(R. Rangarajan)
Member (Admn.)

Dated : August 5, 99
Dictated in Open Court

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Tiff

COPY TO:-

1. HONJ
2. HRRN M. (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD:

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)

ORDER DATE: 5/8/99

MA/RA/CP.NO
IN
OJ.NO. 940/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

6 cop: 29

