

## 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.)



OA.940/99

dt.5-8-99

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, ~~id est~~ 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 EDBPM, Surepalli, the question of filling up the post does not arise. The applicant having been appointed on provisional basis should be continued till the <sup>lien</sup> 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 <sup>had</sup> ~~as~~ already been

<sup>ap-</sup>pointed ~~out~~ in Group-D post. We see no reason to dispute <sup>above submission</sup> that <sup>lien</sup> these things. In view of it is to be held that the ~~last~~ of the regular candidates has been discontinued from that post. Hence, the issue of the notification for regularly filling up of the post is in order.

R

...2.

D

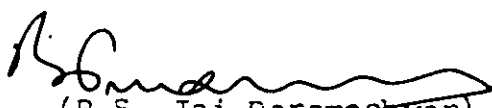
4. The applicant ~~ix~~ verbally asserts that the posts should not be filled up by SC candidates.

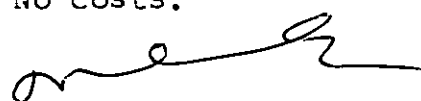
5. The learned counsel for the respondents submits that there is ~~a~~ shortage of SC candidates and hence in view of the DG P&T letter No.43-117/80-Pen, dated 9-10-1980 it was ordered to fill up <sup>the</sup> ~~posts~~ by reserving <sup>for</sup> ~~posts~~ for <sup>an</sup> ~~SC~~ candidates. The above submission of the respondents also cannot be disputed as they are possessing necessary <sup>documents</sup> ~~status-quo~~ in this connection in regard to <sup>the</sup> 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 details in <sup>briefly worded</sup> ~~a~~ letter. After that letter is issued the respondents are at liberty to process the notification dated 26-5-1997, in accordance with rules.

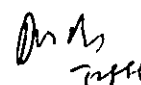
7. The OA is ordered accordingly. No costs.

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

  
(R. Rangarajan)  
Member (Admn.)

5/8/99

Dated : August 5, 99  
Dictated in Open Court

  
TTH

COPY TO:-

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

1st AND II nd COURT

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  
CA.NO.

940/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

6 copies

