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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW APPLICATION NO.63 of 2000
IN
ORIGINAL APPLICATION NO.1088 of 99

DATE OF JUDGMENT: 13th DECEMBER, 2000

BETWEEN:

N.PRAKASA RAO .. APPLICANT

AND

1. Union of India, rep. by the
Director General of Posts,
New Delhi 110 001,

2. The Chief Post Master General,
A.P.Circle, Hyderabad-1,

3. The Director of Postal Services,
Office of the Chief PMG,
A.P.Circle,
Hyderabad-1.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.K.BHASKAR RAO

COUNSEL FOR THE RESPONDENTS: Mr.J.R.GOPALA RAO

CORAM:

HON'BLE SHRI JUSTICE D.H.NASIR, VICE CHAIRMAN

HON'BLE SRI M.V.NATARAJAN, MEMBER (ADMN.)

ORDER

(PER HON'BLE SRI M.V.NATARAJAN, MEMBER (ADMN.))

R.A.No.63/2000 in OA 1088/99 seeks to review the
order passed by a Bench of this Tribunal in OA 1088/99
dated 10.7.2000 in which it was held,

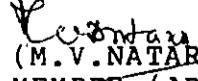
"6. We have considered circular
dt.23.12.1970 and later circular dated
17.7.1971. The later circular dt.
17.7.1971 clearly indicates that the
circular dt.23.12.1970 was kept in mind
before fixing 33% in each paper for
reserved community candidates and held
those candidates will be considered only

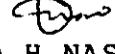
if they get 33% of the marks. Hence we consider that circular dt. 23.12.1970 cannot be read in isolation. It has to be read along with circular dated 17.7.91 and as per that letter a reserved community candidate will be considered fit only if he gets 33% in each subject. If the applicant obtains less than 33% in paper-I, he cannot challenge his non selection to PSS Group-B."

2. We have heard the learned counsels on either side. We concede the point that the date 17.7.1991 appearing in line-8 should be corrected to 17.7.1971.

3. The learned counsel for the applicant pleaded at length quoting ^{the} Supreme Court judgement in JT 1997 (2) SC 508 (Superintending Eng. Pub. Health, U.T., Chandigarh & Ors. v. K.Singh & Ors.) that the Tribunal had not correctly recorded their findings; that the cases of otherwise suitable SC/ST candidates can be considered for relaxation of standards even if they had secured a standard lower than 33% in the individual papers. We have carefully gone through the judgement produced before us and also the relevant clarification issued by the DGP&T in Circular No.202/17/78-SPB.I, dated 19.12.1978. We do not find any apparent on the face error of the judgement. The circular No.63/10/71-SPB-I, dated 17.7.1971 does not permit the Department to give relaxation for SC/ST candidates lower than 33% marks. Same position is reiterated by the DGP&T in his circular No.202/17/78-SPB.I, dated 19.12.1978. The judgement is assailed on merits which cannot be permitted in "review".

4. Under these circumstances, the R.A. is dismissed. No order as to costs.


(M.V. NATARAJAN)
MEMBER (ADMN.)


(D.H. NASIR)
VICE CHAIRMAN

DATED: 13th DECEMBER, 2000