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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.600/99

Date of Order : 7.1.2000

BETWEEN :

B.Devaiah

..Applicant.

AND

1. Superintendent of Post Offices,
Suryapet Division, Suryapet.

2. Postmaster General, Hyderabad
Region, Hyderabad.

3. Chief Postmaster General,
APCircle, Hyderabad.

..Respondents.

Counsel for the Applicant

..Mr.S.Ramakrishna Rao

Counsel for the Respondents

..Mr.B.N.Sharma

CORAM :

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

HON'BLE SHRI R.RANGARAJAN : MEMBER(ADMN.)

O R D E R

[As per Hon'ble Shri R.Rangarajan, Member (Admn.)]

Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.B.N.Sharma, learned standing counsel for the respondents.

2. The applicant in this OA is working as a Postman, Suryapet. Eventhough the applicant submits that he had worked as Postal Assistant earlier they had reverted him to the cadre of Postman in 1993 itself. The respondents submit that the revision was ordered in the year 1993 i.e. 15.7.93. That is not a material point for consideration in this OA.

3. The applicant is an aspirant for the post of Postal Assistant from the lower post of Postman under the incentive scheme. As per the incentive scheme a Postman can be promoted as Postal Assistant provided he possessed 10+2 qualification. The applicant submits that he is an SC candidate and hence in view



of Rule 257 Volume-IV no minimum marks is necessary in 10+2 standard necessitated for a reserved community candidate of Postman category for promoting as Postal Assistant under the said scheme. Mere passing 10+2 examination is sufficient to be promoted as Postal Assistant.

4. The applicant earlier did not possess the 10+2 qualification. However, he had passed the 10+2 examination in October 1997. He has submitted a representation dated 20.8.98 to R-3 requesting him to examine his case sympathetically for re-promotion to the cadre of Postal Assistant with immediate effect. That representation was rejected by the impugned order No.B1/Genl./111 dated 25.1.99 (A-1) on the ground that he had obtained less than 50% of the marks in 10+2 standard. As he had obtained only 42% marks instead of 50% marks for promotion to Postal Assistant even for a reserved community candidate he cannot be promoted.

5. Aggrieved by the above, he has filed this OA to set aside the impugned order dated 25.1.99 and for a consequential direction to the respondents to promote him to the post of Postal Assistant even though he had obtained less than 50% marks in 10+2 examination in view of the Rule 257 of P&T Volume-IV referred to above.

6. The respondents have filed a reply. They submit that by order dated 19.12.97 (page-6 to the reply) a candidate can be promoted under incentive scheme to the cadre of PAs/Sas for the year 1997-98 provided they obtained not less than 50% of marks in (aggregate) in 10+2 or 12th class examination. However that condition for SC/ST officials is waived. But the waiver for SC/ST community candidate had been withdrawn by letter No.RE/1-18/97, dated 8.1.98. In view of the above deletion the applicant was not fit enough for promotion to the post of Postal Assistant under the incentive scheme as he had secured less than 50% of marks in 12th class examination.

7. Nowhere either in the reply or in the OA affidavit it is noted that the promotion under the incentive scheme should be given immediately after a

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postman obtains or secures the qualification of 10+2 or 12th class. It is also not noted that in case the promotion to Postal Assistant from the post of Postman is necessary it can be offered even without the availability of the posts. In the absence of above required details no definite direction can be given in this OA. However considering the facts and circumstances of the case the following direction is given :-

8. If a Postman under the incentive scheme has to be promoted as PA/SA immediately after passing the said examination without waiting for a vacancy then the applicant is entitled to be promoted as such upto 7.1.98. If he cannot be promoted upto 7.1.98 then the letter dated 8.1.98 will come in his way.
9. The respondents are directed to check the rule position and pass a suitable order in his case expeditiously.
10. The OA is ordered accordingly. No costs.

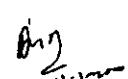


(R.RANGARAJAN)
Member (Admn.)



(D.H.NASIR)
Vice Chairman

Dated : 7th January, 2000
(Dictated in Open Court)



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

12/2000

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. B.S. JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 7/1/2000

MA/RAT/CP.NO.

IN

OA. NO. 600/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

(Decided)

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
मेपाल / DESPATCH

21 JAN 2000

हैदराबाद न्यायालय
HYDERABAD BENCH