

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A. 613 OF 1999

Dated, the 18th June, '99

BETWEEN :

P. Anil Kumar

... Applicant

A N D

1. Superintendent of Post Offices,
Peddapalli Division, Peddapalli,
Karimnagar District.
2. Sub-Divisional Inspector (Postal),
Jammikunta - 505122, Karimnagar Dist.

... Respondents

COUNSELS :

For the Applicant

: Mr. K. Vasudeva Reddy

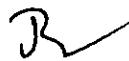
For the Respondents

: Mr. K. Narahari

CORAM:

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN)

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



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O R E D R

(PER: HON'BLE MR. R. RANGARAJAN, MEMBER (A))

1. None for the applicant. Heard Mr. Narahari, learned standing counsel for the respondents.
2. The applicant was appointed w.e.f. 13.4.98 as a provisional EDBPM, Vanthedupula. As the earlier incumbent had proceeded to Army Postal Service, the post of EDBPM at Vanthedupula had fallen vacant. To fill up this post, the respondents had sent a requisition on 25.6.98 to the employment exchange to sponsor eligible candidates for the post of BPM, Vanthadupula. As the employment exchange did not sponsor any nominations for the said post, an open notification was issued on 14.8.98 reserving the post ~~for~~ for ST candidates with next preference to SC candidates. In response to this notification 2 applications from SC candidates and 3 applications from OC candidates ~~have~~ been received. The PMG did not approve the selection. The post was renotified on 15.2.99 with the same old conditions i.e. reserving for ST with next preference to SC. To this, 3 applications each from SC, ST & OC communities have been received. Even though, the applicant applied in response to the second notification, his application was not considered, as the applicant belongs to OC community.
3. This OA is filed for setting aside the impugned notification dt. 15.2.99 (Annexure-IV page 13 to the OA) and for a consequential direction to the respondents to continue the applicant as EDBPM, Vanthedupula, Peddapalli Division by appointing him on a regular basis.
4. The respondents in the reply had correctly stated that there is heavy shortfall in the division in respect of candidates belonging to reserved communities as out of 250 BPM posts only 2 posts are held by ST candidates against 15 justified

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O.A. 613/99

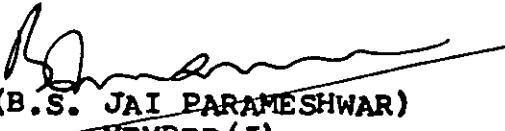
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and that only 7 posts are held by SC candidates against 37 posts justified. Hence, the respondents have advertised the post for ST candidates as a first preference to ST candidates and with the next preference to SC candidates.

5. We see no irregularity in reserving the post for the reserved communities in view of the constitutional obligation thrust on the respondents.

6. In view of what has been stated above, ^{we} see no merits in the O.A. and the O.A. is liable ~~to be~~ to be dismissed at the admission stage itself.

7. Accordingly, the O.A. is dismissed, leaving the parties to bear their own costs.


(B.S. JAI PARAMESHWAR)

MEMBER (J)

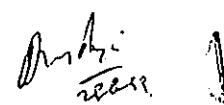
18.6.99


(R RANGARAJAN)

MEMBER (A)

Dated, the 18th June, '99
Dictated in Open Court.


CS


Amriti
recon

1ST AND 2ND COURT

COPY TO:-

1. HON'BLE
2. HHRD M(A)
3. HBSOP M(J)
4. D.R. (A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

THE HON'BLE MR. H. RAJENDRA PRASAD :
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (J)

ORDER: 18-6-99

ORDER / JUDGEMENT

MA. / PA. / CP. No.

in
No. 613/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

(6 copies)

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS

SRR

