

48-11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.679/99

Date of Order:25.11.99

BETWEEN :

T.V.Purna Umamaheswar

.. Applicant.

AND

1. The Postmaster General,
Vijayawada Region,
Vijayawada.
2. The Senior Supdt. Of Post Offices,
Guntur Division, Guntur.
3. The Asst. Supdt. of Post Offices,
Mangalagiri, Guntur District.
4. R.Srinivasa Rao

.. Respondents.

Counsel for the Applicant

.. Mr.K.Sudhakara Reddy

Counsel for the Respondents

.. Mr.V.Vinod Kumar
for R-1 to R-3
..Mr.TVVS.Murthy
for R-4

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER(JUDL.)

O R D E R

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

Mr.K.Sudhakara Reddy, learned counsel for the applicant, Mr.V.Vinod Kumar, learned standing counsel for the respondents 1 to 3 and Mr.T.V.V.S.Murthy, learned counsel for R-4.

2. A notification was issued for filling up the post of Postman for the vacancies of 1996 by notification No.B.III/3/96/Exam. Dated 18.3.97 (A-2). As per the notification the posts of Postman to the extent of 9 vacancies comprising of 6 for OC, 2 for SC and 1 for ST has to be filled against the departmental quota and against the outsiders merit quota 4 vacancies are to be filled comprising of 2

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OC, 1 SC and 1 ST. A selection was held for filling up the post against departmental quota and outsiders merit quota comprising of 13 vacancies. These 13 vacancies are divided 8 for OC, 3 for SC and 2 for ST.

3. The panel for filling up of the 13 posts was issued by order No.B.III/7/96/E dated 31.7.97 (A-7).

4. Earlier one Sri Vijaya Sekhar who was also an aspirant for that post against that quota mentioned above approached this Tribunal by filing OA.961/97 for consideration of his case as there was discrepancy in examining him in Arithmetic paper. That OA was disposed of by order dated 27.1.99 (A-5). The following direction was given in that OA :-

"In view of the above some relief has to be given to the applicant. Hence, the respondents should examine him only in Arithmetic paper once again and that mark should be added to the total marks obtained by him earlier for Paper-A and Paper-C. If on that basis the applicant secure mark higher than any of the candidates who have been empanelled then the applicant should be empanelled to the post of postman in accordance with the rules and post him if required after training. In case his name is to be interpolated in the already selected list then the last empanelled postman name should be deleted from that list."

5. In pursuance of the above direction the case of the applicant in OA.961/97 was considered and he had obtained 106 marks total and that made him eligible for empanelment for the post of Postman. As stated in the extracted portion of the judgement in OA.961/97 the applicant in that OA was empanelled against SC quota and the applicant herein who was empanelled against SC quota was deleted from that panel as per impugned memo No.B.III/3/96/E dated 20.4.99 (A-1).

6. This OA is filed to set aside the impugned memo dated 20.4.99 and for a consequential direction to the respondents herein to continue the applicant herein as Postman.





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7. An interim order was passed in this OA on 4.6.99 whereby the operation of the impugned order dated 20.4.99 shall remain suspended till the final disposal of this OA.

8. A reply has been filed in this OA sustaining the deletion of the name of the applicant from the post of Postman. It is not necessary for us to examine the various contentions raised in the reply as the whole question involves the empanelment of Vijaya Sekhar the applicant in OA.961/97 either against the OC quota or against the SC quota. It is stated that the 2 posts earmarked for ST could not be filled as there were no ST candidates. Hence it was dereserved and was treated as a general vacancy ^{like} filled by the candidates who are available against the OC quota. There is no consideration for OBC as there is no quota reserved for OBC in the notification referred to above.


9. In view of that the following action should be taken by the respondents on the basis of the marks obtained by the applicant ^{in OA 961/97} his name should be enlisted either in the OC quota of 10 comprising of 8 OC and 2 dereserved posts of ST. If he cannot ^{be empanelled} ~~come~~ for that quota of 10 due to his mark then his case should be considered for insertion in the SC quota of 3. If his name has been inserted against OC quota against the 10 posts the last empanelled candidate in the OC quota stands deleted and if that candidate belongs to SC community and he has got more marks than any of the SC candidate in the empanelled list his name should be inserted in the SC quota candidates and that will result in the deletion of one of the candidates who has secured the least marks from the select list of that quota.


10. The whole exercise has to be redone on the basis of the above direction and the proper empanelment of Postman has to be completed as above within a period of 45 days from the date of receipt of a copy of this order. Till such time the above exercise has been done and the applicant has been suitably informed and also the final panel as above is published the ^{interim} ~~impugned~~ order dated 4.6.99

^{shall} ~~will~~ be continued.




11. The OA is ordered accordingly. No costs.


(B.S. JALPARAMESHWAR)
Member(Judl.) 25.11.99


(R. RANGARAJAN)
Member(Admn.)

Dated : 25th November, 1999
(Dictated in Open Court)


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