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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

No.O.A.1170 of 1999.

DATE OF ORDER : 10.8.2000

BETWEEN :

K.Srinivasulu  
S/o K.Enkayya (Late),  
R/o Plot No.814, JJ. Nagar,  
Sainikpuri Post, Secunderabad.

... Applicant

A N D

1. The Chief Post Master General,  
A.P.Circle, Abids, Hyderabad.
2. Assistant Post Master General,  
O/o Chief PMG, A.P.Circle,  
Hyderabad.
3. The Manager,  
Mail Motor Services,  
Koti, Hyderabad-500 095.
4. The Employment Officer,  
Employment Exchange,  
Hyderabad.

... Respondents

Counsel for the applicant : Mr.J.Satya Prasad.

Counsel for the respondents: Mr.J.R.Gopala Rao.

*mr.V.V. Anil Kumar*

C O R A M :

1. The Hon'ble Mr.R.Pangarajan, Member (A).
2. The Hon'ble Mr.B.S.Jai Parameshwar, Member (J).

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O R D E R

R. Rangarajan, Member (A)

None for the applicant. Ms. Shakti for Mr. J. R. Gopala Rao, for the respondents.

2. The O.A. is disposed of under Rule 15(1) of the CAT (Procedure) Rules, 1987.

3. The applicant was sponsored for the post of Postal Machine Assistant, Gr. II, by the employment exchange. His case was considered along with others for appointment as Postal Machine Assistant, Gr. II. However, he was not appointed. The post in question to be filled up was an unreserved post but as the employment exchange sent a list of 20 candidates which included SC/OC/BC, all the candidates who applied for the same were considered.

4. The applicant filed a representation dated 3.5.1999 (annexure-IX at page 14 to the O.A.), requesting the Chief Post Master General to appoint him against the post of Postal Machine Assistant, Gr. II. His representation was rejected by the impugned order dated 3.6.1999 (annexure-VII page 12 of the O.A.). In that order, there was a typographical error in the second sentence. However, that error was corrected subsequently vide the order dated 14.6.1999 (annexure VIII at page 13 of the O.A.) and the applicant was informed by the respondent-authorities that no injustice was meted out to him in the said connection.

5. The applicant being aggrieved by the said action of the respondents, has filed this O.A. with a prayer to set aside the letter dated 14.6.1999 and for a consequential direction to the respondents to appoint him in the post of Postal Machine Assistant, Gr. II.

6. In the reply it has been stated that 20 candidates were initially sponsored by the employment exchange but only 9 candidates out of the 20 submitted their biodata by the prescribed date i.e. 15.7.1998. The last date for submission of applications was fixed as 15.7.1998 but only 5 applications were received till 15.7.1998 out of the 20,

which the respondents submit could be due to the indefinite postal strike. Hence, the last date for submitting of applications was extended to 30.7.1998 and all the 20 candidates were informed accordingly. Thereafter, 4 more applications were received. All the 9 candidates were informed vide the letter dated 26.10.1998 to attend the competitive test on 6.11.1998. The applicant was intimated vide the office letter dated 10.11.1998 to submit his original certificates/documents in the office of the respondent-authorities.

7. The case of the applicant was considered but it was rejected on the ground that he was overaged as his age as on 1.7.1998 was 32 years and 3 months. The age limit fixed for the post of Postal Machine Assistant, Gr.II, was between 18-30 years as on 1.7.1998. As the applicant was much beyond the prescribed age limit on the said date, his case for appointment as Postal Machine Assistant, Gr.II, was rejected for the unreserved post.

8. The respondents, in their reply, have stated that in view of communicating DOPT's O.M. dated 1.7.1998, D.G. (Posts), New Delhi, letter dated 29.1.1999 enclosed as annexure-VI at page 12 of the reply, the case of the applicant was rejected as the applicant became eligible for appointment to the post only after getting relaxation of age limit which cannot be allowed for an unreserved post. The O.M. dated 1.7.1998 of the DOPT has been annexed as annexure-VII of the reply.

9. We have considered the above submissions of the respondents. The DOPT O.M. No.36012/13/88-Estt. (SCT) dated 22.5.1989 and O.M. No.36011/1/98-Estt. (Res) dated 1.7.1998, clearly states in paragraph 3 that age relaxation and other relaxed standards can be given only in case of filling up of reserved post but for unreserved post, no such relaxation is permitted. The relevant paragraph is quoted below :

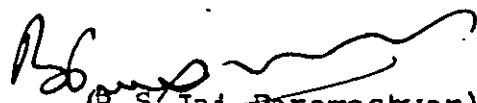
"3. In this connection it is clarified that only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting an SC/ST/OBC candidate, for example in the age-limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates, etc., the SC/ST/OBC candidate are to be counted against reserved vacancies. Such candidates would be deemed as unavailable for consideration against unreserved vacancies."


10. In view of the above, the case of the applicant was rejected as he was overaged at the time of consideration of his case for appointment as Postal Machine Assistant, Gr.II, in the unreserved category. Keeping in view the O.M. of DOPT dated 1.7.1998, the respondent no.1 issued the letter dated 29.3.1999, stating that no age relaxation is permitted for a reserved candidate while filling up an unreserved post. In view of that the respondent-authorities issued the impugned letter dated 14.6.1999.

11. Due to the reasons stated above, we find no irregularity committed by the respondents in rejecting the case of the applicant for appointment as Postal Machine Assistant, Gr.II.

12. In that view of the matter, the application is liable to be dismissed. Accordingly, it is dismissed.

13. No order is passed as to costs.

  
(B.S. Jai Parameshwar)  
Member  
10/8/2000

  
(R. Rangarajan)  
Member (A)

DATED THE 10TH AUGUST, 2000  
DICTATED IN OPEN COURT

r.s.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:HYDERABAD.

COPY TO

1. HDEMU
2. HERN (ADMN.) MEMBER
3. HESJP(JUDL.) MEMBER
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

~~1ST AID FIND COURT~~

TYPED BY                      CHECKED BY  
COMPILED 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 PARAMESHWAR  
MEMBER(JUDL.)

DATE OF ORDER 16/8/2000

MA/RA/CP.No.

IN  
OA.No. 1170/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P.CLOSED

R.A.CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

