

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.698/99

DATE OF ORDER : 1-3-2000.

Between :-

Gantla Devanand

...Applicant

And

Sr.Superintendent of Post offices,  
Nizamabad Postal Division, Nizamabad.

...Respondent

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Ms.Shyama, Addl.CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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.... 2.

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri S.Ramakrishna Rao for the applicant and Ms.Shyama for the Respondents.

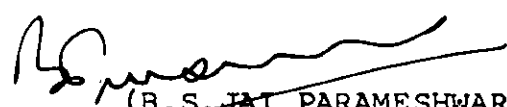
2. A notification dt.8.5.1998 issued for filling up the EDBPM post of Pothangal Village reserving the post for SC community.

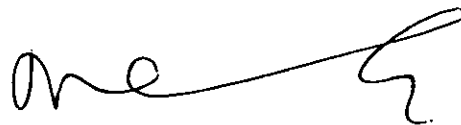
3. This OA is filed to set aside the notification No.B-1/Pothangal/98-99 dt.18.5.1998 issued by the 1st respondent calling for the applications for the post of ED/BPM, Pothangal, reserving the post for SC community while at the same time when the reservation is not warranted, ~~while at the same time~~ arbitrarily and illegally issuing notifications on the very same day making it open for general candidates in respect of ED/BPM, Singeetham and Gowraram by reserving a particular post for a particular community by way of pick and choose method declaring the same as arbitrary, illegal, unwarranted and in violation of Articles 14 & 16 of the constitution and for a consequential direction to the respondents to fill up the post by general candidate.

4. If there is short fall of SC candidates less than 15% in ED Posts which includes EDBPMs, then the respondents are at liberty to reserve the post for SC candidates. In the reply it is stated that in the cadre of EDBPM there is short fall of SC candidates. We do not agree with the submission that the short fall should be calculated in the cadre of EDBPM. It should be counted ~~with~~ over all

ED Strength. In view of the above the Respondents are directed to check the availability of the SC candidates of Nizamabad Division <sup>the overall</sup> in ~~all~~ ED Strength. If the strength of SC is less than the 15%, notification dated 18.5.1998 should be taken ~~into~~ its logical conclusion. If the strength of SC community candidates in Nizamabad Division is more than the 15% in over all ED Staff, then the notification dated 18.5.1998 stands cancelled. The Respondents are directed to make scrutiny as above and take a decision as per the observations made above. A suitable reply should be given to the applicant also after scrutiny is over.

5. Original Application disposed of accordingly. No order as to costs.

  
(B.S. JAI PARAMESHWAR)  
Member (J)  
1.3.00

  
(R. RANGARAJAN)  
Member (A)

Dated: 1st March, 2000.  
Dictated in Open Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL. HYDERABAD BENCH.  
HYDERABAD.

1ST AND 11ND COURT

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APPROVED BY

COPY TO

1. HON'J

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

2. HRRN ( ADMN ) MEMBER.

THE HON'BLE MR. R. RANGARAJAN  
MEMBER ( ADMN )

3. HBSJP. M. (JUDL)

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

4. C.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

1/3/00

MR./RA/CF. NO

IN

C.A. NO.

698/00

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

CL.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS  
DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO OF COPIES  
केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal  
प्रेषण / DESPATCH

10 MAR 2000

हैदराबाद न्यायपीठ  
HYDERABAD BENCH

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