

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.83/1999.
- - - - -

Date of decision: 14-6-1999.
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Between:

K.V.S.Rama Rao. .. Applicant.

and

Union of India represented by:

1. Chief Post Master General, A.P.
Circle, Hyderabad.
2. Post Master General, Vijayawada
Region, Vijayawada.
3. The Senior Superintendent of
Post Offices, Vijayawada Postal
Division, Vijayawada. Respondents

Counsel for the Applicant: Sri K.S.R.Anjaneyulu.

Counsel for the Respondents: Sri B.N.Sarma, Sr.Standing
Counsel for Central Govt

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)





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O.A.83/99

- ORDER:-

(by Hon'ble Sri R. Rangarajan, Member(A))

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Heard Sri Subrahmanyam for Sri K.S.R. Anjaneyulu
for the Applicant and Sri Jacob for Sri B. Narasimha
Sarma for the Respondents.

A Notification dated 17-7-1998 (Annexure IV
(Page 13) to the O.A.,) for the Departmental Examination
for promotion to the cadre of Postmen was issued.
The promotion to the postman consists of two limbs.
They are --

- i) ~~By~~ Promotion to the Departmental Group "D" Staff
- ii) By promotion to outsiders i.e., E.D. Staff.

The posting of Postmen against the Departmental
is
quota/by promotion ~~xx xx xx~~ of the lower grade staff
viz., Group "D" Officials. This is to the extent of 50%.
This is evident from Section VI of Promotion Prospects
as incorporated in para (1)(i), The further 50%
for posting from E.D. staff consists of once again
two limbs. They are -- (i) Posting of outsider E.D.
staff to the extent of 25% on the basis of seniority-cum-
(ii)
suitability and the remaining 25% on merit by holding
Examination.

The contention of the applicant is that there
cannot be 9 OBCs in the list against the promotion quota
as notified by the Memo.No.83-C/16/98 dated 16.12.1998
(Annexure I Page 8 to the O.A.). If it is restricted
then the name of the applicant will ~~xx~~ also find a

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place in that list.

This O.A., is filed for setting aside the Examination for promotion to the cadre of postmen conducted in pursuance of the Notification issued by the Respondent No.3 in his Memo No.B3/6/98 dated 19.3.1998 and the select list issued by Respondent No.3 in Memo No.B-3-6/16/98 dated 16.12.1998 (Annexure 1 Page 8 to the O.A.,) and also the allotment made in the letter of even No., dated 4.1.1999 (Annexure II Page 10 to the O.A.) by holding them as arbitrary, illegal and contrary to Rules and for a consequential direction to prepare the select list as per the vacancies announced in conformity with the instructions contained in the Director General Posts letter 44-44/82-SPB-1 dated 7.4.1989 (Annexure 9 page 22 to the O.A.) and for a further declaration that the applicant is selected on the basis of merit.

It is stated in the reply that the Departmental quota could not be filled^{up}. Hence ~~that~~ all the 12 posts in the year, 1997 and the two posts in the year 1998 earmarked against Departmental quota for promotion has to be added to the 25% merit quota of outsiders in which case all the 17 posts will be filled up by merit in 1997 and 3 posts will be filled ~~up~~ in the list of 1998. It is further stated ^{that} there is no reservation for OBCS., in the Departmental quota as the Departmental quota for posting as postmen by Group "D"

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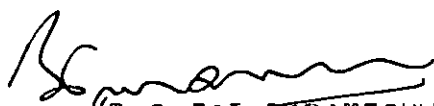
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Staff is by way of promotion in accordance with Section VI Promotion Prospects of Para 1(i) referred to above. Hence no quota is earmarked for ^{or in} the year 1998-99 against the Departmental quota in the Notification dated 17-7-1998. This submission, in our opinion, is in order.

The two vacancies were earmarked against the Departmental quota for S.T., but those posts were also not filled in the year & 1997-98. In the year, ~~1998~~ 1997-98, there is no reservation for S.C./ ST. Thus against 25% merit quota in 1997, 17 posts are to be filled up. If there is reservation, only 8 posts can be reserved for OBCs. In the year, 1998 against 25% merit quota total posts to be filled up is 3 by carrying forward the unfilled departmental quota. Out of these three posts only one post can be earmarked for OBC against the shortage due to the restriction of reservation to the extent of 50%. Thus in the year, 1997-98 9 OBC posts can be accommodated against the reservation. The list dated 16.12.1998 indicates only the names of 9 OBCs., category selected staff. Hence, there is no violation of rules. We fully agree with the submissions of the learned counsel for the Respondents.

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In view of what is stated above, we find
no merit in this O.A. The O.A., is dismissed.
No costs.


(B.S. JAI PARAMESHWAR)
Member (J)
14.6.99


(R. RANGARAJAN)
Member (A)

Date: 14-6-1999.

*Auth-
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Dictated in open Court.

Copy to:

1. HDHND
2. HHRD M(A)
3. HHRD M(J)
4. D.R. (A)
5. SPARE

1st and 11nd Court.

Typed By
Compared by

Checked by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

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

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

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

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

DATED: 14-6-99

ORDER/JUDGMENT

M.A./R.A./C.P.NO.

IN

D.A.NO : 83/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

(7 copies)

केन्द्रीय प्रशासनिक अपिकरण Central Administrative Tribunal दस्तावेज / DESPATCH
29 JUN 1999
हैदराबाद बेंच HYDERABAD BENCH