

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1088/99

DATE OF ORDER : 10-7-2000

Between :-

N.Prakasa Rao

...Applicant

And

1. Union of India, rep. by its Director
General of Posts, New Delhi - 110 001.
2. The Chief Post Master General,
AP Circle, Hyderabad-1.
3. The Director of Postal Services,
Office of the Chief P.M.G., AP Circle,
Hyderabad-1.

...Respondents

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Counsel for the Applicant : Shri K.Bhaskar Rao

Counsel for the Respondents : Shri J.R.Gopal Rao, Addl.CGS_c

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CORAM:

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

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

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

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...2.



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

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Heard Sri K.Bhaskar Rao, learned counsel for the applicant and Mrs.Shakti for Sri J.R.Gopal Rao, learned standing counsel for the Respondents.

2. The applicant in this O.A. wrote the examination for PSS Group-B services but he was not selected. Hence he has filed this O.A. to declare the action of the respondents in applying the impugned O.M.No.36012/23/96-ESTT(RES) dt.22.7.1997 to the posts PS Gr-B Exams 96 for General line (6%) and IPO/IRM line (19%) arose during 1996, though the examination was held in December, 1997, is arbitrary and illegal and consequently direct the respondents to apply the then existing OM No.8-12/69-ESTT (SCT) dt.23.12.1970 and fill the reserved vacancies of PS Group-B Exam's 96, ^{which} ~~arose~~ during 1996.

3. The first point for consideration is whether any relaxation can be given in the case of SC/ST for promotion to PSS Group-B. That point was considered in OA 1476/99 disposed of on 4-7-2000 and it was held in that O.A. that those reserved community candidates who had obtained marks relaxing the qualifications should be promoted in the vacancies that arose up to 30.9.1996. For the vacancies ~~which~~ arose from 1.10.1996, no relaxation is permissible in view of the notification dt.22.7.1997.

4. The main contention of the applicant in this O.A. is that he has got 32 marks in paper-I instead of 33 as per the relaxed standards. Hence he submits that in view of the D.O.

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No.8/12/69-EST(SCT) dated 23.12.1970 (page-9 of the reply) those reserved community candidates if they are found fit for promotion irrespective of their obtaining marks they should be promoted without refusing promotion to them ~~even~~ in the vacancies arose earlier to 30.9.1996.

5. The learned counsel for the Respondents submit that the same circular dated 23.12.1970 has been ~~reconsidered~~ ^{clarified} in the later circular dated 17.7.1971 (Page-10 to the reply) and that relaxation has been fixed at 33% in each paper. Even the fit candidate can be promoted only if they get 33% in ~~all~~ ^{each} papers and then only they will be considered ~~as~~ ^{for promotion to} PSS Group-B.

6. We have considered circular dt.23.12.1970 and later circular dated 17.7.1971. The later circular dt.17.7.1971 clearly indicates that the circular dt.23.12.1970 was kept in mind before fixing 33% in each paper for reserved community candidates ^{and held these candidates} will be considered only if ~~he~~ ^{they} gets 33% of the marks. ^{23.12.70} Hence we ~~do not~~ consider that circular dt.17.7.1971 cannot be read in isolation. It has to be read along with circular dated ^{17.7.91} ~~23.12.1970~~ and as per that letter a reserved community candidate will be considered ^{fit} only if he gets 33% in each subject. If the applicant obtains less than 33% in paper-I, he cannot challenge his non selection to PSS Group-B. In view of what is stated above, the Respondents are directed to adhere to the direction given in OA 1476/99 disposed of on 4-7-2000. ^{in this OA also}

7. Original Application is ordered accordingly. No order as to costs.



(R. RANGARAJAN)
Member (A)



(D. H. NASIR)
Vice-Chairman

Dated: 10th July, 2000.
Dictated in Open Court.



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