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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.227 of 1999

DATE OF JUDGMENT: 17th DECEMBER, 1999

BETWEEN:

A.VEERABHADRA RAO

.. APPLICANT

AND

1. The Chief Post Master General,  
Andhra Pradesh, Hyderabad,
2. The Post Master General,  
Visakhapatnam Region,  
Visakhapatnam-3,
3. The Sr.Superintendent of Post Offices,  
Visakhapatnam Division,  
Visakhapatnam.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.M.P.CHANDRAMOULI

COUNSEL FOR THE RESPONDENTS: Mr.A.PHALGUNA RAO, Adl.CGSC

CORAM:

HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGMENT

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.M.P.Chandramouli, learned counsel for the applicant and Mr.P.Phalguna Rao, learned standing counsel for the respondents.

2. A notification for filling up the post of Postal Assistants/Sorting Assistants was issued which is annexed



as Annexure A-II at page 7 to the OA. It has been stated in para (iii) of that notification that that the official should have obtained not less than 50% of marks (aggregate) in 10+2 or 12th class examination. The applicant submits <sup>(Correspondence Exam)</sup> that he had passed 7th class but due to distant L education, he qualified himself in the B.A. examination, even though he had not appeared for 10+2 examination. Hence he submitted an application for considering his case for the post of Postal Assistant as an incentive measure. That was rejected by the impugned order dated 9.3.98 (Annexure A-I at page 6 to the OA) on the ground that he had not acquired the minimum percentage of 50% in the Degree examination as required for the said scheme.

3. This OA is filed to set-aside the impugned letter No.B9/9/Inc(A)/97-98, dated 9.3.98 (Annexure A-I at page 6 to the OA) and for a consequential direction to the respondents to consider the case of the applicant for promotion to the cadre of PAs/SAs under the incentive scheme with effect from the year 1997-98.

4. When the OA was taken up for hearing, we enquired from the applicant whether the four posts indicated in the Annexure A-III letter at page 8 to the OA, in Visakhapatnam, have been filled up. It is stated that as no interim order was given in this OA to keep one post vacant, all the posts were filled up. Hence, the applicant may not be able to get the benefit as per the notification for filling up the post of Postal Assistant for the year 1997-98. However, the learned counsel for the applicant submitted that he will be satisfied if the respondents are

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directed to consider his case even if he had not obtained 50% of marks in the degree examination for the next examination to be ordered as an incentive scheme. In view of the above submission, this OA is considered.

5. A reply has been filed in this OA. The main contention of the respondents in this OA is that the applicant had not appeared for 10+2 or 12th class examination. Hence his scoring of 50% marks should be insisted in BA degree examination ~~also~~ even though it is higher than 10+2 or 12th class examination. As the applicant has got less than 50% marks in B.A., his case was rejected.

6. We have considered the contentions of both sides.

7. It is an admitted fact that the applicant had passed B.A. examination in Andhra University through correspondence course. It is also an admitted fact that the B.A. degree examination is <sup>a</sup> higher qualification as compared to 10+2 or 12th class examinations. Hence, in our opinion, insisting of 50% marks ~~even~~ if an employee ~~passes~~ higher examination, may not be in order. Hence the case of the applicant should be considered in future for the post of Postal Assistant against the incentive quota even though he had not acquired 50% marks in B.A. examination.

8. The OA is ordered accordingly. No order as to costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(D.H. NASIR.j)  
VICE CHAIRMAN

DATED: 17th DECEMBER, 1999  
Dictated in the open court

  
B.M.