

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

No.O.A.371 of 1999

35
DATE OF ORDER : 31.5.2000

BETWEEN :

G.Venkatayya S/o Padalu,
Inspector of Post Offices (C&PG),
Office of the Superintendent of
Post Offices,
Parvathipuram-535 501.

... Applicant

A N D

1. The Chief Postmaster General,
A.P.Circle,
Hyderabad - 1.
2. The Assistant Director General (SGP),
Ministry of Communications,
Department of Post, Dak Bhawan,
Sansad Marg,
New Delhi-110 001.
3. The Director General (Posts),
Dak Bhawan,
Govt. of India,
Parliament Street,
New Delhi.
4. Shri M.M.Basha,
Superintendent of Post Offices,
Peddapalli Division,
Peddapalli-501172,
Karimnagar District (A.P.).

... Respondents

Counsel for the applicant : Mr.N.R.Devaraj.

Counsel for the respondents: Mr.V.Rajeswara Rao.

CORAM :

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

O R D E R

R.Rangarajan, Member (A)

Heard Mr.N.R.Devaraj for the applicant and Mr.V.Rajeswara Rao for the official respondents. Notice has not been served

R

..2/-

upon respondent no.4. However, the order that is going to be passed may not be detrimental to the interest of respondent no.4. Hence, the O.A. is taken up for disposal.

2. The applicant in this O.A. belongs to SC Community. He was appointed as a Postal Assistant, Parvathipuram Head Post Office in the year 1975. In response to a notification, the applicant applied for the Group-B post of Postal Superintendent in the grade of Rs.7500-12000/- for being filled up by promotion from IPO/IRM line officials. Thereafter, an examination was held, but the applicant was not selected.

3. This O.A. is filed to place the applicant in the panel issued vide memo no.9-26/94-SPG dated 1.11.1995 and consequentially promoting him to the said post.

4. The main reason stated by the respondents in their reply to the O.A. is that the applicant being a SC candidate, should get 40% marks in each paper and 40% marks in the aggregate. For this they have enclosed annexure 'R-1' to the reply. As the applicant got only 36 marks in paper-I, he was disqualified.

5. We have perused the letter dated 13.9.1986 at annexure 'R/1' to the reply. This letter is very ambiguous. It does not spell out clearly that the minimum qualifying marks for SC candidates is 40% in each paper and also 40% in the aggregate. Relying on this letter alone ~~and~~ disposing of this case may not be proper. However, a mention has been made in annexure 'R-III' that the instant applicant had not secured 40% marks in paper-I. That remark is not supported by any Rule quoted in that letter. Hence, even though it can be concluded that the applicant failed to get 40% marks in paper-I, that should have been clearly explained on the basis of the rule. The same has not been done.

6. Reliance has been placed on an O.A. disposed of on 11.4.2000. But that judgment is in connection with a physically handicapped person and not a reserved community person.

7. Even then it can be concluded that the applicant failed to secure the minimum 40% marks in paper-I. But the same should be informed to him quoting the relevant rule by way of a written order.


2

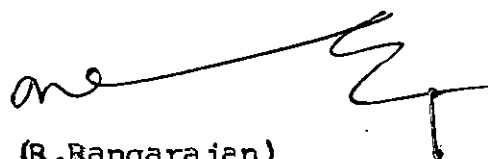
2

In that connection we believe that the respondent no.1 is the appropriate authority, being the head of the department, to give a reasoned and speaking order to the applicant, quoting the relevant rule.

8. Hence, we direct respondent-1 to inform the applicant suitably quoting the necessary rule in this connection as to why the applicant was not considered for the Group-B post of Postal Superintendent for being filled up by promotion. Time for compliance is two months from the date of receipt of a copy of this order.


9. The O.A. is ordered accordingly, without passing any order as to costs.


(B.S. Jai Parameshwar)
Member (J)
31.5.2000


(R. Rangarajan)
Member (A)

DATED 31ST MAY, 2000

DICTATED IN OPEN COURT


5.6.10

r.s.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

COPY TO:

1. HDHND
2. HARN (ADMN) MEMBER
3. HBSJP (JUDL) MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY
COMPILED BY

CHECKED 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 31/5/2000

MA/RA/EP.NO.

IN

DA.NO. 371/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AD WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

