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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.387/99

DATE OF ORDER : 10-3-2000

Between:-

D.V.V.Durga Prasad

...Applicant

And

1. The Sub Divisional Inspector (Postal), Dept. of Indian Post & Telegraphs, Nidadavole-534 501.
2. The Superintendent of Post Offices, Tadepalligudem Division, Tadepalligudem-534 101.
3. The Post master, Tadepalligudem Head Office, Tadepalligudem-534 101.

...Respondents

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COUNSEL FOR THE APPLICANT : Shri K.Raghavacharyulu

COUNSEL FOR THE RESPONDENTS: Shri V.Rajeshwar Rao, 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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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

Heard Sri K.Raghavacharyulu, learned counsel for the applicant and Sri V.Rajeshwar Rao, learned Standing Counsel for the Respondents.

2. The applicant in this OA was appointed as EDMC with effect from 10-6-1998 ^{and} ~~as~~ assumed charge on that ^{day} itself. He is also a physically handicapped person. He further submits that he is continuing in that post from 10-6-1998. A notification dated 6-1-1999 was issued by Respondent No.1 calling for applications for the post in which the applicant is working reserving the same to the ST community.

3. As the applicant does not belong to ST community, he has filed this OA for setting aside the notification dated 6-1-1999 issued by Respondent No.1 in reserving the post for ST candidate with all consequential benefits.

4. In the reply it is stated that the regular incumbent of that post appointed the applicant as substitute and joined as Group-D in the Army Postal Services. The applicant is continuing as stop gap arrangement purely on temporary basis. As the regular incumbent is not expected to join back in the original post, the ^{was} notification dated 6-1-1999 issued. As there was short fall of ST candidates in that Sub Division, this EDMC/DA post was reserved to ST candidates. They have also denied the contention of the applicant that he was appointed to Group-D post on regular basis. Hence they pray that this OA to be disposed of.

5. The applicant can be treated as substitute only till the regular incumbent gets absorbed/regularized in the Army Postal Services but it is not done. The regular employee has been taken as a Group-D employee in the Army Postal Services. Hence the period, if any, ^{duration} ~~for~~ training of that regular employee in the Army only should be treated as Substitute services of the applicant and the rest of the period, if any, should be treated as provisional appointment. That status, if it helps the applicant in future, the same should be taken note of.

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6. The applicant submits that the present post is a single post and hence reservation is not permitted. Extra Departmental post is not a single post and the availability of SC/ST/OBC in the whole ED Staff has to be seen. Hence, if in the ED Cadre there is a short fall of SC/ST/OBC, the respondents are at liberty to reserve any post which becomes vacant to a reserved community in accordance with the law. In the present case the said post is reserved for ST community. We do not find any irregularity in doing so. Hence the OA is liable to be dismissed and accordingly it is dismissed.

7. No order as to costs.


(B.S. JAI-PARAMESHWAR)

10/3/00
MEMBER (J)


(R. RANGARAJAN)

MEMBER (A)

Dated: 10th March, 2000.

Dictated in Open court.

Avl/