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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.436/1999

DATE OF ORDER : 16-2-2000.

Between :-

Yugender Reddy

...Applicant

And

1. Superintendent of Post Offices,
Peddapalli Division, Karimnagar
District.

...Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

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



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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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

2. The applicant herein was appointed as EDBPM, Bommapur as the regular incumbent of that post office was put off from duty. He was appointed with effect from 7.9.1994. The applicant continued as such till 6.1.1998.

3. Between 6.1.1998 and 9.3.1998 the regular incumbent of that post was reinstated into service.

4. The regular incumbent was promoted as Postman. Therefore the said post fell vacant. In that post, the applicant was again appointed as EDBPM on provisional basis. The applicant submits that between 7.9.1994 and 6.1.1999 he had completed 3 years as provisional BPM of that Branch Office. Further he was continued as such from 10.3.1998.

5. In the meanwhile Respondents issued notification dated 17.2.1999 calling for applications to fill up the EDBPM post on regular basis reserving the post for ST candidates and giving preference to SC candidates.

6. Being aggrieved, the applicant has filed this OA challenging the said notification dated 17.2.1999 and for a consequential direction to the respondents to regularize the services of the applicant as EDBPM in which he has been working for more than three years.

7. On 22.3.1999 an interim order was issued directing the respondents to maintain status quo. By that interim order, the applicant is continuing as EDBPM on provisional basis.

8. The Respondents have filed reply justifying the reservation ^{of the post} for the ST candidate by submitting that there is short fall of ST candidates in the Division to the extent of 13 and SC ^{Candidates} to the extent of 26. The Respondents while giving the figures in the Peddapalli Division have considered only BPMs. As per the EDA rules, respondents have to take into consideration the entire ED staff working in

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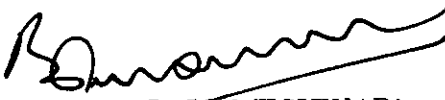
the division and on that basis the availability of SC/ST candidates should be examined to find out whether there is any short fall of ST/SC candidates.

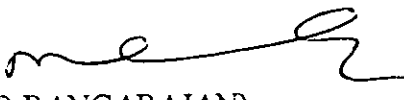
9. Hence the calculation of availability of the reserved community candidates in the Division made by the respondents while reserving the post for ST/SC is not done in accordance with the rules. Hence the respondents shall now review the assessment in the division on the basis of over all cadre strength of EDAs and decide whether the post notified in the notification dated 17.2.1999 has to be reserved to ST/SC candidate.

10. On that basis in case the reservation of posts for ST/SC is in order, then ^{impugned} the notification shall be taken into its logical conclusion. If that is not done, it shall be clearly stated that the post will be filled by an OBC candidate.

11. If it is to be filled by an OBC candidate, then the case of the applicant shall be considered first as he belongs to OBC and the fact that he had already completed 3 and half years service to be kept in thrown out EDAs list and ^{if} there are no candidates in that division in thrown out list above him.

12. With the above direction, the OA is disposed of. NO order as to costs.


(B.S. JALPARAMESHWAR)
16.2.00
MEMBER (J)


(R. RANGARAJAN)
MEMBER (A)

Dated: 16th February, 2000.

Dictated in Open Court.

Avl/