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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.467/99

dt.30-6-1999

Between

T. Sumathi : Applicant

and

1. Postmaster  
Ongole Head Post Office  
Ongole, Prakasham Dist.

2. Senior Supdt. of Post Offices  
Prakasam Divn., Ongole

3. Postmaster General  
Vijayawada Region,  
Vijayawada

4. Sri K. Veeraswamy Reddy  
LSG PA, Head Post office  
Ongole, Prakasam Dist.

: Respondents

Counsel for the applicant : K. Venkateswara Rao  
Advocate

Counsel for the respondents : P. Palgun Rao  
CGSC  
*M.V. Krishna mohan.*

Coram

Hon. Mr. R. Rangarajan, Member(Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member(Judl)

*R*

## Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(J))

Heard Mr. K. Venkateswara Rao, learned counsel for the applicant, Mr. P. Phalgun Rao, learned counsel for the respondents 1 to 3 and Mr. Krishna Mohan learned counsel for the Respondent-4.

1. The applicant is working as LSG PA in the office of Respondent-1. Prior to 23-1-1999 she was working as Ledger Clerk-III. On 23-1-1999 the Respondent-1 issued an office note posting the applicant as NSC Counter Clerk-I in the said office. She joined as NSC Counter Clerk-I with effect from 25-1-1999.
2. The Respondent-4, K. Veeraswami Reddy and one N. Ranga Rao felt aggrieved by the posting of the applicant as NSC Counter Clerk-I. Both of them submitted their representations. Their representations were considered by the Respondent-2.
3. The respondent-2 in the impugned letter dated 22-3-1999 observed as follows :

"The case has been thoroughly examined. Shri K. Veeraswamy Reddy, who is the only official passed the aptitude test among the other claimants of the post and also who is having satisfactory record of service is to be posted in the NSC counter as per his request. The Postmaster should implement the decision at once."
4. Being aggrieved by the impugned order dated 22-3-99 passed by Respondent-2 the applicant has filed this OA contending that she had completed her tenure as Ledger

Clerk, that there were no complaints against her, that there was no justification for the Respondent-2 to pass the impugned order, and that the impugned order casts stigma on her career. Thus, she prays for a declaration that she is entitled to continue as NSC Counter Clerk-I in the office of the respondent-1.

5. The respondents have filed their reply. They dispute that the applicant had completed her tenure as Ledger Clerk; that the applicant had a clear record of service, that the Respondent-1 while issuing the office note dated 23-1-1999 had violated DG letter dated 27-4-1989; that the applicant had not passed the SB aptitude test; and that the applicant was not the senior most. That in view of the instructions of the DG's letter No.2-3/86-SB dated 27-4-1989 only the senior most has to be posted as National Saving Certificate Counter Clerk. Thus, they submit that the action taken by the Respondent-1 in posting the applicant as NSC Clerk was irregular.

6. That the Respondent-4 <sup>is</sup> being the seniormost and had passed the aptitude test in the year 1983. He was found suitable for the post and accordingly Respondent No.2 passed the impugned order. Thus they justify the order dated 22-3-99.

7. Respondent-4 has also filed reply on the same lines and further contending that he was the most eligible person to be posted as NSC Clerk and that the Respondent-1 had committed an irregularity in passing office note dated 23-1-1999.

8. The contentions of the applicant that she had good record of service and that she had completed her tenure as

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a Ledger Clerk cannot be accepted in view of the reply filed by official respondents. In para-8 of the reply, they have given particulars of various warnings and punishments issued to the applicant. The applicant had<sup>s</sup> not filed any rejoinder disputing the averments made and the irregularities noticed in her career.


9. As per DG's letter dated 27-4-1989 NSC Counter Clerk must be a senior clerk. After 1-5-1989 an official for being posted as NSC Counter clerk has to pass the SB Aptitude test. It is not in dispute that the applicant had not passed the aptitude test as on 23-1-1999.


10. In view of the matter we find no irregularity in the order passed by the Respondent-2 on 22-3-1999. There are no merits in this OA.

11. Before parting<sup>with</sup> this OA, we feel it appropriate to bring it to the notice of the Respondent-3 the irregularity committed by the Respondent-1 in posting the applicant as NSC Counter Clerk-I vide office note dated 23-1-1999. The Respondent-3 may consider whether that office note was approved by any of the superior officer and if not, he may take such action as he may deem fit against the Respondent-1.

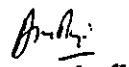
12. With the above observations the OA is dismissed.

No order as to costs.

  
(B.S. Jai Parameshwar)  
Member (Judl.)  
30.6.99

  
(R. Rangarajan)  
Member (Admn.)

Dated : June 30, 1999  
Dictated in Open Court

  
S. M. A.

COPY TO:-

1. HDHND
2. HHRPM(A)
3. HSSDP M(D)
4. D.R. (A)
5. SPARE

1st AND 11th COURT.

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

27/7

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD;

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

THE HON'BLE MR. H. RAJENDRA PRASAD  
MEMBER (ADMIN)

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMIN)

THE HON'BLE MR. D.S. JAI PARAMESHWAR  
MEMBER (JUDL)

ORDER: Date. 30/6/99

ORDER / JUDGMENT

MA./RA./CP.NO

IN

DA.NO.

467/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.O.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

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