

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA 1553/2018

Dated Friday, the 3rd day of May, 2019

PRESENT

**Hon'ble Mr.R.Ramanujam, Administrative Member
&**

Hon'ble Mr. P. Madhavan, Judicial Member

R. Sivados @ Veerasundaram
GDS MD/MC
Karukkangudi BO
a/w Tirunallar SO 609 607
Nagapattinam Postal Division

... Applicant

By Advocate M/s P R Satyanarayanan

Vs.

1. Union of India rep. by
Chief Postmaster General
Tamil Nadu Circle
Chennai 600 002.

2. Postmaster General
Central Region
Tiruchirappalli 620 001.

3. Superintendent of Post Offices
Nagapattinam Postal Division
Nagapattinam 611 001.

4. Ms. M. Bavithra
Gramin Dak Sevak Branch Postmaster
Andipalayam BO
a/w Adiakkamangalam SO 611 101
Nagapattinam Postal Division.

...Respondents

By Advocate Mr. Su. Srinivasan (R1-R3)
M/s R. Malaichamy (R4)

ORAL ORDER**(Order: Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following relief:

"To call for the records relating to the impugned proceedings REP/2-Misc/2016 dated 25.09.2018 issued by the first respondent and direct the respondents to appoint the applicant as Postal Assistant under 'OBC' category in Nagapattinam Postal Division based on the merit list released by the first respondent in respect of the DR Examination for GDS to Pas/SAs for the unfilled vacancies of departmental quota of the years 2013 and 2014 and pass such further or other orders"

2. Learned counsel for the applicant submits that the applicant had qualified in the examination for appointment to the post of Postal Assistant from the GDS cadre for the unfilled departmental vacancies of the years 2013 and 2014 held on 30.01.2017. Attention is drawn to Annexure A5 results in which the applicant's name figures at Serial No. 43 under the OBC category wherein it has also been noted that the applicant was eligible only for the OBC vacancy. The respondents have however withheld the appointment by unnecessarily linking the applicant's appointment with the interim direction issued by this Tribunal in OA 77/2017 dated 23.01.2017 whereby the applicant therein was permitted to attend the Computer Skill Test Paper II to be held on 24.01.2017 with the rider that the results of the applicant therein shall not be published till the disposal of the OA.

3. It is submitted that since OA 77/2017 is still pending, the applicant's appointment is also withheld whereas the order of this Tribunal in the said OA had nothing to do with the applicant's appointment as the applicant in the said OA belonged to the SC category and was entitled to be considered for appointment only under SC/UR. She could not be appointed in OBC vacancy which the applicant alone was entitled to in terms of his success in the examination.

4. Learned Senior Standing Counsel for the respondents submits that respondents had withheld the appointment of the applicant in the light of the stay issued by the Tribunal in the aforesaid OA as a measure of abundant caution. However, they had no objection to the Tribunal granting the relief sought by the applicant herein as it is not disputed that the applicant has qualified under the OBC category and there is no dispute about the applicant's selection thereagainst.

5. Keeping in view the above submission, the competent authority is directed to grant appointment to the applicant to the post of Postal Assistant in the light of his success in the aforesaid examination, if he is otherwise eligible and there are no other objections for the same. The order in this regard shall be issued within a period of one month from the date of receipt of a copy of this order.

6. OA is disposed of as above.

(P. MADHAVAN)
Member (J)
AS

03.05.2019

(R.RAMANUJAM)
Member (A)