

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.110 of 2012

Date of Order :06.06.2019.

Between :

C.Jayaramulu, s/o Venkata Subbaiah,
Aged 52 yrs, Occ:Post Master Grade.III,
R/o 10/676, Belammandi Street, Cuddapah,
Cuddapah District-516 001.

...Applicant

And

1. Union of India, rep., by the
Director General of Posts, New Delhi.

2. The Chief Post Master General,
A.P.Circle, Hyderabad.

3. The Superintendent of Post Offices,
Cuddapah Division, Cuddapah,

4. Sri K.Ranganatham, s/o late K.Kondaiah,
Accountant, Secunderabad HO,
Secunderabad Postal Division.

... Respondents

Counsel for the Applicant ... Dr.A.Raghu Kumar,

Counsel for the Respondents ...Mr.T.Hanumantha Reddy,Sr.PC for CG

CORAM:

**THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MRS.NAINI JAYASEELAN, MEMBER (ADMN.)**

ORAL ORDER

(As per Hon'ble Mr.Justice L.Narasimha Reddy, Chairman)

The applicant was appointed as Postal Assistant on 27.06.1973. The 4th respondent was appointed to the post of Postal Assistant on 31.10.1979. The promotion from that post is to the Lower Selection Grade (LSG) and the condition is that one should have passed PO/RMS Accountant test, prescribed for the purpose. It is stated that the applicant passed the test in 1990 and the 4th respondent passed the test in 1983.

2. On 24.02.2004, one Postal Assistant by name Smt.Rajani Natarajan, working in Secunderabad Division, was promoted to LSG. Challenging the same, the 4th respondent filed O.A.No.129/2007. His plea was that the promotion was effected on divisional basis though it is a Circle post. Another contention was that he passed Accountant Test in 1983, whereas Smt.Rajani Natarajan passed it in 1986.

3. Various contentions advanced before this Tribunal were considered in detail in O.A.No.129/2007 and ultimately through an order dated 18.02.2010, a direction was issued to the second respondent therein to convene a review DPC, and to effect promotions on Circle basis. Stating to be in the course of implementation of the order in O.A.No.129/2007, the respondents published a revised seniority list dated 21.04.2011 of APM (Accounts). The name of the applicant did not figure therein.

4. The applicant filed the present OA challenging the said revised seniority list. According to him, the respondents have taken into account the year of passing of the Accountant Test and not the actual seniority, be it in Circle level or Divisional level and that the whole exercise is contrary to the relevant rules.

5. On behalf of the respondents 1 to 3, reply statement is filed explaining the circumstances under which the impugned order came to be passed. It is stated that the promotions to the post of LSG were made on Division basis on an earlier occasion and in view of the order passed by this Tribunal in O.A.No.129/2007, the entire exercise was redone by taking Circle, as a unit of appointment. It is stated that the parameters, as mentioned in the Recruitment Rules, were followed. It is also stated that the year of passing the Accountant Test was taken into account, in view of the observations made by this Tribunal in the said OA.

6. We heard Dr.A.Raghu Kumar, learned counsel for the Applicant and Mrs.C.Vijaya Lakshmi representing Mr.T.Hanumantha Reddy, learned Standing Counsel for the Respondents.

7. Though, it is just promotion to LSG from the feeder category of Assistants, the complications surrounding it are indeed acute. One of the reasons is that the Recruitment Rules were amended frequently and there was no clarity as to the unit of appointment. Sometimes, the rules stipulated the Circle as a unit of appointment and on the other occasions the Division, as a unit. This only shows the manner in which the administration yielded to the pressure groups.

8. By the time the promotion of the applicant took place, Circle was the unit of appointment. So was the case when one Smt.Rajani Natarajan was promoted. This Tribunal took note of the same in OA.No.129/2007 and held that promotions on the basis of Division is not correct. Directions were given for promotion to LSG (Accountants) on the basis of Circle level seniority. Relevance of the year of passing Accountant Test was also mentioned. The impugned order came to be passed in the course of implementation of the order in O.A.No.129/2007.

9. We would have certainly examined the matter at length, but for the fact that the applicant is not able to demonstrate before us whether it is the seniority in Circle level vis-a-vis Divisional level that he relies upon. It is represented that the department did not prepare any seniority list at all

for the post of Postal Assistants either in Circle level or Divisional level. That is the matter, which we cannot help at this stage. Once the Circle was taken as unit of appointment for the post of LSG, we find it difficult to adjudicate the matter in the absence of seniority list to the contrary. It is represented that the applicant has retired from service on 31.12.2018, during the pendency of the OA. Added to that, no harm as such, is caused to the applicant since he was neither reverted nor the seniority, which was assigned to him, was disturbed. The impugned order has the effect of re-adjusting the seniority positions of the Postal Assistants promoted to the LSG, on the basis of the year of passing the Accountant Test.

10. We, therefore, do not find any merit in this OA and the same is accordingly dismissed. There shall be no order as to costs.

Sd/-

Sd/-

**(NAINI JAYASEELAN)
MEMBER (ADMN.)**

**(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN**

Dated: this the 06th day of June, 2019
Dictated in the Open Court

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