

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/001/2014

Dated: 30/10/2019

Between

Gadagottu Kumaraswamy,
S/o. Bushaiah,
Aged about 51 years,
Multi Tasking Staff,
Parakal Head Post Office 506 164
Hanamkonda Division,
Warangal District.

... Applicant

AND

1. Union of India rep. by
The Secretary,
Ministry of Communication & IT,
Dept. of Posts, India,
Dak Bhavan, Sansad Marg,
New Delhi ó 110 001.
2. The Postmaster General,
Hyderabad Region,
Abids, Hyderabad ó 500 001.
3. The Superintendent of Post Offices,
Hanamkonda Division,
Hanamkonda,
Warangal District.
4. The Sub Divisional Inspector (Posts),
Mulug Sub Division,
Hanamkonda,
Warangal District.

.... Respondents

Counsel for the Applicant : Mr. M. Venkanna
Counsel for the Respondents : Mr. K. Venkateswarlu, Addl. CGSC

CORAM :

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

(Per Honøble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant joined the service of the Department of Posts as Grameena Dak Sevak in the year 1978. There existed a provision for promotion of GDS as Postman, subject to the condition that the candidate shall not cross 50 years of age as on the date of consideration, he should have completed 15 years of satisfactory service and cleared 8th class examination. A notification in this behalf is issued on 12.01.2010. Only one vacancy existed for OC category. The applicant states that he was eligible to be considered and even DPC also recommended his name. Further steps could not be taken on account of filing of O.As No.85 & 86/2010 by two GDS officials, who were senior to the applicant but were not recommended on account of their crossing the age of 50 years. Interim orders were passed by the Tribunal in those O.As. The department filed Writ Petitions No.759/2011 & 776/2011, challenging the interim orders passed in the O.As. The Honøble High Court of A.P., stayed the operation of the interim orders.

2. The applicant approached this Tribunal earlier, by filing O.As No.84/2010 & 187/2010. Both of them were disposed of directing that the case of the applicant can be considered. This O.A. is filed for a direction to the respondents to appoint the applicant as Postman against the vacancy

meant for GDS officials and notified on 12.01.2010 w.e.f. the date on which the Postman through direct recruitment quota was appointed in that year.

3. The applicant contends that though there was some impediment at initial stage on account of interim order passed by this Tribunal in O.As No.85/2010 & 86/2010, the same ceased to exist due to the stay order passed by the Honøble High Court of A.P. He submits that he is entitled for promotion w.e.f the date on which the a direct recruitee was appointed as Postman in the year 2010.

4. On behalf of the respondents, a detailed counter affidavit is filed. Reference is made to various proceedings instituted by the applicant and the other candidates. It is stated that further steps in pursuance of the notification dated 12.01.2010 could not be taken on account of pendency of the Writ Petition and in the meanwhile, the applicant was promoted as MTS in the year 2013.

5. We heard Sri M. Venkanna, learned counsel for the applicant and Sri K. Venkateswarlu, learned counsel for the respondents.

6. The candidature of the applicant was considered for promotion as Postman in pursuance of the notification dated 12.01.2010. In fact, the DPC met and it is said to have recommended the case of the applicant. However, two candidates, who were senior to the applicant and have crossed the age of 50 years as on 01.07.2010, approached this Tribunal by filing O.As No.85/2010 & 86/2010. An interim order was passed therein and that in turn

gave rise to filing of Writ Petitions No.759/2011 & 776/2011 respectively by the department. The interim order passed by the Tribunal was stayed by the Honøble High Court.

7. It is no doubt, true that with the orders of interim stay by the Honøble High Court, the impediment for consideration of the case of the applicant ceased to exist. The fact however remains that the department has chosen to await the final outcome of the Writ Petitions so that complications would not arise at a later point of time. The applicant has also been accommodated in the post of MTS on his successful participation in the selection process. When two seniors of the applicant are waiting for the outcome of the Writ Petitions, the applicant cannot stand on a better footing.

8. We, therefore, dispose of the O.A., directing that depending upon the outcome of the Writ Petitions No.759/2011 & 776/2011, the respondents shall take further steps or decision. If it becomes possible for them to implement the recommendations of DPC, appropriate orders in that behalf shall be passed once the Writ Petitions are decided. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

pv