

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/20/1312/2013

Dated: 23/10/2019

Between

P. Devendra Kumar,
S/o. P. Govindreddy,
Aged 41 years, Occ: Group-D
in the O/o the Postmaster General,
Kurnool ó 5.

... Applicant

And

1. The Union of India rep. by its
Secretary, Dept. of Posts,
Ministry of Communications and IT,
New Delhi.
2. The Chief Postmaster General,
Andhra Pradesh Circle,
Hyderabad.
3. The Senior Superintendent of Post Offices,
Chittoor Division,
Chittoor ó 517 001.

... Respondents

Counsel for the Applicant : Dr. P.B. Vijaya Kumar
Counsel for the Respondents : Mr. M. Venkata Swamy, Addl.CGSC

CORAM :

***Hon'ble Ms. Manjula Das, Member (Judl.)
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

ORAL ORDER

{Per Honøble Ms. Manjula Das, Member (Judl.)}

This Original Application has been filed seeking a declaration that the proceedings No.B4-4/Seniority/2011 dated 21.10.2013 of 3rd respondent and denial of promotion to the post of Postman to the applicant, by transferring the earmarked vacancy from MTS cadre to GDS cadre is arbitrary, illegal, contrary to law, Rules, instructions of the Department and to direct the respondents to appoint the applicant against the said post with all consequential and attendant benefits.

2. The brief facts of the case are that the applicant was appointed as Group `Dø on compassionate grounds on 18.05.1993. He joined as Group `Dø in the O/o the Postmaster General, Kurnool Region, Kurnool on 17.6.1993. He applied for transfer to Chittoor Division and on obtaining approval he joined as Group `Dø in the Collectorate Sub Office, Chittoor on 23.8.1999. It is submitted that his total service in Group `Dø cadre as on 1.6.2013 is 20 years. As per Directorate General (Posts), New Delhi letter dated 4.4.2013, 25% of vacancies of Postman cadre are earmarked for Group `Dø on seniority-cum-fitness. The Sr. Supdt. of Post Offices, Chittoor ordered five candidates vide Memo dated 27.7.2013 to express willingness for appointment as Postman on seniority basis. Among those five candidates, the applicant is the 4th candidates and he has given willingness for promotion to the post of Postman for the vacancy of 2011. It is submitted by the applicant that three candidates senior to him, expressed unwillingness for promotion as Postman on seniority basis. The applicant is the only person who expressed willingness for promotion as Postman. However, instead of selecting him for

Postman cadre, the department took a decision to divert the post to general line and selected an ED official. It is further submitted by the applicant that the Senior Superintendent of Post Offices, Chittoor Division transferred the seniority vacancy to be filled from MTS officials, to the Gramina Dak Sevak officials for the vacancy year 2012 and called for applications from GDS officials. Examination was held and selected candidates were appointed as Postmen. Aggrieved over this, the applicant filed this O.A.

3. The respondents filed reply statement, opposing the contentions raised by the applicant. It is contended by the respondents that one Postman vacancy under 25% seniority quota was not filled up due to declination of the promotion by the MTS candidates selected by the DPC. The Circle Office, Hyderabad has carried forward the said one unfilled vacancy to the vacancies of next year 2012 i.e. under 50% by direct recruitment on the basis of competitive examination limited to GDS officials vide Circle Office letter dated 26.9.2013. Examination was held on 29.9.2013 and selected candidates were appointed as Postmen. Hence, there is no vacancy of 25% of seniority quota of MTS of 2011 at present.

4. Heard Sri P. Rama Chander Rao representing Dr. P.B. Vijaya Kumar, learned counsel for the applicant and Sri M. Venkata Swamy, learned Standing Counsel for the respondents. Perused the pleadings and the material papers placed before us.

5. The vacancy pertains to the year 2011 and the name of the applicant figured at Sl.No.4 in the seniority list. The three candidates senior to the applicant were not willing to go for promotion and accordingly they have

given their unwillingness to go for the promotion to the department. The DPC meeting was held on 02.09.2013 and considered five persons. The applicant was also in the zone of consideration. Accordingly his case was also considered but he was not selected. Two persons were selected but those two declined to join the promotional post. The main contention of the applicant is that he being at Sl.No.4 in the seniority list and when the three officials above him are not willing to go for promotion, his case ought to have been considered by the respondent authorities. Accordingly he prayed for a direction to consider his case by conducting review DPC.

6. In para 2 (b) of the reply statement, the respondents admitted that out of 5 eligible candidates namely K. Harigopal Rao, N. Ramakrishna, C. Thulasi, P. Deevendra Kumar (the applicant) & S. Haneef, excepting the applicant who is at Sl.No.4, others have given their unwillingness to be considered for promotion.

7. Hence, we deem it fit and proper to direct the respondents to reconsider the case of the applicant by convening review DPC as per the recruitment rules which were in existence at the relevant point of time and, if the applicant is found fit, his case may be considered for promotion to Postman cadre. The above exercise shall be completed within three months from the date of receipt of a certified copy of this order.

8. With the above direction, the O.A. is disposed of. No order as to costs.

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

(MANJULA DAS)
MEMBER (JUDL.)