

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

O.A/21/10/2014

Date of order : 30.10.2019

Between:

CH GANAPATHI RAO,  
S/o Ch. Laxman,  
Aged about 41 years,  
Working as GDS/Branch Postmaster,  
Devapur B.O, A/w Asifabad S.O 504293,  
Adilabad Division, Adilabad District.

Applicant

AND

1. The Union of India rep. by  
The Director General, Posts,  
Department of Posts, Govt. of India,  
Dak Bhavan, Sansad Marg,  
New Delhi 110 001,
2. The Chief Post Master General,  
A.P.Circle, Hyderabad 500 001,
3. The Post Master General,  
Hyderabad Region, Hyderabad 500 001,
4. The Superintendent of Post Offices,  
Adilabad Division, Adilabad 504 001.

Respondents

Counsel for applicant : Mr. B GURUDAS

Counsel for the respondents : Mrs K Rajitha, Sr. CGSC

C O R A M :

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY, CHAIRMAN

THE HON'BLE MR. B V SUDHAKAR, MEMBER (A)

**ORAL ORDER**

(PER HON'BLE Mr. JUSTICE L.NARASIMHA REDDY, CHAIRMAN)

Applicant joined the service of Department of Posts as Gramin Dak Sevak Branch Post Master (for short GDS BPM) in the year 1997. Superintendent of Post Offices, Adilabad issued notification dated 20.08.2013 proposing to fill the vacancies of Postmen under two categories viz., 50% of vacancies constituting six vacancies earmarked for Multi Task Staff (for short MTS) and remaining 50% were earmarked for Gramin Dak Sevaks (for short GDS). In the latter category, 4 vacancies were earmarked for OC and one vacancy for Physically Handicapped (Visually Handicapped). Limited Departmental Competitive Examination (for short LDCE) was conducted on 29.09.2013. Applicant participated therein. According to the Recruitment Rules, the examination would comprise of four parts and the candidate must secure at least 10 marks in each of the parts to be considered. There is exemption in favour of Scheduled Caste (for short SC) and Scheduled Tribe (for short ST) candidates. Applicant secured 8 marks in Part 'A', 14 in Part 'B', 10 in Part 'C(i)', and 12 in Part 'C(ii)', of the four parts. Since he failed in Part 'A', he was not treated as qualified.

2. Applicant contends that he belongs to ST community and is entitled to be extended the benefit of relaxation of minimum marks. It is also his case that he is Orthopedically Handicapped (for short OH) candidate and since no Visually Handicapped (for short VH) candidate was qualified, he ought to have been considered against that vacancy.

3. This OA is filed with a prayer to call for the records pertaining to the order of selection dated 05.10.2013 and to declare rejection of the candidature of applicant against PH (VH) vacancies as illegal, arbitrary

and direct respondents to consider the candidature of the applicant against such vacancy.

4. Respondents filed counter affidavit wherein it is stated that applicant was appointed as Gramin Dak Sevak not under any reserved category and accordingly he was treated as Unreserved candidate in the LDCE. It is stated that applicant was not qualified in the examination and accordingly he was not considered. The claim of applicant as ST and PH candidate also is denied.

5. Heard Mr. B.Gurudas, learned counsel for applicant and Mrs. K.Rajitha, learned senior standing counsel for respondents.

6. Applicant was appointed as Branch Post Master in the year 1997. Order of appointment, however, does not disclose that it was against a vacancy earmarked for ST or for that matter PH. An LDCE is conducted for promotion of MTSS and GDSs in equal shares. Since applicant was eligible to appear under the GDS category, he participated in the examination. As observed earlier, he did not secure the minimum marks in one part i.e, Part 'A' and, therefore, he was treated as not qualified.

7. Applicant claims a two fold relief. Firstly, he wants the benefit under Scheduled Tribe cadre in the context of clearing LDCE. Thereafter, he wants his candidature against a vacancy reserved for VH. There again, he wants conversion of VH into Orthopedically Handicapped (OH).

8. Coming to the first aspect, the question of applicant being treated as an ST would arise only if his appointment as GDS BPM refers against that category. Status of a candidate would prevail, when he/she enters the feeder category post of MTS or GDS. Once applicant was not appointed as GDS against a vacancy reserved for ST, question of

extending the benefit of relaxation available to ST in the LDCE does not arise. The second aspect in a way intervenes to the first one.

9. As the applicant was not appointed as GDS BPM against a vacancy reserved for PH, he cannot be extended that benefit also. Added to that, when vacancy reserved for VH notified, applicant claims the benefit as PH. We find it difficult, if not impossible, to accede to the prayer in the OA.

10. We do not find any merit in the OA. OA accordingly dismissed. There shall be no order as to costs.

(B V SUDHAKAR)  
MEMBER (A)

(JUSTICE L.NARASIMHA REDDY)  
CHAIRMAN

vsn

