

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/21/794/2019**

**Dated: 09/09/2019**

Between

Smt. G. Maheswari,  
W/o. M. Bixapathi,  
Age 33 years, Occ: Post Woman,  
Jangaon H.O.,  
Hanmakonda Division.

... Applicant

**AND**

1. Union of India rep. by its  
Secretary to the Govt. of India,  
Ministry of Communications & IT,  
Dept. of Posts ó India,  
Dak Bhavan, Sansad Marg,  
New Delhi ó 110 001.
2. The Chief Postmaster General,  
Telangana Circle, ÷Dak Sadanø,  
Abids, Hyderabad ó 500 001.
3. The Superintendent of Post Offices,  
Hanmakonda Division,  
Hanmakonda ó 506 001.

... Respondents

Counsel for the Applicant : Mr. M. Venkanna  
Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC.

***CORAM :***

***Hon'ble Mr. Justice L. Narasimha Reddy, Chairman***  
***Hon'ble Mrs. Naini Jayaseelan, Admn. Member***

***ORAL ORDER***

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

It is rather unfortunate that in the Postal department, most of the employees are turning out to be seasonal litigants for every small thing even by placing highly unacceptable interpretations for their self ends. Still unfortunate is the greed of such litigants to grab every possible opportunity in the department, even though they are occupying safe positions.

2. The applicant was appointed as GDS (BPM) on 25.01.2007. She participated in a Limited Departmental Competitive Examination and on the basis of performance therein, she was appointed to the post of MTS on 10.10.2017.

3. The respondents initiated steps for appointment to the post of Postal Assistant (P.A.). The appointment thereto is governed by :-Department of Posts (Postal Assistant & Sorting Assistant) (Group -C or Non-Gazetted) Recruitment Rules for short - Rules. According to this, 50% of the posts are to be filled by promotion through a Limited Departmental Competitive Examination from the feeder category. If that is not possible, the same vacancies can be filled by way of direct recruitment of Grameena Dak Sevaks (GDS) of the concerned Division

or Unit, who have completed 5 years of service as on 1<sup>st</sup> April of the vacancy year and are within the age limit of 30 years. Respondents initiated steps for selection and appointment to the post of Postal Assistant against the vacancies of the years 2018 & 2019. They have taken recourse to the direct recruitment of the eligible GDS. The applicant and several others applied. However, through communication dated 26.08.2019, the applicant was informed that her candidature was not considered as she was not working as GDS as on the relevant date. This O.A. is filed challenging the communication dated 26.08.2019 as well as the condition stipulating that a candidate must be working as GDS with 5 years of service.

4. The applicant contends that the recruitment to the post of Sorting Assistant did not take place for quite some years and obviously for that reason, she took part in the test conducted for MTS; and on the mere fact that she occupied a higher post, compared to GDS post, she cannot be denied the opportunity to participate in the test. Reliance is placed upon the order dated 16.09.2015 passed by this Tribunal in O.A. No.1415/2014.

5. Heard Sri M. Venkanna, learned counsel for the applicant and Smt. K. Rajitha, learned Senior Standing Counsel appearing for the respondents.

6. Column 10 of the Schedule of the Rules relating to P.A. & S.A.

reads as under:

Method of Recruitment whether by direct recruitment or by promotion or by deputation or absorption and percentage of the vacancies to be filled by various methods
(10)
(A)(i) 50% of the posts by promotion through a Limited Departmental Competitive Examination, failing which by
(ii) direct recruitment of Gramin Dak Sevaks of the recruiting division or unit on fulfilling the following conditions, as on the 1 <sup>st</sup> day of April of the year to which the vacancy(ies) pertain to, on the basis of examination limited to such Gramin Dak Sevaks:
<ul style="list-style-type: none"> <li>(a) 10+2 standard or 12<sup>th</sup> class pass from a recognized University/ Board and have put in a minimum service of five years;</li> <li>(b) Should be within 30 years of age (relaxable for different categories as notified by the Govt. of India from time to time;</li> </ul>
failing which

From this, it becomes clear that the 50% posts are otherwise required to be filled by way of a Limited Departmental Competitive Examination, from the feeder category and it is only as an alternative, that recourse can be taken to direct recruitment from the category of GDS. It is not in dispute that the applicant did not fulfil the requirements stipulated therein. When the rules have stipulated that only GDS would be entitled to participate, it is just not ununderstandable as to on what basis, the applicant had applied.

7. It is true that in O.A No. 1415/2014, it was observed that a GDS who has been upgraded or promoted as MTS, cannot be denied an opportunity to participate in a test which is meant for GDS alone. However, the Rule extracted above, did not fall for consideration.

8. In O.A. No.1386/2012, similar claim made by a Mail Guard, to permit him to participate in the test which is meant for GDS alone, for

being appointed to the post of P.A., was turned down. The relevant portion of the order reads as order:

ö 11. Respondents have clearly and categorically stated that as per the provisions contained in Directorate letter No.A-34012/5/2011-DE dated 13.07.2012 and as per the revised Recruitment Rules, 2011 of PA/SA-2011 vide No.BI/Unfilled LGO Pas/2012 dated 03.08.2012 unfilled DP quota vacancies in Postal Assistant cadre is to be filled up with GDS duly observing recruitment process. The Post Master General, Kurnool in the letter No.Re/Unfilled DP-2010/Off/ GDS/2012 dated 11.09.2012 has clarified that the official working as Postman/ Mail Guard are not eligible for PA/SA examination which is being conducted for GDS officials only. Therefore applicant is not eligible for applying for the examination. Application of the applicant was rejected as she is already promoted to Mail Guard cadre and treated as departmental candidate and the vacancies are only of the unfilled PA vacancies of the LGO examination 2010 and earmarked to the GDS cadre only.

12. In view of the above facts and circumstances we do not find any merit in the O.A. and the same is rejected. The interim relief granted by this Tribunal on 04.12.2012 by which the applicant was permitted to appear for the Postal Assistant examination has become infructuous.ö

9. As recently as on 05.09.2019, this Bench rejected similar claim in O.A. No.791/2019.

10. We do not find any merit in the O.A. and it is accordingly dismissed. There shall be no order as to costs.

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

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

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