

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/288/2015

**Reserved on: 25.03.2021
Pronounced on :09.04.2021**



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

Mohd. Shafi Uddin, S/o. late Shaik Ahmed Alauddin,
Aged about 49 years, Occ: EDDA,
Working at ECIL Sorting Office,
Post office ECIL, R/o. H. No. 12-1-892,
North Lallaguda, Secunderabad,
Telangana State.

...Applicant

(By Advocate : Mr. Moosa Ahmed)

Vs.

1. Union of India rep. by the Secretary,
Department of Posts & Telecommunications,
CGO Complex, Lodhi Road, New Delhi.
2. The Chief Postmaster General,
Andhra Pradesh Circle, Hyderabad.
3. The Sr. Superintendent of Post Offices,
Secunderabad Division, Secunderabad.
4. The Asst. Superintendent of Post Offices,
Secunderabad East Division, Hyderabad – 500007.

... Respondents

(By Advocate: Mrs. K. Rajitha, Sr. CGSC)

ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

2. The OA is filed questioning the action of the respondents in not regularising the services of the applicant.



3. Brief facts are that the applicant was appointed as paid Substitute on 4.5.1989 in leave vacancy and the applicant was provisionally appointed as EDDA/ GDS (Grameen Dak Sewak) on 31.12.1992 and again as EDDA on 5.9.1997. Applicant has rendered 25 years of service without any blemish and yet, his services were not regularised despite submitting representations. Further, applicant appeared in the departmental exam conducted for selection to the post of Postman on 15.12.2014 and secured 46 marks out of 100 thereby becoming eligible to be appointed as Postman under OBC category. However, respondents selected 3 candidates and one of them by name Sri Vitaleshwar, an OBC candidate, though secured 45 marks, was appointed as Postman. Aggrieved, the OA is filed.

4. Applicant states that he has rendered more than 25 years of unblemished service and yet, was not selected. Sri Vitaleshwar, an OBC candidate, who got less marks than the applicant, was appointed as Postman, thereby the applicant was discriminated and Articles 14 & 21 of the Constitution have been violated.

5. Respondents state that the applicant was appointed as GDS MD on 8.3.1997 as GDS and not earlier as stated by the applicant. His previous

stints were as leave substitutes which do not count for service and as per rules such service cannot be regularised. Hence, service rendered is not 25 years, as claimed by the applicant. The Postman exam referred to by the applicant was conducted on 14.12.2014 wherein the applicant secured 31 marks and Mr. Vittaleswar got 45 marks and therefore, the latter was selected. The applicant got 46 marks in 2013 Postman exam and not in 2014 Postman exam and therefore, the comparison made by the applicant is incorrect.



6. Heard both the counsel and perused the pleadings on record.

7 (I) The dispute is about non regularisation of the services of the applicant rendered as leave substitute and for not selecting him as Postman though he got higher marks, according to him, in the exam. The details of the case reveal that the applicant worked as a leave substitute and he has not cited any rule or the law, under which, the period for which the applicant worked in leave vacancy has to be regularised. In the absence of any rule supporting his contention, regularisation of the period during which the applicant worked in leave vacancy under reference, will not arise.

II. In regard to the second contention, applicant scored 31 marks in the 2014 Postman exam which are lesser than 45 marks obtained by the OBC candidate Sri Vittaleswar, with whom the applicant compared his performance and sought relief. As the applicant got lesser marks, he was not selected. The applicant compared the marks of 46 which he got in 2013 exam to the marks of 45 which Sri Vittaleswar in 2014 exam, which is a

wrong comparison. Marks of the same exam and year are to be compared and not otherwise.

III. Therefore, in view of the aforesaid circumstances, we find no merit in the case and hence, the OA is dismissed with no order as to costs.



(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/