

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00606/2020

HYDERABAD, this the 16th day of October, 2020

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



N.ANJANNA S/o Late N.Balaiah,
Age : 41 years, Occ : GDSMC/MD,
Marikal BO, A/w Nawabpet S.O.,
Mahabubnagar.

...Applicant

(By Advocate : Mr.M.Venkanna)

Vs.

1. Union of India represented by
Secretary,
Department of Posts – India,
Ministry of Communication & IT,
Dak Sadan, Sansad Marg,
New Delhi – 110001.
2. The Chief Postmaster General,
Telangana Circle,
HYDERABAD-500 001.
3. The Postmaster General,
Hyderabad Region,
Hyderabad-500 001.
4. The Superintendent of Post Offices,
Mahabubnagar Division,
MAHABUBNAGAR-509 001.

....Respondents

(By Advocate : Mr.D.Satyaveer, Addl.CGSC)

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

Through Video Conferencing:



2. The O.A. is filed by the applicant, challenging the notification for recruitment to the cadre of MTS for the vacancy years of 2018, 2019 & 2020 from the cadre of Grameena Dak Sevak.

3. The brief facts of the case are that the applicant was appointed as EDMC in the respondent's organization on 22.11.1997. He has been working so till date without any adverse remarks. The respondents have come up with a notification to fill up MTS post. In the said notification, they did not disclose the vacancies with community split and also there was no indication about how many vacancies are sought to be filled by direct recruitment and how many on the basis of seniority cum fitness against 50% quota with community split up. The applicant has also applied for the post of MTS against ST vacancies. The applicant claims that the ST post was filled up in 1997 and thereafter no post was filled up under ST quota in the cadre of MTS. Hence, the applicant is aggrieved that the respondents have violated the rules of reservation wherein they have not followed the roster points in conducting the selection for the said cadre. Hence, the O.A.

4. The contentions of the applicant are that the respondents have come up with the notification to fill up MTS posts without indicating any post for ST community. Applicant alleges that the number of ST vacancies brought forward over the years have not been given with the community break up. The applicant states that he made a representation on 11.2.2020 seeking

information about how the rule of reservation is implemented in the respondent's organization. Applicant points out that one ST candidate was selected as MTS in seniority quota whereas on inquiry it was found that the employee was indeed selected through Employment Exchange and that obviously he is a direct recruit.



5. When the case came up for hearing, the respondents sought time to revert to the Tribunal with detailed instructions on the subject in view of the interim relief sought by the applicant. The respondents have submitted the instructions today. We have gone through the same. The respondents have clarified that 15 posts of MTS in Mahaboobnagar Division were available to fill up. The percentage of reservation allocated to different communities is 27% OBC, 15% for SC, 7.5% for ST and 10% EWS. Accordingly, the percentage of representation of the reserved category (ST) was properly taken care of in MTS posts, as per reservation policy. Already one official Sri Annayya, belonging to ST category, working in Mahaboobnagar Division is on the rolls. Hence, the prescribed percentage of representation pertaining to ST category is fulfilled. There is no vacancy in ST category in MTS cadre to be filled up. The applicant stands at Sl.No.267 in GDS seniority list of the division. The division has conducted 12 recruitments from 1992 to 2018 in the cadre of MTS. The vacancies pertaining to the special recruitments were allotted as per the short fall in the reservation quota duly observing the 50% reservation policy. As there was no shortfall in ST category, no vacancy could be allotted. The filling up of the posts was done as per the relevant recruitment rule. According to the same, there is no vacancy available to the ST category.

6. Heard Sri M. Venkanna, learned counsel for the applicant and Sri D. Satyaveer, learned counsel for the respondents and perused the pleadings on record.

7. The issue is in regard to non-allocation of any post for ST community in the notification issued by the respondents to fill up 15 MTS posts. Respondents in the instructions filed have demonstrated with details that there is no ST vacancy. In one ST post Sri Annayya is working and would be retiring on 31.7.2021. Only after his retirement, the vacancy in ST category arises. Till then, the applicant has to wait for his opportunity. Therefore based on facts placed before us, we do not find any error in the notification issued by the respondents for filling up of MTS posts. Learned counsel for the applicant prayed that the case of the applicant may be considered when the vacancy arises due to the retirement of the employee referred to. The prayer is fair and hence, the respondents are directed to consider the case of the applicant as and when a vacancy arises for ST community in future as per rules and in accordance with law.

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

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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