HC-KAR

NC: 2026:KHC:29071-DB
WP No. 23815 of 2021
C/W WP No. 20500 of 2021
WP No. 24205 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 23815 OF 2021 (S-CAT)

C/W

WRIT PETITION NO. 20500 OF 2021 (S-CAT)

WRIT PETITION NO. 24205 OF 2021 (S-CAT)

IN WP No. 23815/2021

BETWEEN:

1. UNION OF INDIA
   REPRESENTED BY SECRETARY
   DEPT OF POST,
   DAK BHAVAN,
   NEW DELHI-110 001.

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

2. THE CHIEF POST MASTER GENERAL
   KARNATAKA CIRCLE
   PALACE ROAD,
   BENGALURU-560 001.

3. THE GENERAL MANAGER (PA & F)
   KARNATAKA CIRCLE,
   GPO BUILDING,
   AMBEDKAR VEEDHI,
   BENGALURU-560 001.

4. THE DEPUTY DIRECTOR GENERAL
   (POSTAL ACCOUNTS AND FINANCE),
   POSTAL ACCOUNTS WING,
   DAK BHAVAN,

NEW DELHI-110 001.

…PETITIONERS

(BY SRI. ARAVIND KAMATH, ASG ALONG WITH SMT. V. RAJINI, CGC)

AND:

MS. MANASA HEGDE
D/O SRI. SUBRAY NARAYAN HEGDE,
AGED ABOUT 34 YEARS,
WORKING AS POSTAL ASSISTANT
(GROUP LEADER PLI)
O/O SUPERINENDENT OF POSTS,
KARWAR DIVISION,
KARWAR -581 301
R/AT C/O R.M.NAIK
NO.21, "SHAINIVAS"
BEHIND PWD QUARTERS,
KOULKARWADA KAIKINIU ROAD,
KARWAR-581 301

…RESPONDENT

(BY SRI. SATISH K, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-DECLARE THAT THE ORDER DATED 10.08.2021(ANNEXURE-A) PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL BENGALURU BENCH IN O.A NO.170/01198/2019 AS ILLEGAL ARBITRARY CONTRARY TO THE RECRUITMENT RULES.

IN WP NO. 20500/2021

BETWEEN:

1. UNION OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POST
POSTAL ACCOUNTS WING
DAK BHAVAN
NEW DELHI-110 001
REP BY ITS SECRETARY &

DIRECTOR GENERAL OF POST
DEPT OF POSTS

2. SENIOR DEPUTY DIRECTOR GENERAL (PA & F)
DEPT OF POST
OFFICE OF DIRECTOR GENERAL OF POSTS
POSTAL ACCOUNTS WING
DAK BHAVAN, SANSAD MARG
NEW DELHI-110 001

3. ASSISTANT DIRECTOR GENERAL OF POSTS
(PA ADMIN)
DEPT OF POSTS
POSTAL ACCOUNTS WING
DAK BHAVAN, SANSAD MARG
NEW DELHI-110 001

4. THE CHIEF POST MASTER GENERAL
KARNATAKA CIRCLE
PALACE ROAD
BENGALURU 560 001

5. THE GENERAL MANAGER (PA & F)
KARNATAKA CIRCLE
GPO BUILDING
AMBEDKAR VEEDHI
BENGALURU-560 001

6. THE SENIOR SUPERINTENDENT OF POST OFFICES
KOLAR DIVISION
KOLAR-563 102

...PETITIONERS

(BY SRI. ARAVIND KAMATH, ASG ALONG WITH
SMT. V. RAJINI, CGC)

AND:

KUM. SARITHA K.S
D/O SRI SRINIVAS K.N
AGED ABOUT 28 YEARS

KUMBARA HOME, I MAIN
II CROSS, SONNASHETTYHALLI
CHINTAMANI TALUK-563 125
CHIKKABALLAPURA DISTRICT

...RESPONDENT

(BY SMT. B.V. VIDYULATHA, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-DECLARE THAT THE ORDER DATED 12.05.2021 (ANNEXURE-A) PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, BENGALURU BENCH, BENGALURU IN OA NO.170/1102/2019 AS ILLEGAL AND ARBITRARY AND SET ASIDE IT.

IN WP NO. 24205/2021

BETWEEN:

1. UNION OF INDIA
   REPRESENTED BY SECRETARY
   DEPT OF POST, DAK BHAVAN,
   NEW DELHI-110 001.

2. THE CHIEF POST MASTER GENERAL
   KARNATAKA CIRCLE,
   PALACE ROAD,
   BENGALURU-560 001.

3. THE GENERAL MANAGER (PA AND F)
   KARNATAKA CIRCLE,
   GPO BUILDING,
   AMBEDKAR VEEDHI,
   BENGALURU-560 001.

4. THE DEPUTY DIRECTOR GENERAL
   (POSTAL ACCOUNTS AND FINANCE),
   POSTAL ACCOUNTS WING,
   DAK BHAVAN, NEW DELHI-110 001.

...PETITIONERS

(BY SRI. ARAVIND KAMATH, ASG ALONG WITH
SMT. V. RAJINI, CGC)

AND:

SRI. B.R HEMANTH KUMAR
AGE 29 YEARS
S/O RAMANNA,
WORKING AS POSTAL ASSISTANT
(GROUP LEADER PLI)
O/O SUPERINTENDENT OF POST OFFICES,
BANGALORE SOUTH DN
BANGALORE-560 041
R/AT AKKAMAHADEVI NILAYA,
NO.97/1, 5TH MAIN ROAD,
MEENAKSHINAGAR,
BASAWESHWARANAGAR POST,
BANGALORE-560 079.

...RESPONDENT

(BY SRI. SATISH K, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE ORDER DATED 10.08.2021 (ANNEXURE -A) PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, BENGALURU BENCH, BENGALURU O.A.NO. 170/01199/2019 AS ILLEGAL, CONTRARY RECRUITMENT RULES, ARBITRARY AND SET ASIDE IT.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

The Union of India is before this Court under Article 226 of the Constitution of India challenging the orders dated 10.08.2021 in OA No. 1198/2019, dated 18.02.2019 in OA No. 1102/2019 and dated 10.08.2021 in OA No.119/2019 passed by the Central Administrative Tribunal, Bengaluru(hereinafter referred to as 'the Tribunal'), whereby, the Tribunal allowed the Applications filed by the respondents herein and directed the petitioners to place the respondents in the merit list at the appropriate place based on the marks obtained by them in the qualifying examination and to consider their cases for promotion to the post of Assistant Accounts Officer (hereinafter referred to as 'AAO') in the department of Posts.

2. The brief facts of the case are as follows:

The respondents were appointed as Postal Assistants in the Department of Posts and subsequently, appeared in

the Limited Departmental Competitive Examination (for short, "LDCE") conducted for recruitment to the cadre of AAO in the Indian Posts and Telecommunications Accounts and Finance Service (IP & TAFS), Group 'B', for the year 2018-19. Thereafter, the Department announced a merit list containing 49 candidates selected for appointment to the post of AAO. Subsequently, in the year 2019, the applicants/respondents herein came to know that several candidates who were junior to them had been selected for the said post, despite having secured fewer marks than the applicants in the examination.

3. According to the respondents, Column 11 of the Schedule to the Indian Posts and Telegraphs Accounts and Finance Service, Telecommunications Wing, Group 'B' (Accounts Officer) Recruitment Rules, 2018 (hereinafter referred to as 'Recruitment Rules') stipulates that candidates in Level-5 with seven years of regular service are eligible for promotion to the post of AAO. Further, Note 1 under Column 9, pertaining to desirable qualifications,

provides that the qualifications are relaxable at the discretion of the Staff Selection Commission or the Competent Authority, for reasons to be recorded in writing, in the case of candidates who are otherwise well qualified. Despite the said provision, the representations of the respondents were not considered. Aggrieved by the same, they filed separate Original Applications before the Tribunal.

4. The applications were opposed by the Union of India by filing detailed statements of objections before the Tribunal. Upon consideration of the pleadings and the documents placed on record, the Tribunal has allowed the Original Applications filed by the respondents. Aggrieved by the said orders, the Union of India has preferred these writ petitions.

5. Heard the learned Additional Solicitor General of India, Sri Aravind Kamath, appearing on behalf of Smt. V.Ragini, learned Central Government Counsel for the

petitioners and Sri Satish and Smt. Vidyulatha, learned counsel appearing for the respondents.

6. The learned ASG on behalf of the Union of India has submitted that the impugned orders passed by the Tribunal are contrary to Column No. 11 of the Schedule to Recruitment Rules which would prescribe for regular qualifying service in level 4 with 9 years of regular service. The said column would also provide a note which says that where juniors who have completed their qualifying service are being considered for promotion, their seniors shall also be considered provided that they are not short of the requisite qualifying service by more than half of such qualifying or eligibility service or 2 years, whichever is less. It is submitted that in the instant case, none of the juniors are being considered for promotion and hence, the impugned order of the Tribunal ought to be set aside. It is further submitted that the communication dated 18.07.2018, on which reliance is placed by the respondents, is contrary to the Recruitment Rules. It is

submitted by the learned ASG by placing reliance upon the decision of the Hon'ble Apex Court in ***COMMISSIONER OF CENTRAL EXCISE, BOLPUR VS RATAN MELTING AND WIRE INDUSTRIES*** reported in ***(2008) 13 SCC 1*** that a circular which is contrary to statutory provisions has no existence in law and hence, the respondents cannot place reliance upon communication dated 18.07.2018.

7. According to the learned ASG, the respondents entered service in the Department as Postal Assistants (Level-4) in the year 2011 and applied for the LDCE conducted for recruitment to the post of AAO for the year 2018-19 pursuant to the examination notification dated 19.04.2018. As per the Recruitment Rules, the prescribed eligibility criteria for departmental employees in Level-4 is 9 years of regular service. However, the respondents, who had rendered only seven years and a few months of service, applied for and appeared in the examination. It was further contended that the final merit list was published on 11.02.2019 pursuant to the examination held

on 01.10.2018 and the respondents were not successful in securing a place in the merit list as the respondents had not rendered the required 9 years of service in Level-4. Thus, he would pray for allowing the writ petitions and setting aside the impugned orders of the Tribunal.

8. *Per contra*, learned counsel appearing for the respondents jointly submitted that the Note appended below the table relating to regular qualifying service in Column No. 11 in the Schedule of the Recruitment Rules makes it clear that where juniors who have completed the prescribed qualifying service are being considered for promotion, their seniors shall also be considered, provided they are not short of the requisite qualifying or eligibility service by more than one-half of such qualifying or eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

9. It was further submitted that, since the respondents had already completed more than seven years of regular service and satisfied the other prescribed conditions, they were entitled to be considered for promotion in terms of the aforesaid Note. Therefore, the Tribunal was justified in granting the relief sought by the respondents.

10. Further, the learned counsel for the respondents would, by placing reliance on para 12 of the communication dated 18.07.2018 would submit that, as per the said communication, all seniors for whom Note Below Coumn No.11 is/might be applicable may be considered eligible whether their eligible juniors by virtue of the length of service as prescribed and graduate in the event of candidate being other than JA/SA have applied for examination or not. It was contended that the said communication was acted upon by the Department on previous instances as well as subsequent instances. Therefore, the respondents, being seniors and otherwise

eligible, were also entitled to be considered for promotion. In that view of the matter, the Tribunal has rightly passed the impugned orders, which do not warrant any interference by this Court.

11. Having heard the learned counsel for the parties and upon perusal of the records, the following point arises for our consideration:

> *Whether interference with the impugned orders passed by the Tribunal is warranted?*

12. The answer to the above point would be in the 'Negative' for the following reasons:

The main contention urged by the learned ASG is that the communication dated 18.07.2018 is contrary to the recruitment rules and as such, it has no existence in law. During the course of hearing, a pointed question was posed to the learned ASG as to whether the said communication dated 18.07.2018 has been subsequently withdrawn by the relevant authority or subsequently any

clarification about the said communication has been made. In response to the same, the learned ASG fairly conceded that despite his contention that the communication dated 18.07.2018 is contrary to the Recruitment Rules, the same has not been withdrawn. Moreover, the learned counsel for the respondent Smt. B V Vidyulatha would takes us through the memo filed in WP No. 20500/2021 dated 04.03.2026 to submit that, even subsequently, the petitioners have acted upon the said communication and that one of her juniors from the very same division has been promoted and as such, the learned Tribunal has rightly allowed the applications filed by the respondents herein.

13. As could be gathered from records, it is undisputed that the respondent in WP.No.20500/2021 was appointed as a Postal Assistant on 15.04.2011 and applied for the post of Assistant Accounts Officer (AAO) for the recruitment year 2018-19, after rendering about seven years of service. The respondent in WP.No.24205/2021

joined service as a Postal Assistant on 21.01.2011 and applied for the post of AAO for the year 2018-19 after completing about seven years of service. Similarly, the respondent in WP.No.23815/2021 joined service on 19.05.2010 and applied for the post of AAO for the year 2018-19 after rendering about eight years of service. It is evident that although the respondents were short of the prescribed qualifying service by less than two years, they had nevertheless completed more than seven years of regular service. Thus, the shortfall in their qualifying service was within the permissible limit contemplated under the Note appended to Column No. 11.

14. In such circumstances, the respondents were entitled to be considered for promotion, because their juniors in the cadre were being considered for the same. In all the writ petitions, it is not in dispute that the juniors of the respondents were considered for promotion. Thus, the Tribunal has rightly allowed the applications filed by the respondents herein. Thus, we do not find any merit in

the writ petitions and accordingly, the writ petitions stand rejected.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

List No.: 1 Sl No.: 21