

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

**THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER**

WRIT PETITION NO: 2145 OF 2021

Between:

V. Rajesham, S/o. V. Rajaiah, aged 61 years Occ: Working as GADS MD,
Kukatpally Post Office Hyderabad

...PETITIONER

AND

1. The Union of India, Rep., by its Secretary Department of Posts,
Dak Bhavan Sansad Marg, New Delhi-110001
2. The Chief Postmaster General, A.P., Circle, Dak Sadan,
Hyderabad-500001.
3. The Director of Postal Services (HQRS), O/o Chief Postmaster General
A.P. Circle, Hyderabad-500 001.
4. The Assistant Postmaster General (Vig), O/o Chief Postmaster General
A.P. Circle, Hyderabad-500 001
5. The Senior Superintendent of Post Offices, Secunderabad Division,
Hyderabad-500080.
6. Jogi Raju, Postman Himmathnagara Post Office, Hyderabad-500025.
7. B. Satyanarayana, Postman Hakimpet Post Office, Hyderabad-500014.
8. E. Rama Rao, Group D Balarum Post Office, Secunderabad-500010.
9. The Central Administrative Tribunal, Hyderabad Bench Rep. by its
Registrar, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature a Writ of Certiorari calling for connected records, including the Order of the Central Administrative Tribunal, At Hyderabad Bench, dated 30/09/2020 passed in OA/021/01035/2014 as being erroneous, as illegal, arbitrary and consequently set aside the same.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the orders Dt.30/09/2020 passed in OA/021/01035/2014 on the file of Hon'ble Central Administrative Tribunal, Hyderabad Bench pending disposal of the present writ petition.

Counsel for the Petitioner : SRI SINGAVAJHALA NVP LAKSHMI

Counsel for the Respondent Nos.1 to 5: SRI SANJEEV GILLELA

Counsel for the Respondent Nos.6 to 9:-----

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

WRIT PETITION No.2145 of 2021

ORDER: (Per Hon'ble Dr.SA,J)

This Writ Petition, under Article 226 of the Constitution of India is filed by the petitioner, wherein, the following prayer is made:

"...to issue a writ, order or direction more particularly one in the nature a Writ of Certiorari calling for connected records, including the Order of the Central Administrative Tribunal, at Hyderabad Bench, dated 30/09/2020 passed in OA/021/01035/2014 as being erroneous, as illegal, arbitrary and consequently set aside the same and may pass such other order or orders...."

2. Heard the learned counsel for the petitioner and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner was appointed as Grameena Dak Sevak Mail Deliverer in Kukatpalli Sub Post Office, Hyderabad on 01.04.1981. Since then, he is discharging his duties without any remark. The petitioner made a representation dated 12.06.2013 before the respondent authorities seeking to promote him to the post of Group "D"/MTS on seniority but the respondents without considering him, promoted the Juniors of the petitioner as Postmen. Thereafter, the respondent authorities issued proceedings dated 21.11.2013 stating that the Departmental Promotion Committee (DPC) has committed some irregularities in selecting the candidates for the post of Postman under

Departmental Promotion Quota. The said irregularities were also brought to the notice of the respondent No.5-Senior Superintendent of Post Officers, Secunderabad Division. In that connection, the petitioner intimated that his name was also examined by the DPC for promotion to the post of Postman, which met on 06.07.2007 and 27.04.2010. It is further contended that the respondents informed the petitioner that in the DPC held on 29.04.2011, the name of the petitioner was not figured out in the selection list, as he did not come in the zone of consideration. It is also contended that the services of the petitioner ripened for promotion and he has to get promotion on humanitarian grounds. The Tribunal did not consider the entitlement of the petitioner for promotion to the post of Postman and erroneously dismissed the subject O.A vide impugned order dated 30.09.2020 and ultimately prayed to allow the Writ Petition by setting aside the impugned order dated 30.09.2020.

4. As seen from the material placed on record, the grievance of the petitioner is that he is senior and fully eligible for promotion to the post of Postman. Whereas the contention of the respondents is that the petitioner is not senior and he was not coming under the zone of consideration in all the DPCs held for selection to the post of Postman. The Tribunal vide impugned order dated 30.09.2020, observed that selection for promotion to the post of Postman is based on seniority and the required qualification is 8th class. Further, the ratio fixed for zone of consideration is 1:5. It may be noted that the petitioner was not

senior enough to be included in the zone of consideration. Furthermore, the petitioner is seeking promotion on humanitarian grounds. But there is no rule of law which facilitates promotion on humanitarian grounds. So far as the grievance of the petitioner with regard to selection of other candidates for the post of Postman is concerned, the Tribunal observed that some irregularities and mistakes were committed by DPC and when the same were brought to the notice of authorities concerned, the irregular selections were cancelled by conducting a review DPC. It is pertinent to state that when the selection of other candidates is cancelled, the petitioner does not have a right to be selected, particularly, when he does not come under the zone of consideration. Under these circumstances, the Tribunal is justified in passing the impugned order dated 30.09.2020 and it does not suffer from any illegality or perversity. Therefore, no relief as sought by the petitioner can be granted in this petition. The writ petition is devoid of merit and liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

There shall be no order as to costs.

SD/-R.KARTHIKEYAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad
2. One CC to Sri Singavajhala NVP Lakshmi, Advocate [OPUC]
3. One CC to Sri Sanjeev Gillela, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:01/02/2021

ORDER

WP.No.2145 of 2021



DISMISSING THE WP

WITHOUT COSTS

ATM (5)
11/2/2021