

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 28th day of April, 2004.

Original Application No. 430 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member- A.

1. Aditya Narain Dixit S/o Sri Madhav Prakash Dixit
R/o Vill. Ganj Moradabad, Tehsil- Safipur
Distt. Unnao.
2. Shailendra Kumar Awasthi
S/o Late Virendra Nath Awasthi
R/o B.P.M, RAR, Ghatampur, Distt. Kanpur.

.....Applicant

Counsel for the applicants :- Sri S.K. Bahadur

V E R S U S

1. Union of India through the Secretary,
M/o Communication, D/o Posts, New Delhi.
2. Chief Post Master General,
U.P. Circle, Lucknow.
3. Post Master General, Kanpur Region,
Kanpur.
4. Chief Post Master, Kanpur Head Post Office,
Kanpur.

.....Respondents

Counsel for the respondents :- Sri R.R.K. Mishra

O R D E R

By Hon'ble Mr. Justice S.R. Singh, V.C.

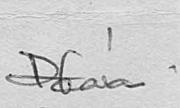
The applicants herein have challenged the legality of the order dated 02/09.10.2003 whereby the representation preferred by the applicants in pursuance of the earlier order of the Tribunal for their absorption against the ^{against the Vacancies} vacancies of Postman of the year 1998 has been rejected.

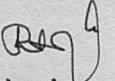
It would appear from the impugned order that department

ORF

took a policy decision under letter No. 60-29/98 SPBI (PT-II) dated 11.06.2002 in respect of optimisation of direct recruitment of civil posts mentioning therein that except vacancies for the year 2001 and those who are less than one year old as on 16.05.2001 which have been cleared by the screening committee, other vacancies meant for direct recruitment will not be filled up by promotion or otherwise and these posts stand abolished. The applicants, it is further mentioned in the order, appeared in the examination for the recruitment to the post of Postman against the vacancies for the year 1998 which were allotted to Kanpur for that year but such vacancies of the year 1998 had not been cleared by the screening committee and consequent upon the policy decision, these vacancies stand abolished. In view of the matter no exception can be taken from the order rejecting the representation filed by the applicants particularly when the illegality or otherwise of the policy decision under letter No. 60-29/98 SPBI (PT-II) dated 11.06.2002 is not under challenge in this O.A. It is not for the judiciary to question the validity of the policy decision regarding creation or abolition of the vacancies except where a clear case of malafide is made out. Since the illegality or otherwise of the policy decision is not under challenge in this O.A., it is not necessary for us to express our opinion on the question.

2. In view of the above discussion the O.A is dismissed at the admission stage itself with no order as to costs.


Member-A.


Vice-Chairman.

/Anand/