

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

O.A No.441 of 1986

S.Kamaraj : Applicant

-Vs-

- |   |   |   |             |
|---|---|---|-------------|
| 1 | The Union of India rep.<br>by the Director General of Posts<br>Daktar Bhavan, New Delhi-1 | } | Respondents |
| 2 | Postmaster General<br>Trivandrum-35   |   |             |
| 3 | Superintendent of Post Offices<br>Tiruvalla   |   |             |
| 4 | K.S. Chandran, Postal Assistant<br>Sangareddy Division<br>Andhra Pradesh                  |   |             |
| 5 | Ashok Kumar<br>S/o V.K. Velayudhan<br>Kothuvelitharayil<br>Vazharmangalam                 |   |             |

M/s K Ramakumar, CP Ravindranath : Counsel of Applicant  
and EM Joseph

Mr PV Madhavan Nambiar, Sr CGSC : Counsel of Respondents  
1 to 3

CORAM

Hon'ble Shri C Venkataraman, Administrative Member  
and

Hon'ble Shri G Sreedharan Nair, Judicial Member

O R D E R

(Pronounced by Hon'ble Shri G Sreedharan Nair,  
Judicial Member)

The applicant, a Reserve Trained Pool Postal  
Assistant who has completed his training has filed

this application for a direction for appointing him in any one of the vacancies of Postal Assistants existing in the Tiruvalla Division.

It is alleged that at present there are 18 vacancies and that the Respondent No.4 has been granted a transfer. It is also stated that the Respondent No.5 is about to be appointed on compassionate ground. According to the applicant certain others also have been appointed.

2 In the reply filed by the respondents it is stated that the candidates in the select list are to be appointed according to their seniority in the list. Till September, 84 as there was a ban in filling of the vacancies, the applicant could not be absorbed. The averment that there are 18 vacancies is not correct. The fourth respondent was transferred to this Division under Rule 38 of the P&T Manual Vol.IV. In respect of the fifth respondent the contention is that he cannot be selected

for appointment in relaxation of normal recruitment rules.

3 Candidates in the Reserve Trained Pool cannot be denied regular appointment indefinitely.


It is to be borne in mind that the list of candidates in the Reserve Trained Pool is prepared in anticipation of the vacancies which are likely to arise. As such, after the selection and after the training, normally there cannot be any scope for <sup>a</sup> contention that the Reserve Trained Pool candidates have not been appointed for want of vacancies.

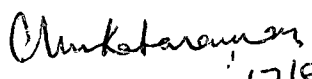
4 In this case, the applicant has specifically alleged that vacancies did arise. According to the respondents there was a ban <sup>in</sup> making appointment, but that was only till September, 84. Admittedly, outsiders have been appointed thereafter. As regards the appointment of the fourth respondent, though it is urged as a ground in the application, in view of the clear instructions contained in the letter of the Director General, Posts & Telegraphs dated 13.7.84 it will affect only the quota reserved for the departmental lower grade

employees who are eligible to be promoted to the cadre of Postal Assistant. However, there is a specific plea in the application that the fifth respondent is about to be appointed. It is pointed <sup>out</sup> in the reply that the selection of the fifth respondent is in relaxation of the normal recruitment rules. When there is a vacancy in the Division and a candidate in the Reserve Trained Pool who has been duly selected and who has undergone training has been waiting for years it was not fair on the part of the Respondents No. 1 to 3 to make a selection in relaxation of the normal recruitment rules. Nevertheless, as the applicant has admitted in the application that the appointment of the fifth respondent is on compassionate ground, we do not propose to dis-lodge the fifth respondent ~~appointment~~ <sup>selection</sup> who has already been made. At the same time we would direct the respondents that when the next vacancy in the Division arises, otherwise than under the departmental promotion quota, <sup>it</sup> has to be filled up by appointing the applicant, in case

he happens to be the senior most among the  
Reserve Trained Pool candidates.

5 The application is allowed as above.

  
(G Sreedharan Nair)  
Judicial Member  
17.8.88

  
(C Venkataraman)  
Administrative Member  
17.8.88

Index: ~~Yes~~/No