

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 558/93

Wednesday, this the 23rd day of March, 1994

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M.O. Antony
E D Packer
Kizhakambalam S.O.
Alwaye Division

.. Applicant

By Advocate Mr OV Radhakrishnan

Vs

1 Senior Superintendent of Post Offices
Alwaye Division, Alwaye.

2 Postmaster General,
Central Region, Kochi-11.

3 Chief Postmaster General
Kerala Circle, Thiruvananthapuram.

4 Union of India represented by its
Secretary, Ministry of Communications,
New Delhi. .. Respondents

By Advocate Mr TPM Ibrahim Khan, Addl.CGSC.

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a direction to promote him as a Postman. It is said for filling up of the vacancy of Postman, an examination was held on 20.12.92. Applicant was allowed to appear, and it is stated by him that he obtained 137 out of 150 marks (Annexure A5). Despite the high marks, he was not selected, though there were ten vacancies, says applicant.

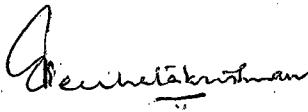
2 Respondents would submit that there was only one vacancy to be filled up. According to them, the remaining nine vacancies should go to persons in the earlier waiting list. So, there was only a solitary vacancy reserved for members of the Scheduled Tribe. It is not easy to see the logic behind all these statements.

3 We do not know, how nine persons happened to be in the waiting list, how long they were on the waiting list or who they were. Annexure A9 gives an indication that there cannot be such a waiting list. We do not see why applicant who is not member of a Scheduled Tribe should have been allowed to take the examination for a solitary vacancy reserved for Scheduled Tribe. Again, if nine persons waiting in the earlier waiting list could be accommodated, applicant as well could be accommodated as a wait listed candidate and appointed in a future vacancy. A fact adjudication is necessary to ascertain the correct position. If applicant files a detailed appeal/ representation before the Chief Postmaster General, within one month from to-day, the Chief Postmaster General shall take a decision thereon within two months from the date of receipt the appeal/ representation, having due regard to the circumstances hereinbefore noticed.

4 With these directions application is disposed of.

No costs.

Dated the 23rd March, 1994.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN