

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. 205/93 and O.A. 307/93

Thursday, this the 31st day of March, 1994

CORAM

HON'BLE MR JUSTICE CHETTUR SAN KARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. B Mohanan Pillai, Driver
Mail Motor Service, Kollam Applicant in
DA 205/93

2. M Rukyath Beevi
Leave Reserve Postal Assistant
Sasthamcottah S.O.
Pathanamthitta Division

By Advocate Mr O V Radhakrishnan in both cases.

V.S.

1. Senior Superintendent of Post Offices,
Kollam.
2. Chief Postmaster General
Kerala Circle, Thiruvananthapuram-33.
3. Union of India rep. by its Secretary,
Ministry of Communications, New Delhi.. Respondents in
List B A

By Advocate Mr G.N. Radhakrishnan Addl. FCCC in PA 205/92

By Advocate Mr Mathew G Vadakkal - re- is RA 382/83

A R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants submit that vacancies of Postal Assistant were available in Kollam Division, and that they should have been appointed to those vacancies, instead of treating them as 'surplus qualified candidates'. In Annexure A10(OA 205/93), Senior Superintendent of Post Offices says that there were no vacancies. But, counsel for applicants made an attempt to identify some vacancies.

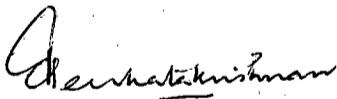
2 We do not think that it is the function of this
Tribunal to assess the number of vacancies and select people
for those vacancies, evaluating their merits. That is the

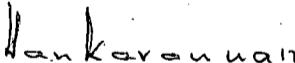
function of the Department. However, if the Department fails to perform their duties, or if they resort to arbitrary exercises, remedy of judicial review is available.

3. Applicants may move the Chief Postmaster General by an appropriate representation/ representations, setting out the full facts and pointing out vacancies which according to them are available. Chief Postmaster General shall consider the representation(s) and pass a reasoned order referring to the facts set out in the representation(s) to be made. A decision will be taken by the Chief Postmaster General within three months of the date of receipt of the representations(s) that applicants may make. The interim order made by the Bench, which admitted OA 205/93 will remain in force until a decision is taken as aforesaid.

4. Application is disposed of with these directions.
No costs.

Dated the 31st March, 1994.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN