

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 SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. B Mohanan Pillai, Driver  
Mail Motor Service, Kollam  
Applicant in  
OA 205/93
  2. M Rukyath Beevi  
Leave Reserve Postal Assistant  
Sasthamcottah S.O.  
Pathanamthitta Division  
Applicant in  
OA 307/93
- By Advocate Mr D V Radhakrishnan in both cases.

Vs.

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  
both O.As.
- By Advocate Mr CN Radhakrishnan, Addl.CGSC in OA 205/93  
By Advocate Mr Mathew G Vadakkal, -do- in OA 307/93

O 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.

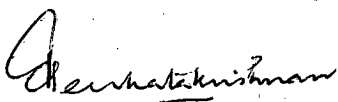
2 We do not think that it is the function of this Tribunal to assess the number of vacancies and select people for those vacancies, evaluating their merits. That is the

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