

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

D.A. 205/93 and D.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  
DA 205/93

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

Applicant in  
DA 307/93

By Advocate Mr O 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 D.As.

By Advocate Mr CN Radhakrishnan, Addl. CGSC in DA 205/93

By Advocate Mr Mathew G Vadakkal, -do- in DA 307/93

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

1  
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(DA 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 representation(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.

*Sd/-*  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

*Sd/-*  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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CERTIFIED TRUE COPY  
Date 11/4/94

*M*  
Deputy Registrar

*R*