

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00588/2019

DATED THIS THE 10<sup>TH</sup> DAY OF JANUARY, 2020

## **HON'BLE DR.K.B.SURESH, MEMBER (J)**

## **HON'BLE SHRI C.V. SANKAR, MEMBER (A)**

Nagaraja H  
S/o Hanumanthappa,  
Aged about 44 years,  
Working as Postman,  
Shikaripura SO  
Residing at:  
Kolagu Village,  
Shikaripur Taluk ....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India  
Represented by its Secretary,  
Department of Post,  
Dak Bhavan,  
New Delhi 110 001

2. Chief Post Master General,  
Karnataka Circle,  
Bengaluru 560 001

3. Post Master General,  
S.K. Region,  
Bengaluru 560 001

4. Supt. of Post Offices,  
Shivamogga Division,  
Shivamogga 577 202 .....Respondents

(By Shri N. Amaresh, Counsel for Respondents No. 1 to 4)

O R D E R (ORAL)  
(HON'BLE DR. K.B. SURESH, MEMBER (J)

An in-service employee who is a GDS files an application for selection as a Postman. Everybody along the line in the hierarchy of the Postal Department knows that he is disabled because his disability is visible as he has locomotor disability. It appears that his disability certificate had been given a little later and had been considered by the Medical Superintendent also. The fact that he had applied for a position under OBC Category also cannot be said to deprive him of his right under the disability category. Therefore, there is no ground in the contention raised by the respondents other than taking up a super-technical objection. The ground raised that there are other 5 PH qualified service candidates from other divisions may not be very relevant as appointment is only division based.

2. Therefore, the OA is allowed. Respondents are directed to pass appropriate mandatory orders granting benefit to the applicant within a period of two months. No order as to costs.

(C.V. SANKAR)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

**Annexures referred to by the applicant in OA No. 170/00588/2019**

Annexure A1 Copy of the letter dated 28.11.2016  
Annexure A2 Copy of the memo dated 28.07.2017  
Annexure A3 Copy of the letter dated 30.08.2017  
Annexure A4 Copy of the letter dated 26.09.2017  
Annexure A5 Copy of the letter dated 06.10.2017  
Annexure A6 Copy of the medical certificate dated 17.10.2017  
Annexure A7 Copy of the extract regarding reservations/concessions to PWDs  
Annexure A8 Copy of the letter dated 10.10.2017  
Annexure A9 Copy of the letter dated 12.10.2017  
Annexure A10 Copy of the memo dated 02.11.2017  
Annexure A11 Copy of the order dated 28.09.2018 in OA No. 638/2017  
Annexure A12 Copy of the letter dated 17.12.2018  
Annexure A13 Copy of the memo dated 28.12.2018  
Annexure A14 Copy of the applicant's reply to show cause notice dated 11.01.2019  
Annexure A15 Copy of the letter dated 16.01.2019  
Annexure A16 Copy of the order dated 22.01.2019 in OA No. 82/2019  
Annexure A17 Copy of the memo dated 27.02.2019  
Annexure A18 Copy of the letter dated 06.05.2019  
Annexure A19 Copy of the disability certificate issued by Govt. of Karnataka

**Annexures referred in reply statement**

Annexure R1 Copy of the statement indicating the number of vacancies in various divisions  
Annexure R2 Copy of the memo dated 24.05.2017

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