

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 181/00283/2020

Monday, this the 13th day of July, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Rahmathulla A.P., aged 31 years, S/o. Attakoya A.P.,
 Alikothapura House, Kadmat Island, UT of Lakshadweep-
 682 556.

Applicant

(By Advocate : Mr. M.P. Krishnan Nair)

V e r s u s

1. The Administrator, Union Territory of Lakshadweep,
Kavaratti – 682 555.
2. The Secretary (Power), Department of Electricity,
Union Territory of Lakshadweep, Kavaratti – 682 555.
3. The Executive Engineer (Ele.), Department of Electricity,
Union Territory of Lakshadweep, Kavaratti – 682 555.
4. The Union of India, rep. by Secretary to the Government,
Ministry of Home Affairs, North Block, New Delhi-
110 001.

Respondents

(By Advocate : Mr. S. Manu)

This application having been heard on 13.07.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard Advocate Mr. M.P. Krishnan Nair, appearing for the applicant and Advocate Mr. S. Manu, appearing for the respondents through video conferencing.

2. Applicant is a native of Kadmat Island in Lakshadweep and belongs to Scheduled Tribe family. Applicant is a physically handicapped person (Locomotor) with 55% permanent disability. The Electricity Department of the Lakshadweep Administration issued Employment Notice dated 26.2.2019 for filling up 3 vacant posts of Tracer under direct recruitment quota through open competitive examination wherein 1 post among the 3 posts was earmarked for differently abled person for hearing impaired. The applicant applied for the post under the reserved quota for differently abled person. His name figured in the final check list. The respondents conducted the written test and the applicant is at serial No. 73 having 40% marks. Further in the provisional rank list the name of the applicant was placed at 82nd rank. But the respondents have not filled up the post so far. The applicant submitted representations Annexures A8 and A10 but the respondents have not considered the same and kept the post vacant. Aggrieved, the applicant has filed the present OA seeking the following reliefs:

“a) To call for the entire records leading to the issue of Annexure A3, A4, A5 and A6 and all action taken by the respondents on the basis of Annex. A8 to A10 representations submitted by the applicant;

b) To declare that the applicant is entitled to get appointment to the post of Tracer under the quota reserved for differently abled person as the applicant is the only person having required qualification and passed written examination under the quota reserved for differently abled person (Annex. A6);

c) To direct the respondents to appoint the applicant to the post of Tracer under the quota reserved for differently abled person as the applicant is the only person having required qualification and passed written examination under the quota reserved for differently abled person;

d) To direct the respondents to act accordingly to law and not to harass the applicant by denying his right to get appointment to the post of Tracer for which the applicant was applied and selected;

e) To direct the respondents to consider and pass appropriate orders on Ext. (Annex. A8) and (Annex. A10) representations submitted by the applicant forthwith;

f) Pass any other appropriate order or orders, directions which are deemed just and necessary in the facts and circumstances of the case.”

3. When the matter came up for consideration, learned counsel for the applicant submitted that even though he has filed representations Annexures A8 and A10, no reply was given by the respondents and the respondents are in the process of appointing contract employees and he wishes to have the consideration of his representation first before the respondents takes a decision to fill up the vacancy by appointing contract employees.

4. Learned counsel appearing for the respondents submitted that he has no objection in considering the representation of the applicant within a time frame.

5. In view of the limited submission made by the learned counsel appearing for the parties and without going in to the merits of the case, we direct respondent No. 2 to consider Annexure A10 representation filed by the applicant and pass a reasoned and speaking order on the said representation in the light of the relevant rules and regulations and also indicate whether they have appointed any person against the differently abled category for hearing handicapped as per Annexure A3

notification, within a period of two months from the date of receipt of a copy of this order. In the meanwhile the respondents shall not appoint any person on contract basis as alleged by the applicant.

5. The OA is disposed of as above at the admission stage itself. No costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

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APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the disability certificate issued to the applicant by Indira Gandhi Hospital.
- Annexure A2** – True copy of the identity card of the applicant showing his disability.
- Annexure A3** – True copy of the employment notice dated 26.2.2019 issued by the 3rd respondent.
- Annexure A4** – True copy of the final check list dated 17.10.2019 published by the 3rd respondent.
- Annexure A5** – True copy of the roll number wise mark list published by the Joint Registrar.
- Annexure A6** – True copy of the provisional rank list published by the Joint Registrar.
- Annexure A7** – True copy of the office memorandum dated 29.12.2005 issued by the Government of India, Ministry of Personnel, Public Grievance & Pension.
- Annexure A8** – True copy of the representation submitted by the applicant on 27.1.2020.
- Annexure A9** – True copy of the experience certificate submitted along with the representation.
- Annexure A10** – True copy of the representation submitted by the applicant on 14.3.2020.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-