

Central Administrative Tribunal
Allahabad Bench Allahabad.

Original Application No.523 of 2001.

Allahabad this the 30th day of January 2004:

Hon'ble Maj Gen K.K. Srivastava, Member-A.
Hon'ble Mr. A.K. Bhatnagar, Member-J.

Km. Kamini Srivastava,
daughter of Shri Prem Shanker Srivastava,
Resident of Village Asauna,
Post Office Asauna, District Azamgarh.

.....Applicant.

(By Advocate : Sri Saumitra Singh)

Versus.

1. Union of India
through Secretary,
Department of Posts,
Dak Tar Bhawan,
Parliament Street,
New Delhi.
2. Post Master General,
Gorakhpur Region,
Gorakhpur, District Gorakhpur.
3. Senior Superintendent of Post Offices,
Azamgarh.
4. Inspector of Post Offices,
Mohamdabad Gohna,
District Mau.
5. Sumant Kumar Pandey,
son of Shri Lakshmi Pandey,
Resident of Village Asauna,
Post Office Asauna, District Azamgarh.

.....Respondents.

(By Advocate : Sri R.C. Joshi)

O R D E R

(By Hon'ble Maj Gen K.K. Srivastava A.M.)

In this O.A., filed under section 19 of
Administrative Tribunals Act 1985, the applicant has
challenged the appointment of respondent No.5 on the post
of Extra Departmental Mail Peon (in short E.D.M.P),
Post Office Asauna, District Azamgarh dated 03.07.1999.




2. We have heard the applicant in-person and also the learned counsel for the respondents.

3. The applicant's case is that the notification dated 26.03.1999 for filling the post of E.D.M.P on regular basis for Village Asauna, District Azamgarh was issued. The name of the applicant was sponsored by the Employment Exchange. However, the respondent No.5 has been appointed. The grievance of the applicant is that she is a handicapped person and her appointment should have been made under handicapped quota. The applicant also submitted that she met the Authorities in the Office of Post Master General and Chief Post Master General and she was assured that necessary direction would be issued to respondents No.3 and 4 for necessary action. However, so far no such direction has been given to them.

4. Learned counsel for the respondents, on the other hand, submitted that the post was not reserved for handicapped person and therefore, no irregularity/ illegality has been committed by the respondent No.4. Learned counsel further submitted that there is nothing on record to show that any assurance was given to the applicant that direction would be issued to respondent Nos. 3 and 4 to fill up the post under handicapped quota.

5. The applicant admittedly is a handicapped person and she is about 30 years old. Besides being handicapped she has to stand on her own feet to live a dignified life.

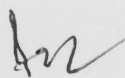
6. We find substance in the submission of the applicant. In a democratic society that of ours one has the right to live a decent life. We are, therefore, of the view that the interest of justice shall better be served if the



applicant is given liberty to file representation before the respondent No.2 i.e. Post Master General, Gorakhpur who should look into the matter and take necessary action so that she gets a chance to compete in future vacancy under handicapped quota as per rules.

7. In the facts and circumstances, we dispose of this O.A. finally with direction to the applicant to file her representation if so advised within a period of three weeks before respondent No.2 who should look into the matter as per the extant Rules and dispose of the representation of the applicant so filed expeditiously after giving personal hearing to the applicant.

8. There shall be no order as to costs.


Member-J.


Member-A.

Manish/-