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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

Date of order : 21.01.2000

1. O.A. No. 205/99

Ghisa Lal Kohli son of late Shri Deva Ramji Kohli aged about 38 years by caste Kohli, resident of 575-A/32, In front of Union Bank of India Street, Sri Nagar Road, Jadugar, Ajmer.

✓ 2. O.A. No. 167/99

Prakash Chander Khichi son of Shri Girdhari Lal aged about 21 years, resident of House No. 860, Gali No. 5, Gandhi Pura, B.J.S. Colony, Jodhpur.

.... Applicants.

versus

1. Union of India through General Manager, Northern Railway Headquarters Office, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur.
3. Divisional Personnel Officer, Northern Railway, Jodhpur.
4. Assistant Personnel Officer, Northern Railway, Jodhpur.

... Respondents.

Mr. N.K. Khandelwal, Counsel for the applicant.

Mr. S.S. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

(Per Hon'ble Mr. Gopal Singh)

In both these applications, the controversy involved as also the relief sought is the same and, therefore, both these applications are being disposed of with this single order.



Compared
[Signature]

(A)

2. Applicant in OA No. 205/99 has prayed for a direction to the respondents to consider and appoint the applicant for the post of Group 'D' against the prescribed quota of blind category with effect from the date the other persons have been placed on the panel with all consequential benefits. He has further prayed that the impugned order dated 10.6.99 (Annexure A/1) may be declared as illegal and be quashed.

3. The applicant in O.A. No. 167/99 has prayed for as under:-

- "i) by an appropriate writ, order or direction, the respondents may kindly be directed to consider and appoint the applicant for the post of Group 'D' against the prescribed quota of blind category of handicapped persons in terms of the advertisement with effect from the date, the persons who have been placed on the final panel and extend all consequential benefits.
- ii) by an appropriate writ, order or direction, the respondents may kindly be directed to work out the reservation of posts separately for each three categories viz. blind, deaf and orthopaedically handicapped persons.
- iii) by an appropriate writ, order or direction, the appointment of handicapped persons which has been made in excess of the prescribed quota, may be declared null and void."



4. Facts of the case are that both applicants are blind and they had applied for Group 'D' post in the respondent-department in response to their advertisement dated 19.8.97 (Annexure A/2 in OA No.205/99 and Annexure R/2 in OA No. 167/99). They appeared in the written test and viva voce. However, their names do not appear in the final panel. It is the contention of the applicants that the respondents should have reserved 4 posts for blind category of handicapped in terms of Government of India, Department of Personnel's O.M. dated 4.6.98, since all the 12 posts advertised were meant for handicapped persons. Feeling aggrieved, the applicants have approached this Tribunal.

5. Notices were issued to the respondents and they have filed the reply. It is stated by the respondents that all the applicants were put to a test and interview and first 12 candidates in order of merit were placed on the panel. It is the

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contention of the respondents that they have not committed any irregularity in this regard and therefore, the application is devoid of any merit and deserves to be dismissed.

6. We have heard the learned counsel for the parties and perused the records of the case.

7. Learned counsel for the applicants submits that in terms of Government of India, Department of Personnel's O.M. dated 4.6.98, the reservation to the extent of 1% each for blind, deaf and orthopaedically handicapped persons is required to be made and the departments are required to identify posts for each category of the handicapped before the advertisement. This has not been done by the respondent department and to that extent their action in notifying the vacancies for physically handicapped in a group is not in consonance with the O.M. dated 4.6.98 (supra). It is, however, seen from the schedule attached to this O.M. dated 4.6.98 that jobs in Government department have been identified for various categories of physically handicapped. The posts advertised by the respondent-department were for Daftari, Peon, Office boy and Sweeper. As per the schedule mentioned above, these categories of jobs have not been identified for blind category candidates. Even if the respondent-department had resorted to identification of posts for each of the categories (blind, deaf and orthopaedically handicapped), none of the posts could have been reserved for the blind category handicapped persons in terms of the posts identified for the blind persons. Thus, the applicants are not adversely affected by not following the correct procedure by the respondent-department.

8. We, therefore, do not find any merit in these applications and they deserve to be dismissed.

9. Both the original applications are accordingly dismissed with no order as to costs.

Sd/-

(GOPAL SINGH)
Adm. Member

प्रमाणित सही प्रतिलिपि

24-01-2000

अनुभाग अधिकारी (न्यायिक)
केन्द्रीय प्रशासनिक अधिकरण
मेरठ

Sd/-

(A.K. MISRA)
Judl. Member

