

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.442/2001.

Wednesday this the 11th day of July 2001.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

(By Advocate Shri M.R. Rajendran Nair)

VS.

1. Sub Record Office, RMS,
Alappuzha.
2. The Senior Superintendent,
RMS Trivandrum Division,
Trivandrum-695033.
3. Union of India represented by
the Secretary to Government of India,
Ministry of Communications,
New Delhi. Respondents

(By Advocate Shri S.Krishnamoorthy, ACGSC)

The application having been heard on 11th July 2001 the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, an Extra Departmental Mailman, RMS Office, Alappuzha, Trivandrum Division who belongs to Scheduled Caste community, apprehends that in making appointments to Group 'D' posts from among the ED Agents on the basis of the seniority, the provision for reservation have not been properly followed. To make sure of this aspect, the applicant made a representation dated 17.10.2000 (A2) to the second respondent requesting for certain information. In reply to the representation the applicant was given A-3 communication dated

3.11.2000 permitting him to see the reservation roster on a working day in the office. Since there were 213 names in the roster, and since he was not permitted to make notes, the applicant made a representation dated 11.1.2001 (A4) requesting for a certified copy. In reply to this representation, the applicant was given the impugned order dated 25.1.2000 (A5) telling him that, certified copy cannot be granted to him as per rules. Aggrieved by this, the applicant has filed this application for setting aside the impugned orders A3 and A5 and for a direction to the respondents to give him a certified copy of reservation roster pertaining to the appointment of ED Agents on Group 'D' posts in Trivandrum Division and to give the information sought for by him in A-2 representation.

2. The respondents in their reply statement contend that the reservation roster was properly followed in the matter of appointment in Group 'D' posts from ED Agents, that the applicant was permitted to see the Reservation Roster and the request of the applicant for certified copy could not be acceded to, as there is no provision enabling grant of certified copy.

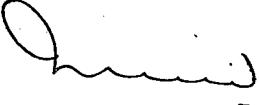
3. We have heard the learned counsel on either side and have perused the materials placed on record. The Reservation Roster maintained by the competent authority under the respondents is a public document, under Section 74 of Indian Evidence Act. The applicant, a member of the Scheduled Caste, is entitled to look into the document. Section 76 of the

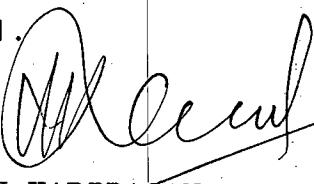
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Indian Evidence Act enjoins on the authority under whose custody the public document is, to give a certified copy of the document to the person who has a right to inspect the document. The applicant being a person entitled to inspect the document, the impugned orders of the respondents A3 and A5 not granting the applicant's request for grant of certified copy of the Reservation Roster as also not to supply the information sought for, cannot be sustained.

3. In the light of what is stated above, the application is allowed. Respondents are directed to supply a certified copy of the Reservation Roster pertaining to the appointment of the ED Agents to Group 'D' posts in Trivandrum Division on payment of charges by him and to furnish him the relevant information sought for in A-2 representation. The above orders shall be complied with by the respondents within one month from the date of receipt of a copy of this order. No costs.

Dated the 11th July 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE ~~CHAIRMAN~~

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List of Annexures referred to in the order:

A-3: Order No.B II/14 dated 3.11.2000 issued by the second respondent to the 1st respondent.

A-5: Order No.B II/14/Rigs. dated 25.1.2001 issued by the

A-2: True copy of the representation dated 17.10.2000 submitted by the applicant to the 2nd respondent.

A-4: True copy of the representation dated 11.1.2001 submitted by the applicant to the 2nd respondent.