

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 505 OF 2010

Wednesday, this the 30th day of June, 2010

CORAM:

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

P.Sameemudhar
Pathada House
Kadamath Island
Union Territory of Lakshadweep

Applicant

(By Advocate Mr.C.S.Abdul Sammad)

versus

1. **Union of India represented by the Administrator
Union Territory of Lakshadweep
Kavarathi**

2. **The Director of Industries
Union Territory of Lakshadweep
Kavarathi**

3. **Anwar Hussain M.K.
Malmikakkada House
Kalpeni
Union Territory of Lakshadweep**

Respondents

(By Advocate Mr.S.Radhakrishnan R(1&2))

The application having been heard on 30.06.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

The applicant has filed this OA for appointment to the post of Coir Instructor in pursuance of notification dated 20.02.2006, reserved for physically handicapped. The applicant belongs to S.T community. Alongwith the applicant another, one Anwar Hussain also applied for the very same post. Since the medical examination could not be conducted at the Islands, his examination could not be completed. For that purpose, for getting a direction, the applicant filed OA 186/2007. That OA was allowed directing the respondents to constitute a Medical Board for examination of the applicant herein and Shri Anwar

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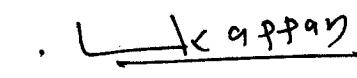
Hussain. But Anwar Hussain did not appear before the Medical Board. Now the applicant alone was found examined by the Medical Board and got a certificate. As the medical certificate is in favour of the applicant, and he is the only aspirant for the post at present, he is entitled for appointment as per the application, he claims.

2. We have heard Mr.C.S.Abdul Sammad, counsel for applicant and Mr.S.Radhakrishnan, counsel for respondents. It is revealed from the arguments by the counsel for the parties that Medical Board has already been constituted and the present applicant has already undergone the medical examination and he has got a certificate. If the post is reserved for physically handicapped, it is the duty of the respondent department to consider the case of the applicant for appointment. In this context, it is also noted by us that Mr.Anwar Hussain has not turned up for medical examination. If so, the case of the applicant deserves to be considered for appointment as per rules. The 2nd respondent shall consider the case of the applicant within a reasonable time, at any rate, within 45 days from the date of receipt of a copy of this order.

3. With the above direction OA is allowed. There shall be no order as to costs.

Dated, the 30th June, 2010.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE K.THANKAPPAN
JUDICIAL MEMBER

vs