

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ORIGINAL APPLICATION NO:549/2006
WEDNESDAY THIS THE 2ND DAY OF AUGUST,2006.**

CORAM:

**HON'BLE SHRI N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE SHRI GEORGE PARACKEN, JUDICIAL MEMBER**

M.P.Muthukoya
Primary School Teacher
Government Junior Basic School
(Centre), Agatti Island,
Union Territory of Lakshadweep

... Applicant

By Advocate Shri M.V.Thamban

V/s.

1. The Director of Education,
Union Territory of Lakshadweep
Kavaratti.
2. The Administrator,
Union Territory of Lakshadweep
Kavaratti.
3. Union of India
represented by the Ministry of Personnel, P.G.
And Pensions (Department of Personnel & Training)
New Delhi. ... Respondents


By Advocate Shri S.Radhakrishnan

This OA having been heard on 2nd August, 2006, the Tribunal on the same day delivered the following:-

ORDER

HON'BLE MR.N.RAMAKRISHNAN,ADMINISTRATIVE MEMBER

Learned counsel for the applicant presents the case in which his client has not been given the benefit of his status as a physically handicapped candidate protected legally by the reservation to be given by



the Government. He also referred to the OA No.1019/2003 filed in this regard and disposed of by order dated 19/12/2003. The order is reproduced below:-

" In the light of the above submission and as agreed to by the counsel on either side we dispose of this application directing the 2nd respondent to consider Annexure A-8 representation in the light of the rules and instructions on the subject and dispose it of with a speaking order keeping one vacancy either existing or would arise immediately till an order on his representation is served on the applicant. There is no order as to costs."

2. He also traced the history of the inaction on the part of the respondents and also the fate of the CP(C) 49/2004.

By way of Annexure A-10 document dated 9/4/2004 the following has been submitted by the Administration:-

" Therefore one vacancy has to be kept reserved for physically handicapped candidate and the Department of Education shall refer the case of all eligible physically handicapped candidates including the applicant to Departmental Promotion Committee for recommending suitable candidate for promotion as per Recruitment Rule."


3. The learned counsel for the applicant also brought to our notice Annexure A-13, which is a sequel to a Lawyer's notice issued vide Annexure A-12 and his concern is despite the passage of about two years since Annexure A-10 order was issued, no positive action is being taken by the respondents and his apprehension is that left as it is if it is, it is likely to take more time. His anxiety is that he should be given a quick decision in view of the time already passed.



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4. In view of the above circumstances, we direct the respondents to convene a DPC within three months from today if not already held, and duly consider the case of the applicant alongwith other eligible candidates. OA is disposed of. No costs.


GEORGE PARACKEN
JUDICIAL MEMBER


N. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

abp