

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.201/2002

Thursday this the 4th day of April, 2002

CORAM

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

1. K.S.Gopan S/o Somanathan Nair
Clerk/Typist, Office of the
Accountant General (A&E)Kerala
Thiruvananthapuram residing at
Ambadi,Vettur Road, Kaniyapuram PO
Thiruvananthapuram.
2. Jacob K.Samuel S/o K.C.Samuel
Clerk/Typist, Office of the Accountant General
(A&E) Kerala,Thiruvananthapuram
residing at Ebenezer, Kadakkal, Kollam.
3. N.Manoj S/o S.Neelakanda Pillai,
aged 30 years, Clerk/Typist,
Office of the Accountant General (A&E) Kerala
Thiruvananthapuram,
residing at Beena Bhavan, Vizhikkithodu PO
Koovapathy, Kottayam. ..Applicants

(By Advocate Mr. M.R.Rajendran Nair/Mr.V.Sajithkumar)

V.

1. Union of India represented by the
Secretary to Government of India,
Ministry of Personnel & Training,
New Delhi.
2. The Comptroller & Auditor General
of India, No.10, Bahadurshah zafar Marg,
New Delhi.
3. The Accountant General (A&E)
Audit, Kerala,Thiruvananthapuram.
4. Sr.Accounts Officer O/o the
Accountant General (A&E), Kerala
Thiruvananthapuram. ...Respondents

(By Advocate Mr.A.Sathianathan (not present))

The application having been heard on 4.4.2002, the
Tribunal on the same day delivered the following:

contd.....

O R D E R

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

The applicants who are Clerk/Typists in the Office of the Accountant General (A&E), Kerala have filed this application challenging Annexure.A1 order dated 14.9.2001 wherein in reply to their representation they have been informed that the benefit of reservation would be applicable to the applicants for appointment to the post of Accountants (as also that of Auditors) after 14.9.2001 and these have been identified to be held by physically handicapped persons by order dated 14.9.2001 prospectively and have turned down their claim for permission to appear in the examination for Section Officer reserving posts to the physically handicapped on the ground that these posts in the I.A. & A.D. are not identified to be reserved for persons who are physically handicapped.

2. It is alleged in the application that in various other departments reservation of vacancies have been made from 20.11.89 onwards and therefore the action on the part of the respondents in not granting promotion to the applicants treating the posts of Accountants (as also Auditors) identified to be filled by physically handicapped persons is unjustified. It has also been alleged that in the Department of Personnel having issued a list of posts including Section Officers, as identified for being filled by physically handicapped, the contention of the respondents in the impugned order that the post of Section Officer, I.A & A.D cannot be filled by giving reservation to the physically handicapped is unsustainable.

✓

3. We have heard the learned counsel of the applicants and have perused the materials placed on record. The Government orders in regard to reservation to physically handicapped persons stipulate that reservation can be made towards posts which are identified to be held by physically handicapped persons. The posts of Accountants and Auditors have been identified for reservation to physically handicapped only by order dated 14.9.2001. Therefore, the statement in the impugned order that the reservation would be only prospective cannot be faulted. Since the posts of Section Officer in the IA & AD has not so far been identified to be reserved for physically handicapped persons, the refusal of the respondents permission to the applicants to appear in the examination granting relaxation also cannot be faulted even prima facie. Under these circumstances, we do not find any legitimate cause of action which calls for admission of this application and its further deliberation.

4. The application is, therefore, rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 4th day of April, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicants' Annexures:

1. A-1: True copy of the Order dated 14.9.2001 issued by the 2nd respondent.
2. A-2(a): True copy of the Admn.V/14-366/XI dated 2.3.01 issued by the 4th respondent to the 1st applicant.
3. A-2(b): True copy of the Admn.V/14-366/XI dated 2.3.01 issued by the 4th respondent to the 2nd applicant.
4. A-2(c): True copy of the Admn.V/14-366/XI dated 2.3.01 issued by the 4th respondent to the 3rd applicant.
5. A-3: True copy of the Order No.Admn.V/14-366/290 dated 14.7.1998 issued by the Sr.Accounts Officer on behalf of the 3rd respondent to the applicants.
6. A-4: True copy of the representation dated 2.4.98 submitted to the 2nd and 3rd respondents.
7. A-5: True copy of the representation dated 5.8.1998 submitted by the applicants to the 3rd respondent.
8. A-6: True copy of the NGE Circular No.14.1996, MV 354 NGE C(App)/98-95 dated 8.3.96 and Order NO.36035/7/95-Estt. (SCT) dated 18.2.97 and O.M.No.36035/7/95-Estt (SCT) dated 16.1.98 issued by the Department of Personnel and Training.
9. A-7(a): True copy of the representation dated 11.12.2000 submitted by the 1st applicant before the 2nd respondent.
10. A-7(b): True copy of the representation dated 11.12.2000 submitted by the 2nd applicant before the 2nd respondent.
11. A-7(c): True copy of the representation dated 11.12.2000 submitted by the 3rd applicant before the 2nd respondent.
12. A-8: True copy of the Final Order dated 18.6.2001 in OA 506/2001 of this Hon'ble Tribunal.
13. A-9: True copy of the representations dated 20.2.2002, by the 1st applicant before the 2nd respondent.
14. A-10: True copy of the Order No.Admn. V/6-4/XXV/ dated 1.1.2002 issued by the 4th respondent.

npp
9.4.02