

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.214/05**

**Thursday this the 6<sup>th</sup> day of October 2005**

**C O R A M :**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

K.Balan,  
S/o.Andikutty,  
Part Time Sweeper,  
Pudiyangadi Post Office,  
Pudiyangadi, Kozhikode District.  
Residing at Payingat House,  
P.O. Konganur, Atholii (Via), Kozhikode.

**...Applicant**

(By Advocate Mr.Mohammed Nias C.P.)

**Versus**

1. The Sub Divisional Inspector of Post Offices,  
Calicut North Sub Division, Calicut – 673 005.
2. The Director General of Posts,  
Department of Posts, Dak Bhavan,  
New Delhi.
3. Union of India represented by the  
Secretary to the Government of India,  
Ministry of Communications,  
Department of Posts, New Delhi.

**...Respondents**

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 6<sup>th</sup> October 2005 the Tribunal  
on the same day delivered the following :

**ORDER**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

The applicant is working as a Part Time Sweeper in Pudiyangadi Post Office and is aggrieved by his non consideration in the post of GDS despite the fact that he is physically disabled person. He had earlier approached this Tribunal in O.A.1091/01 seeking appointment to the post of ED Packer or any other post which is available. The O.A was disposed of permitting the applicant to make a comprehensive representation to be

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considered and disposed of by the respondents with a speaking order within a period of three months. The applicant submitted a detailed representation on 1.4.2004 to the respondents which has now been rejected by the impugned order dated 20.4.2004. The applicant submits that he being a physically handicapped person who is suffering from more than 50% disability has a preferential right to be appointed as an ED Packer or ED Mail Carrier and that he has joined as Part Time Sweeper in the year 1995 and already put in 10 years of service. He also states that he knows cycling and can do the jobs of ED Packer and ED Mail Carrier.

2. When the matter came up today counsel for the applicant submitted that according to Section 32 to 41 of persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act the department should identify vacancies which are suitable for physically handicapped persons and review it from time to time to keep it up dated and it is a mandatory responsibility of the department to absorb such persons in such identified posts.

3. Respondents have filed a reply statement in which they have stated that the applicant being a handicapped person could not be considered for appointment against GDS Mail Packer/GDS Mail Deliverer/GDS Mail Carrier posts. However, on the basis of the representation submitted by the applicant they have stated that he would be considered for GDS Stamp Vendor posts. The applicant has been directed to submit his request for appointment with all required documents and certificates. Counsel for the respondents stated before us that since they have identified GDS Stamp Vendor post as suitable for physically handicapped persons the applicant would be considered preferentially for vacancies arising in that post.

Qy

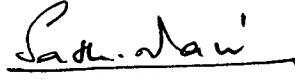
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4. In the light of the above submissions by the counsel we direct the applicant to submit a fresh application for the post along with all required documents and certificates and the 1<sup>st</sup> respondent shall on the receipt of the same consider the applicant for appointment in accordance with the rules in the next arising vacancy. No order as to costs.

(Dated the 6<sup>th</sup> day of October 2005)



GEORGE PARACKEN  
JUDICIAL MEMBER



SATHI NAIR  
VICE CHAIRMAN

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