

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.260/2003.

Friday this the 26th day of March 2004.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

H. George, Extra Departmental Mailman,
Government Press Sorting Office,
Trivandrum.

Applicant

(By Advocate Shri Thomas Mathew)

Vs.

1. Union of India represented by its Secretary,
Department of Posts,
New Delhi.
2. The Director General,
Department of Posts, New Delhi.
3. Chief Postmaster General,
Kerala Circle, Trivandrum.
4. Director of Postal Services,
Headquarters, Office of the
Chief Postmaster General,
Kerala Circle, Trivandrum.
5. Senior Superintendent,
RMS TV Division, Trivandrum. Respondents

(By Advocate Shri K.Shri Hari Rao, ACGSC)

The application having been heard on 26.3.2004, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant commenced service as an Extra Departmental Mail Man w.e.f. 15.5.1996. His grievance is that although there have been several vacancies in Group'D' the applicant was not so far considered for appointment against handicapped quota. It is stated in the application that the applicant preferred his claim by A-4 representation enclosing a Medical Certificate that he has been more than 40% disability but his claim has been rejected by

A-5 and A-10. The applicant therefore, prays for setting aside A-5 and A-10 declaring that he is entitled to be considered for absorption/appointment to Group 'D' Mailman against the quota reserved for physically handicapped persons and to direct the respondents to consider his claim for absorption as Group 'D' employee at least from 10.10.2000, the date on which others were appointed with consequential benefits.

2. The respondents have filed a reply statement contending that the applicant had suppressed the fact that he was physically handicapped, that he preferred his claims only in July 2000 and that as there is no vacancy to accommodate the applicant in physically handicapped category, the claim of the applicant cannot be sustained. However, in an affidavit sworn on 28.2.04 by the Director of Postal Services, Headquarters, in the office of the Chief Postmaster General, Kerala it was stated that since the block commencing in the year 2000 is still current, it is assured that one vacancy will be earmarked for physically handicapped category and the vacancy will be distributed to RMS TV Division where the applicant is working, subject to the availability of the vacancies in that division and subject to clearance by the Screening Committee and that the applicant would be considered against such vacancy along with other similarly placed GDS candidates.

3. When the matter came up before the Bench Shri Thomas Mathew, learned counsel appeared for the applicant and Shri K. Shri Hari Rao, ACGSC appeared for the respondents.

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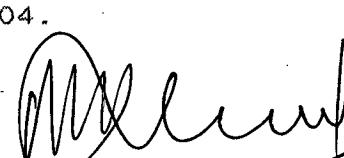
4. We have carefully gone through the file and considered the material placed on record. Since the applicant has not challenged his appointment hitherto made and has put forth his claim for appointment against handicapped quota only by his representation dated 31.7.2000, we are of the considered view that the undertaking given in the affidavit by the Director of Postal Services that one vacancy identified to be filled up in handicapped quota of Group 'D' to be allotted to Trivandrum RMS TV Division and that the applicant along with other eligible similarly situated handicapped GDS candidates would be considered, would meet the ends of justice in the circumstances of the case.

5. In the result in the light of the facts and in view of the undertaking given by the Director of Postal Services in his affidavit sworn on 28.2.2004, we dispose of this application directing the respondents to consider the applicant for appointment against one vacancy of Group 'D' to be allotted to RMS TV Division along with other physically handicapped GDS candidates, if any waiting for appointment as Group 'D'. We make it clear that the post so allotted to Trivandrum RMS TV Division shall not be utilised in adjusting excess appointees under the quota. The above exercise shall be completed and orders issued within a period of four months from the date of receipt of a copy of this order. No costs.

Dated the 26th March 2004.

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H.P.DAS
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN
VICE CHAIRMAN