

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
O.A. NO.287/2011

Dated this the 5th day of July, 2011

C O R A M

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

HON'BLE Mrs. K. NOORJEHAN, ADMINISTRATIVE MEMBER

Louis Jacob, S/o V.M.Chacko, Driver, Mail Motor Service
Ernakulam R/o Neerolickal (H), Kongorppally P.O - 683518.

Applicant

(By Advocate Mr.Hariraj M.R)

Vs.

- 1 Union of India represented by the Secretary
to the Government Ministry of Communications
Department of Post, New Delhi.
- 2 Chief Postmaster General Kerala Postal Circle
Thiruvananthapuram.
- 3 Postmaster General Central Region, Kochi.
- 4 Senior Superintendent of Post Offices
Ernakulam Division.
- 5 Manager, Mail Motor Service, Ernakulam.

Respondents

By Advocate Mr. Millu Dandapani, ACGSC

The Application having been heard on 27.6.2011, the Tribunal
delivered the following:

O R D E R

HON'BLE Mrs. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant is aggrieved by the refusal of the respondents to
return his driving license and further refusal to permit him to work as a
Driver in the Mail Motor Service.

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2 Brief facts of the case as stated by the applicant is that he commenced his service as Cleaner in the respondent's Department w.e.f 7.9.1980. He possesses a valid driving license, he was promoted as Driver in the Mail Motor Service w.e.f 11.4.85. The applicant met with an accident and suffered a fracture in the ankle of his right leg which caused a bend his ankle. He avers that this has never affected his official duty as a Driver. He requested vide his representation dated 27.2.2009 for change as Driver of Inspection Vehicle of SSPO as the present incumbant is retiring shortly. It is stated that generally the department posts the seniormost Driver as Driver of the Inspection Vehicle and in this case his seniority was ignored and his junior was posted. He sought some information under RTI Act which led the 3rd respondent to send him to RTO for ascertaining his suitability to run a Govt vehicle. Thereafter he was sent for training at the KSRTC Staff Training Centre. He was also directed to appear before a Medical Board. He submits that all reports were in his favour and there was nothing in the report to prevent him from driving vehicles. Again the applicant was asked to submit the original license to the 5th respondent. The 5th respondent after supplying a photocopy of the license retained the original license. He was instructed not to drive mail van and sit in the office for menial work. On his request to return the original license, the 5th respondent informed him that the same is with the RTO. He alleged that retention of his original license by the respondents is arbitrary and without jurisdiction.

3 The respondents filed their reply and submitted that the Driver in Mail Motor Service (MMS for short) is responsible for the conveyance of Mails to various offices using the Mail Lorries. The applicant is suffering from deformity and acute debility in his right leg. He was directed to the RTO, Ernakulam for a Fitness Certificate to drive LMV/HMV. The RTO advised to refer the official to a Medical Board. The Medical Board chaired by the DMO, with six other Doctors examined him. The Medical Board reported that the applicant can drive vehicle operated with both hands only

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and unfit for driving vehicle using leg. Therefore the Driving License of the applicant alongwith report of the Medical Board were forwarded to the RTO for their advice under Rule 15 of the Motor Vehicles Act. They further submitted that the departmental mail lorry he was driving on 5.6.2010 hit a private car and Rs.750/- was recovered from the applicant towards cost of damage to the departmental vehicle. The respondents contended that keeping in mind the safty of passengers of other vehicles and pedastrains it is not advisable to make the applicant drive heavily loaded Mail lorry for eight hours through the crowded roads to Airport, Muvattupuzha, Alappuzha, etc.

4 They have also pleaded that the relief sought for in the OA is to return the Original Driving License is not a service matter and the OA is without jurisdiction. They further contended that for selection of Driver to the Inspection Vehicle, seniority of service is not the only criterion to be looked into but ability to drive a vehicle is also one of the requirements. The proficiency test conducted by the Motor Vehicles Inspector was only in Motor Cycle (MC) and Light Motor Vehicle (LMV) whereas HGMV test was not conducted and the applicant is holder of license MC with gear/LMV/HGMV.

5 We have heard the learned counsel for the parties and perused the record.


6 It is an admitted fact that the applicant met with an accident and suffers from debility in his right leg. It is also a fact that he is a license holder of MC with gear/LMV/HGMV and used to drive department vehicles including Mail lorry. On the advice of the Regional Transport Authority a Medical Board was constituted and the Medical Certificate issued by the Medical Board declared him unfit to drive vehicles operated using leg. The respondents in their reply submitted that the original license alongwith Medical Board's report had been sent under Rule 15 of Motor Vehicle Act to the Regional Transport Authority, Ernakulam to take a decision. The

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applicant has prayed that his original driving license may be returned to him. The respondents have submitted that the original driving license has been sent to RTO Ernakulam alongwith Medical Board report.

In view of the above position we direct respondent No.5 to issue a letter addressed to the RTO, instructing him to return the driving license to the applicant endorsing a copy to the applicant. He is also directed to authorise the applicant to collect the driving license from the RTO, Ernakulam. These exercise^s may be done within two months from the date of receipt of a copy of this order. As far as the second relief sought by the applicant to permit him to work as driver, his counsel has fairly conceded that the applicant can attend to any work entrusted to him by 5th respondent. A driver, belonging to Group-C cadre is quite capable of attending to clerical work, relating to mail motor service matters, Respondent No.5, will therefore utilise the applicant's services to the best advantage of the organisation. The OA is disposed of as above. No costs.

Dated 5th July 2011


K.NOORJEHAN
ADMINISTRATIVE MEMBER


Dr.K.B.S.RAJAN
JUDICIAL MEMBER

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