

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 317

T. A. No. 199 1

DATE OF DECISION 7.2.92

N. Vijayappan Nair _____ Applicant (s)

Mr. K. K. Krishnapillai _____ Advocate for the Applicant (s)

Versus

Chief Personnel Officer, Respondent (s)
Southern Railway Headquarters Office
Personal Branch, Park Town, Madras and others

Mr. M. C. Cherian _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant is a physically handicapped person.

His grievance is that though he has been given Annexure-I memorandum indicating that he has not been selected and appointed to the group-C post, however, he has been considered for appointment in group-D service, but no posting was given to him at Palghat pursuant to the same.

2. According to the applicant, after receipt of Annexure-I he has reported to the concerned authority but he returned all the documents and stated that he will be duly informed to attend office on receipt of offer of appointment from DPO, Palghat. His repeated representation

for getting appointment xxxxxxxxxxxxxxxxxxxxxxxxx were not replied to by the second respondent. Hence, he filed this application with the prayer that the respondents may be directed to give the applicant a posting as group-D in the Palghat Division or Trivandrum Division w.e.f.

5.4.1984.

3. The respondents have filed a detailed counter affidavit and produced Annexures R-1 to R-4. Annexure R-3 is a circular issued by the Chief Personnel Officer pertaining to the selection of persons coming in the category of physically handicapped persons in group-C and D. It also indicates the procedure to be xxxxx followed and the difficulties experienced by them in keeping alive the panel for indefinite period. Accordingly, a policy decision was taken that the xxxxxxxx panel of handicapped persons should be kept valid only for one year. It is also stated that till which the candidates to the date of Annexure R-3/whose names were deleted from the list were also be given further chance of selection while filling up the vacancy of 1986-87. Accordingly, the applicant's case was also considered in the next vacancy which arose for the year 1986-87. Even though the applicant was considered, he was not selected. They have further stated that the applicant's case will be considered for the vacancy that may arise in the year 1989 along with other physically handicapped persons sponsored by the Special Employment Exchange.

4. We have heard the arguments of both parties. The learned counsel for the respondents has produced before us ^{and proceedings taken being} the Selection files for the year 1987 when there were five vacancies existed. We have perused the files and ~~are~~ ^{been given to applicant} satisfied that the applicant was also considered but he was not selected. The respondents stated that Annexure R-4 memorandum, intimating the result of the selection conducted on 5.5.1988 to the effect that he has not been selected ^{has been given to applicant}

5. The applicant has filed a rejoinder stating that he has not been given any further communication after Annexure-I. The averments made in the counter affidavit ^{rejoinder to} are not correct and cannot be accepted.

6. We have perused the files produced before us. We are fully satisfied after the issue of R-3 directions by the Chief Personnel Officer, the Railways has duly complied with the directions contained therein and the applicant was also interviewed at the interview held on 8.4.1981. So, no reliance can be placed on the submissions filed by the applicant in the rejoinder.

7. Having regard to the facts and circumstances of the case, we dismiss the application with the observation that the claim of the applicant can be placed before the competent authority for consideration for the next arising vacancy ^{in 1989 as stated in letter}. With this observation, the application is dismissed, but there will be no order as to costs.

N. Dharmadan
7.2.92

(N. Dharmadan)
Judicial Member

N. V. Krishnan
7/2/82

(N. V. Krishnan)
Administrative Member