

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.340/03

Tuesday this the 4th day of November 2003

C O R A M :

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

N.Chandran Pillai
S/o.Kesava Pillai,
G.D.S.M.D.,Mithrakary.P.O.,
Thiruvalla.

Applicant

(By Advocate Mr.V.Sajith Kumar)

Versus

1. Union of India, represented by its Secretary to Government, Department of Post, Ministry of Communications, Government of India, New Delhi.
2. The Chief Post Master General, Kerala Circle, Trivandrum.
3. The Superintendent of Post Offices, Thiruvalla Postal Division, Thiruvalla.

Respondents

(By Advocate Mr.C.Rajendran,SCGSC)

This application having been heard on 4th November 2003 the Tribunal on the same day delivered the following :

O R D E R

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

The applicant N.Chandran Pillai is presently working as a GDS MD, Mithrakary P.O., Thiruvalla. He is 50% visually handicapped. Alleging that against a backlog vacancy reserved for visually handicapped, the applicant was not considered and appointed, the applicant filed O.A.772/02 which was disposed of permitting the applicant to make a detailed representation and directing the 2nd respondent to consider and dispose of the representation. The applicant accordingly submitted Annexure A-7 representation explaining that one vacancy reserved for visually

handicapped in the category of Postman was carried forward and that he was entitled to be considered and appointed to that post. Annexure A-10 order has been issued denying the claim of the applicant stating that partially blind can be appointed as Postman only in metropolitan cities and therefore the applicant who is partially blind was not entitled to be appointed as Postman in Thiruvalla. Aggrieved by that the applicant challenged the impugned order claiming that as per the Recruitment Rules Postman and Village Postman being identical category the contention of the respondents that the applicant could not be appointed as Village Postman in Thiruvalla is unsustainable.

2. The respondents have filed a reply statement resisting the claim of the applicant. They contend that the applicant who is partially blind is not entitled to be appointed as Postman in Thiruvalla Division against the reserved vacancy in accordance with the instructions in Annexure R-1 and that the vacancy at Thiruvalla Division has been filled by one Unnikrishnan Sharma seniormost ED Agent. It is also contended that the applicant did not get selected during the examination held in the year 1997.

3. We have heard learned counsel on either side and have gone through the pleadings and materials placed on record. Learned counsel for the applicant argued that it is evident from Annexure R-1 that Postman and Village Postman are both in Group D category and they are in identical pay scale. He also invited our attention to Serial No.8 in page 657 of Annexure R-1 wherein Village Postman has been identified as a post which can be filled by partially blind. It is admitted in the pleadings that there

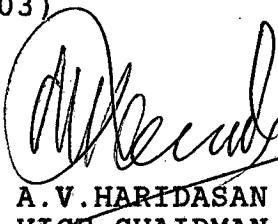
was a post of Postman in Thiruvalla Division reserved for visually handicapped which was carried forward from 1994 to recruitment year 1998. There is no case for respondents that any person who is visually handicapped has been appointed against that post after 1998. From the vacancy position as on date produced by the counsel for the respondents for our perusal, we find that there is a backlog of one vacancy for being filled by visually handicapped. We did not find any valid contention on the part of the respondents either in the reply statement or in the submissions made now as to why the applicant is not considered for appointment against that reserved vacancy which is still available. Under these circumstances we are of the considered view that the applicant has to be considered for appointment as Postman/Village Postman against the carried forward visually handicapped reserved vacancy still existing in Thiruvalla Division.

4. In the light of what is stated above, the application is allowed. Impugned order is set aside and respondents are directed to consider the applicant for appointment to Postman/Village Postman against the visually handicapped reserved post and issue orders accordingly within a period of three months from the date of receipt of a copy of this order. No costs.

(Dated the 4th day of November 2003)

H. P. DAS
ADMINISTRATIVE MEMBER

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A. V. HARIDASAN
VICE CHAIRMAN