

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.342/09

Thursday this the 17th day of June 2010

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

Padma P.R.,
D/o.D.Raju,
Sithara, Chemmakkad (PO),
Perinad, Kollam District.

...Applicant

(By Advocate Mr.Martin G Thottan)

V e r s u s

1. The Chairman,
Employees State Insurance Corporation,
Head Quarters Office, ESIC Hospital Complex,
Rohini, Sector 15, New Delhi.
2. The Medical Superintendent,
ESIC Model & Super Speciality Hospital,
Asramam (PO), Kollam District, Kerala.
3. The Joint Director,
ESIC Model & Super Speciality Hospital,
Asramam (PO), Kollam District, Kerala.

...Respondents

(By Advocate Mr.T.V.Ajayakumar)

This application having been heard on 17th June 2010 this
Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant's prayer in this OA is to declare that she being
a person suffering from hearing impairment is entitled to be considered
for appointment to the post of the Laundry Assistant and Cook Mate



.2.

& Masalchi Bearer against one percent out of 3 percent quota reserved for physically challenged persons and to consider her for appointment to any one of those posts taking into account of her physical handicap.

2. The brief facts of the case are that the respondents have issued Annexure R-1 advertisement inviting applications for different posts under Group 'C' and Group 'D' categories. Among them there were six posts of Laundry Assistants/Operator and 12 posts of Cook Mate & Masalchi Bearer. According to the applicant, she had applied for both the posts under the physically handicapped quota. Her contention is that the respondents have not considered her for appointment to the said posts against the physical handicap quota reserved for deaf candidates.

3. The respondents had filed a reply in which they have denied that the applicant has applied for the post of Laundry Assistant. According to them, she has applied only for the post of Cook Mate & Masalchi Bearer. They have also submitted that the applicant came for the interview accompanied by her father and during her interview her father has informed the members of the interview board that she can neither hear nor speak nor understand anything as she is totally deaf and dumb since birth. However, another candidate, Shri.Suresh Kumar.G was found more meritorious for the aforesaid post under the category of physical handicap/hearing impairment and he was appointed accordingly.



.3.

They have also submitted that there were sufficient number of physical handicap candidates in various categories and all the five posts reserved for them in the Group 'C' and Group 'D' posts have been filled up and there is no scope for any consideration of the applicant under the aforesaid quota.

4. We have heard Shri.Martin G Thottan for the applicant and Shri.TV Ajayakumar for the respondents. We have perused the entire documents on record. From the reply it is clear that there were only five vacancies reserved for physical handicap persons in various categories and all those posts were filled up by meritorious candidates. In the category of hearing impairment also one candidate was available and he has been appointed finding him more suitable than the applicant.

5. In view of the above position, we do not find any merit in this OA and the same is, accordingly, dismissed. There shall be no order as to costs.


(Dated this the 17th day of June 2010)

K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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