

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1406/97

dt.23-10-97

Between

Smt. G. Mahalaxmi

: Applicant

and

1. Regional PF Commissioner AP  
AR Barkatpura, Hyderabad

2. Dist. Employment Exchange Officer  
Nizamabad Dist  
Nizamabad 503002

: Respondents

Counsel for the applicant

: K. Vinay Kumar  
Advocate

Counsel for the respondents

:  
CGSC

Coram

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *JH*

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

*R*

Interim order

Heard Sri T.L.K. Sharma, for Sri K. Vinaya Kumar, learned counsel for the applicant and none for the respondents.

1. Admit.

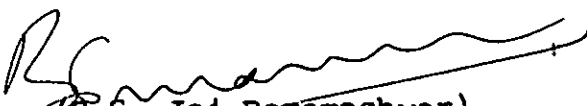
2. On a requisition from Respondent-1, stating that her name has been sponsored by the Employment Exchange for filling up the post of LDCs in Respondent-1 organisation, the applicant submitted her application in the prescribed form stating that she was a physically handicapped candidate.

3. On 10-10-1997 the respondent-1 rejected her application stating that there <sup>were</sup> ~~was~~ no vacancies available in the said organisation against general category.

4. It is not made clear whether her candidature has been rejected merely on the ground of non-availability of vacancies for General Category candidates (to which she admittedly belongs) while ignoring her candidature as physically handicapped person. It is noticed that it is very clearly mentioned in her application form that she suffers from 40% physical disability and it is also seen that she had paid only Rs.10/- by way of Bank Draft, which is the amount specified for physically handicapped candidates. This would go to show that her candidature has been considered under physically handicapped quota, <sup>and</sup> ~~if~~ no vacancies <sup>may be</sup> ~~are~~ available to be filled under this category in the respondent organisation. If no vacancies are available, then her candidature may not be acceptable both under general category and under physically handicapped category, but if any vacancies remain unfilled under physically handicapped quota, her candidature

shall have to be considered ignoring the community to which she belongs. This has to be clarified. Since this is not clear at this moment it would be fair and equitable as well as expedient to direct the respondents to permit her to take the examination scheduled to be held on 26-10-1997 or any future date at Nizamabad Centre on production of <sup>a copy of</sup> this order. It is further directed that her results shall not, however, be declared until further orders.

5. Respondents shall file counter in six weeks. List the OA thereafter. Issue CC today.

  
(B.S. Jai Parameshwar)  
Member (Judl.)

  
(H. Rajendra Prasad)  
Member (Admn.)

23.10.97

Dated : October 23, 97  
Dictated in Open Court

sk


I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.  
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

DATED:-

ORDER/JUDGMENT.

M.A../RA../C-A.No..

in

Q.A.No.

1406/97

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No. order as to costs.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
वैद्युत/DESPATCH

24 OCT 1997

हैदराबाद ब्याचपीठ  
HYDERABAD BENCH

7805636

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. NO.1406/97

DATE OF ORDER : 1.9.1998

BETWEEN : Smt G. Mahalaxmi

... Applicant(s)

AND

1. Regional Provident Fund Commissioner  
A.P., Barkatpura,  
Hyderabad.
2. The Dist. Employment Exchange Officer  
Nizamabad Dist.,  
Nizamabad 503 002.

... Respondents

Counsel for the Applicant	-	Shri K. Vinaya Kumar
Counsel for the Respondents	-	Shri R.N. Reddy
Counsel for the State of A.P.	-	Shri P. Naveen Rao

Coram :

The Hon'ble Justice Shri D.H. Nasir	-	Vice Chairman
The Hon'ble Shri H. Rajendra Prasad	-	Member (A)

(Order per Hon'ble Shri H. Rajendra Prasad, Member (A))

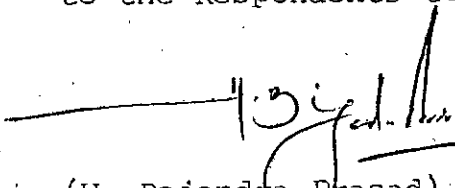
(19)

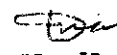
(Order per Hon'ble Shri H. Rajendra Prasad, Member (A))

Heard ~~Mx~~/Shri **K. Vinaya Kumar** for the Applicant(s),  
Shri/~~Mx~~ **R.N. Reddy** for the Respondents and Shri  
P. Naveen Rao for the State of A.P.

The orders passed by this Tribunal today in O.A.  
No. 987/96 shall be complied with in this O.A. as well.

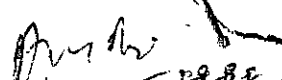
A copy of the orders passed in O.A. No. 987/96  
shall be kept on record of this file and also supplied  
to the Respondents to facilitate further action.

  
(H. Rajendra Prasad)  
Member (A)

  
(D.H. Nasir)  
Vice Chairman

Dictated in open court

DATED : 24.8.1998

  
Deputy Registrar

...js/-

To

1. The Regional Provident Fund Commissioner  
A.P. Barkatpura, Hyderabad.
2. The Dist. Employment Exchange Officer,  
Nizamabad Dist. Nizamabad-2.
3. One copy to Mr.K.Vinaya Kumar, Advocate, CAT.Hyd.
4. One copy to Mr.R.N.Reddy, CGSC.CAT.Hyd.
5. One copy to Mr.P.Naveen rao, Spl.Counsel for A.P.Govt.CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One spare copy.

pvm

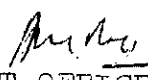
The following direction is issued:

If the applicant had been permitted to appear for the test/examination/interview held on 7-9-98, or on any subsequent date, in pursuance of the interim orders passed by this Tribunal on 3.9.1997, the results of the said examination shall be declared forthwith, and the merit-based selected candidate shall be appointed now. This is in keeping with the judgment of Hon'ble Supreme Court in Excise Supdt. Malakapatnam, Krishna Dist. A.P. Vs. K.D.N. Visweshwara Rao and others (1996)(6) SCALE 676, as well as Govt. of India, Dept. of Personnel and Training O.M.No. 14024/2/96-Estt.(D) dated 18-5-1998.

Thus, the OA is disposed of finally. No costs.

Sd/-x x  
Deputy Registrar.

CERTIFIED TO BE TRUE COPY

  
COURT OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD



(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 987/96.

Date of Order: 24-8-98.

Between:

D.Raju Naidu.

Applicant

and

1. The Divisional Railway Manager,  
SE Rly, Waltair Division,  
Visakhapatnam.
2. The General Manager,  
SE Rly, Garden Reach, Calcutta.
3. Regional Employment Officer,  
Employment Exchange,  
Maharani Beta, Visakhapatnam-2.
4. Union of India, rep. by  
the Secretary, Railbhaman,  
New Delhi.
5. The Railway Board, Rep. by its  
Chairman,  
Railbhaman, New Delhi.

Respondents.

Counsel for the Applicant: Shri M. Kesava Rao.

Counsel for the Respondents: Mr. C.V. Malla Reddy, SC for Rlys.

Counsel for the State of A.P. Shri P. Naveen Rao,

CORAM:

THE HON'BLE SHRI JUSTICE D.H. NASIR : VICE-CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD : MEMBER (ADMIN)

(Order per Hon'ble Shri H. Rajendra Prasad : Member (A))

Heard Shri M. Kesava Rao for the applicant,  
Shri C.V. Malla Reddy for the Respondents and Shri P. Naveen Rao  
for the Govt. of A.P. (R-3).

The matter has been reconsidered on the basis of  
the facts contained in the OA as well as in the counter affidavit.

..2

28/9/98

I COURT

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE D.H. NASIR: J.C.  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 1-9-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

1406/97

T.A.No.

(W.P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

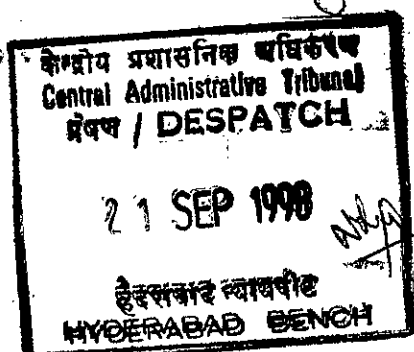
Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1406/97

dt.23-10-97

Between

Smt. G. Mahalaxmi

and

1. Regional PF Commissioner AP  
AR Barkatpura, Hyderabad
2. Dist. Employment Exchange Officer  
Nizamabad Dist  
Nizamabad 503002

: Applicant



: Respondents

Counsel for the applicant

: K. Vinay Kumar  
Advocate

Counsel for the respondents

:  
OGSC

Coram

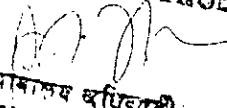
HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *JH*

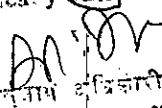
HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

*JH*

shall have to be considered ignoring the community to which she belongs. This has to be clarified. Since this is not clear at this moment it would be fair and equitable as well as expedient to direct the respondents to permit her to take the examination scheduled to be held on 26-10-1997 or any future date at Nizamabad Centre on production of this order. It is further directed that her results shall not, however, be declared until further orders.

5. Respondents shall file counter in six weeks. List the OA thereafter. Issue CC today.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY  
  
न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद बेंच  
HYDERABAD BENCH

केस नम्बर	CASE NUMBER	80/1406/97
निर्णय का तारीख	Date of Judgement	23-10-97
प्रति तय्यार किया गया दिन	Copy Made Ready on	23-10-97
 अनुभाग अधिकारी (न्य. निष्प.) Section Officer (J)		

Interim order

Heard Sri T.L.K. Sharma, for Sri K. Vinaya Kumar, learned counsel for the applicant and none for the respondents.

1. Admit.

2. On a requisition from Respondent-1, stating that her name has been sponsored by the Employment Exchange for filling up the post of LDCs in Respondent-1 organisation, the applicant submitted her application in the prescribed form stating that she was a physically handicapped candidate.

3. On 10-10-1997 the respondent-1 rejected her application stating that there <sup>were</sup> ~~was~~ no vacancies available in the said organisation against general category.

4. It is not made clear whether her candidature has been rejected merely on the ground of non-availability of vacancies for General Category candidates (to which she admittedly belongs) while ignoring her candidature as physically handicapped person. It is noticed that it is very clearly mentioned in her application form that she suffers from 40% physical disability and it is also seen that she had paid only Rs.10/- by way of Bank Draft, which is the amount specified for physically handicapped candidates. This would go to show that her candidature has been considered under physically handicapped quota, <sup>and</sup> ~~if~~ <sup>may be</sup> no vacancies ~~are~~ available to be filled under this category in the respondent organisation. If no vacancies are available, then her candidature may not be acceptable both under general category and under physically handicapped category, but if any vacancies remain unfilled under physically handicapped quota, her candidature