

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00301/2017

Tuesday, this the 11th day of December, 2018

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Sasi.K.K.,
S/o.K.S.Kunju,
Assistant Finance & Accountants Officer,
Qtrs. No.C-10, ICAR CPCRI, Regional Station,
Vittal – 574 243 – D.K.Dist. Karnataka.
(suffering from 45% Locomoto Disability) ...Applicant

(By Advocate – Mr.V.T.Madhavan Unni)

v e r s u s

1. Joint Secretary,
Department of Empowerment of Persons with Disabilities,
Ministry of Social Justice & Empowerment,
Room No.517, B-II Block, 5th Floor,
Paryavaran Bhavan, C.G.O.Complex,
Lodhi Road, New Delhi – 110 001.
2. Director (NIEPMD),
National Institute for Empowerment
of Persons with Multiple Disabilities,
East Coast Road, Muttukadu,
Kovalam Post, Chennai – 603 112, Tamil Nadu.
3. Deputy Registrar (NIEPMD),
National Institute for Empowerment
of Persons with Multiple Disabilities,
East Coast Road, Muttukadu,
Kovalam Post, Chennai – 603 112, Tamil Nadu.
4. Director,
CRC – Kozhikode (NIEPMD),
Near TB Hospital, Medical College P.O.,
Kozhikode – 673 008. ...Respondents

(By Advocates – Mr.M.K.Padmanabhan Nair,ACGSC)

This application having been heard on 5th December 2018, the Tribunal on 11th December 2018 delivered the following :

ORDER

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

O.A.No.180/301/2017 is filed by Shri.K.K.Sasi who is working as Assistant Finance & Accountants Officer under CPCRI at Vittal, Karnataka, against the failure on the part of the respondents to select him for the post of Administrative Officer under National Institute for Empowerment of Persons with Disabilities Composite Regional Centre at Kozhikode. The said post had been notified and he had applied along with others. As per the personal interview held on 5.6.2015, one Shri.K.M.Sabarinathan, had been appointed to the post and the applicant was put as the second candidate in the order of merit at the interview. Subsequently, on coming across discrepancies in the eligibility of Shri.K.M.Sabarinathan, his services were terminated. The applicant sent a request to the 2nd respondent to consider him for the said post. But the same was refused as per order dated 4th October 2016 (Annexure A-1). The ground taken by the respondents was that the Selection Committee had recommended that the panel remain valid only for a period of one year. The respondents as per Annexure A-3 Notification have gone ahead with a fresh selection.

2. Shri.V.T.Madhavan Unni appeared for the applicant and Shri.M.K.Padmanabhan Nair, learned ACGSC appeared for the respondents. The respondents have taken a preliminary objection on the issue of jurisdiction of this Tribunal over the respondent organization.

.3.

It is maintained that the institution is not notified under the C.A.T (Rules of Practice) 1993 and thus is outside the jurisdiction of this Tribunal.

3. On examining the preliminary contention it is found that the objection raised by the respondents is valid as National Institute for Empowerment of Persons with Disabilities, Composite Regional Centre at Kozhikode is not notified under Rule 154 (b) Appendix-VI to Central Administrative Tribunal Act. Being so the O.A is dismissed for want of jurisdiction. No costs.

(Dated this the 11th day of December 2018)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.180/00301/2017

1. **Annexure A1** – True copy of the letter issued by the Respondent No.2 dated 4.10.2016.
2. **Annexure A2** – True copy of the complaint filed by the applicant before the Chief Commissioner for Persons with Disabilities at New Delhi.
3. **Annexure A3** – True copy of the Notification issued by the 2nd respondent.
4. **Annexure R1** – True copy of the Employment Notice No.07/2016.
5. **Annexure R2** – True copy of the application of Shri.K.K.Sasi for the post of AO against the Advt.07/2016.
6. **Annexure R3** – True copy of the reply to Shri.K.K.Sasi dated October 4th 2016.
7. **Annexure R4** – True copy of the proceedings of selection committee for the post of AO dated 5th June 2015.
8. **Annexure R5** – True copy of the DOPT OM No.41019/18/1997-Estt. dated 13.8.2000.
9. **Annexure R6** – True copy of the WP(C) No.3077/2007 in the High Court of Delhi.
10. **Annexure R7** - True copy of the Show Cause Notice vide No.8-24/2015-NI dated 6.2.2016.
11. **Annexure R8** - True copy of the Termination letter served to Shri.K.M.Sabarinathan vide order No.8-24/2015-NI dated 22.9.2016.
12. **Annexure R9** - True copy of the Information regarding experience from Shri.K.M.Sabarinathan's previous employer.
13. **Annexure R10** - True copy of the replies received from Shri.K.M.Sabarinathan's previous employer.
14. **Annexure R11** - True copy of the appointment letter issued to Shri.K.M.Sabarinathan.
15. **Annexure R12** - True copy of the Show Cause Notice received from Shri.K.M.Sabarinathan dated 6.2.2016.
