

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 180/00424 of 2019

Friday, this the 9th day of August, 2019

CORAM

**Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

S.Hareendran
Aged 54 years, S/o.M.V.Narayana Nambiar
Office Assistant (OA), Division Office, D/o Posts
Kannur Division, Kannur – 670 001
Residing at 'Samsari',
Vellur P.O, (via) Payyannoor
Kannur – 670 307
Ph.9447110954

... Applicant

(By Advocate M/s.Dandapani Associates)

Versus

1. Chief Post Master General
Kerala Circle, Thiruvananthapuram – 695 033
2. Superintendent of Post Offices
Kannur Division, Kannur – 670 001
3. Post Master General
Northern Region, Calicut – 673 011

..... Respondents

(By Advocate Mr.C.Rajendran,SCGSC)

The above application having been finally heard on 9.8.2019, the Tribunal on the same day delivered the following:

ORDER (ORAL)

Per: Mr.E.K.Bharat Bhushan, Administrative Member

Smt.Sumathi Dandapani, learned Senior Counsel representing M/s.Dandapani Associates, learned counsel for the applicant submitted that the applicant in the case is a physically handicapped person having 40% disability and is entitled to be accommodated to one of the vacancies in the promotion post kept reserved for persons who are physically handicapped. In the Original Application, a copy of the list of LSG cadre published by the first respondent is produced as Annexure A-3. In Annexure A-3, serial nos.1255 to 1263 are shown as persons who are physically handicapped who have been included. Senior Counsel submits that the applicant may be permitted to file a representation putting forth his claim. As part of the reply statement, respondents have produced relevant pages of the list of officials under the zone of consideration for LSG promotion under UR vacancies. In Annexure A-3 applicant figures at serial no.1041, but the learned senior counsel submits that the applicant is being accommodated in the general category while he is entitled to reservation in Physically Handicapped category. She seeks permission to file a detailed representation pointing out the eligibility of the applicant by virtue of the fact that he is a physically handicapped candidate.

2. We are of the view that the Original Application can be disposed

of by permitting the applicant to file a representation as submitted, which may be filed within one week before the first respondent from receipt of a copy of this order. This shall be considered by respondent no.1 within 30 days from the date of filing of the representation by the applicant. The claim of the applicant is to be considered taking into account his status as a physically handicapped person.

3. The Original Application is disposed of. No costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(E.K BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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List of Annexures

Annexure A1 - True copy of the certificate dated 24.6.1988 issued by Ortho Civil Surgeon District Hospital Kannur

Annexure A2 - True copy of the letter 20.9.1988 issued by the Assistant Director (ESET) in favour of the applicant

Annexure A3 - True copy of the list of LSG cadre restructuring published by the 1st respondent

Annexure A4 - True copy of the order dated 1.2.1996 issued by the 2nd respondent

Annexure A-5 - True copy of the representation submitted by the applicant before the 1st respondent dated 27.12.2017

Annexure R1 - The true copy of the O.M No.36035/02/2017-ESTT(RES) dated 15.1.2018

Annexure R-1 - The true copy of the office memorandum No.36035/02/2017ESTT(RES) dated 15.1.2018

Annexure R-2 - True copy of relevant pages of the list of the officials under Zone of consideration for LSG promotion under URC category

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