

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 3108/2002

M.A. No. 2652/2002

This the 28th day of November, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V.K. Majotra, Member (A)

1. Northern Railway Physically Handicapped
Employees Welfare Association
through its President,
1/3146, Ram Nagar,
Loni Road, Shahdara,
Delhi-110 032.

2. Shri Arvind Kumar Rai,
Jr. Accounts Assistant,
R/o E-131, JJ Colony, Ashok Vihar,
Wazirpur, Delhi.

-Applicants

(By Advocate: Shri R.K. Kapoor)

Versus

1. Chairman,
Railway Board,
Rail Bhawan,
New Delhi.

2. General Manager,
Northern Railway,
Baroda House,
New Delhi.

-Respondents

ORDER (Oral)

Hon'ble Shri Justice V.S. Aggarwal, Chairman

By virtue of the present application, applicants seek a direction to implement the Office Memorandum dated 20.11.1989 issued by the Ministry of Personnel, Public Grievances & Pension and for setting aside the decision of the Railway Board dated 26.4.2002.

2. It has been asserted that on 10.7.1987, a policy decision had been taken by the Ministry of Railways (Railway Board) for providing reservation for

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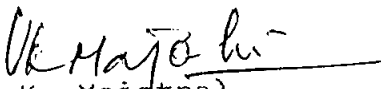
the physically handicapped persons in the Indian Railways in Group C and D posts. According to the applicants, certain posts have been identified and listed for that purpose. The reservation is stated to be to the extent of 3% of the posts. Direction had been issued to all the Ministries by the Ministry of Personnel, Public Grievances and Pensions for implementation of the said policy.


3. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 came into force from 7.2.1996.

4. Applicants contend that there are a number of posts available in the Railways, names of which have been given, which can be filled up by the disabled persons. Despite that, it has been pointed out that the representation of the applicant had been rejected on 26.4.2002 by the Ministry of Railways.

5. Keeping in view the aforesaid and without expressing any opinion, it is directed that respondent No.1 shall consider the representation dated 31.5.2002 in this regard in the light of the statutory provisions and pass an appropriate speaking order within a period of three months from the date of receipt of a certified copy of this order. It should be conveyed to the applicant.

6. With these directions, OA is disposed of.


(V.K. Majotra)
Member (A)


(V.S. Aggarwal)
Chairman

cc.