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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No.1829/2000

New Delhi this the 27th day of February, 2001

Hon'ble Mr. V.K. Majotra, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

Shri Prakash Chandra Soni
S/o Shri Parshu Ram Soni
R/o 831, Kalyanvas,
Delhi-110091.

-Applicant

(By Advocate: Shri M.L. Chawla)

Versus

1. The Lt. Governor,
Delhi State,
Raj Niwas, Delhi.
(Through: Chief Secretary,
Old Sectt., Delhi).
2. The Director,
Directorate of Education,
Old Sectt.,
Delhi-110009.
3. The Education Officer,
Zone II Distt.,
East Rani Garden,
Delhi-1490031.
4. The Principal,
Govt. Boys Sr. Secondary School,
Block-20,
Trilokpuri, Delhi.

-Respondents

(By Advocate: Shri Ashwini Bhardwaj, proxy for
Shri Rajan Sharma)

ORDER (Oral)

Mr. V.K. Majotra, Member (A)

The grievance of the applicant is that the respondents have resorted to effect recovery from his pay for his leave period amounting to Rs. 5959/- . The applicant had made a representation on 7.12.99 (Annexure A-1) seeking refund of recovery made from him. He has sought direction to the respondents to refund a sum of Rs. 5959/- allegedly recovered illegally from his salary during the period December, 1995 - November, 1996. He has also

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sought direction to the respondents to devise a foolproof method for blind employees for marking their attendance in the attendance register themselves.

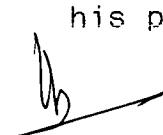
2. The respondents have stated to have settled the leave issue of the applicant taking a sympathetic view due to his blindness. They have also refunded him an amount of Rs. 5959/- on 14.12.2000 which had been recovered from him.

3. The learned counsel of the applicant Shri M.L. Chawla has contended that whereas the applicant has been refunded an amount of Rs. 5959/- which was recovered from his salary on allegation of absence during the earlier period, the respondents should be directed to devise a foolproof method for marking the attendance of blind employees in the attendance register and also not to utilise the applicant's services as Group-D employee when he is a LDC and that having been harrassed, an exemplary cost should also be awarded to the applicant. The learned counsel of the respondents stated that whereas the leave account of the applicant has been settled and the amount recovered from the applicant refunded to him, they would certainly consider devising suitable method for marking attendance of blind employees. He further contended that as there has been no malafide in the action of the respondents, no cost should be awarded against the respondents.

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4. Although in the rejoinder the applicant has stated that refund having been made to him, the only points left for adjudication are regarding marking of attendance of blind employees and "any other orders, directions as the Court may deem fit in the facts and circumstances of the case to meet the ends of justice." Here Shri Chawla, the learned counsel of the applicant stated that applicant's prayer for assignment of proper work and also compensation for unnecessary harrasment leading to the present litigation must also be looked into.

5. As to the allegation that the applicant has been utilised for the job of delivering dak at different places, which is the work of Group-D staff, whereby he has been put to great in-convenience being a blind person, the respondents have not denied the same in their counter. When the applicant is a LDC, it is imperative that he should be assigned work of LDC though a suitable desk can be allotted to him looking to his handicap. It is not fair and proper that a blind person should be assigned arduous physical duty of moving from one place to another for delivering of dak which duty also relates to a lower category of staff. The respondents must adopt a sympathetic approach in assigning suitable work to the applicant looking to his physical handicap.



6. Here is a case where the applicant, a blind person, has been made to suffer both financially and physically by the action of respondents whereupon he was compelled to undertake litigation for redressal of his grievances. In such a case, the court must use its discretion for compensating applicant suitably. The respondents are, therefore, directed

to:

- (i) pay a cost of Rs. 1000/- (Rs. One thousand only) to the applicant.
- (ii) allocate suitable work to the applicant as LDC keeping in view his physical handicap and
- (iii) consider devising proper method for marking attendance of blind employees in attendance register.

7. The above directions should be implemented within a period of two months from communication of these orders. The OA is disposed of in the above terms. No costs.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Member (A)

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