

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.379/91

Date of decision: 16.08.1993.

Shri Nanak Chand

...Petitioner

Versus

Lt. Governor and Others

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioner

Shri S.K. Shukla, Counsel.

For the respondents


Ms. Ashoka Jain, Counsel.


Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

The petitioner is a Driver in Delhi Administration. He was found to be suffering from colour blindness and was declared unfit for driving on 28.5.90. Accordingly, he was invalidated out of service w.e.f. 8.6.1990 vide order of the same date. The learned counsel for the petitioner brought to our notice the judgement of the Tribunal in OA-64/87 Shri Hazari Lal v. Commissioner of Police & Ors. decided on 30.8.1989 wherein an identical matter the order of the respondents declaring the petitioner invalid was held to be legally not sustainable and was set aside and quashed. The respondents were further directed to reinstate the petitioner in service reserving the liberty to post the petitioner therein in any assignment for which colour blindness is not a disqualification, including general duties as they have done in case of other similarly situated employees. The applicant was also held to be entitled to all consequential benefits including back wages.

2. We have heard the learned counsel for both the parties and are of the opinion that since the matter already stands concluded in an identical case in OA-64/87 (supra), there is no reason to not to grant the similar benefits to the petitioner herein. Accordingly, the respondents' order dated 8.6.1990 is hereby set aside and quashed. The respondents are directed to reinstate the petitioner in service reserving the liberty to post him in any assignment for which colour blindness is not a disqualification, including general duties, as they had done in similar other cases. The petitioner shall also be entitled to all consequential benefits including back wages. The respondents shall comply with these directions with utmost expedition and preferably within three months from the date of communication of this order.

3. The O.A. is disposed of, as above. No costs.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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