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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP No.216/2006 In
OA No.313/2004

New Delhi this the 29th day of August, 2006

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)
Hon'ble Shri Mukesh Kumar Gupta, Member (J)

Het Ram Singh
S/o Late Shri Sukhi Ram,
C/o Shri Ramesh Chand Sagar,
H.No.224A, Near Arya Samaj Mandir,
Railway Harthela Colony,
Muradabad (UP)

-Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Shri V.N. Mathur,
General Manager,
Northern Railway, Baroda House,
New Delhi.

2. Shri Aziz-Ul-Haq
Divisional Railway Manager,
Northern Railway, Muradabad.

-Respondents

(By Advocate: Shri VSR Krishna and
Shri R.L.Dhawan)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Learned counsel heard.

2. Vide order dated 29.9.2005 in OA-313/2004, this Tribunal had directed the respondents to consider applicant's case for appointment in Group-C post against the handicapped quota in vision category and in that event he would be entitled to all consequential benefits.

3, Respondents have carried the matter to the Hon'ble High Court in W/P (C) 395/2006, W/P (C) 396/2006 & CM No.s306,307/2006, which was disposed of vide order dated 16.01.2006 by the Hon'ble High Court with the following observations/directions:-

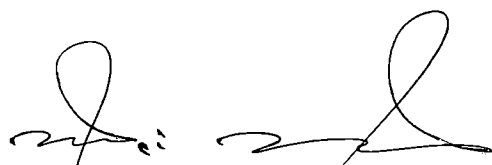
"In view of the aforesaid statement made before us, we have also heard counsel for the respondent, who submits that if the respondent is given his due seniority from the date, his batch mates were appointed, the respondent would not claim for payment of back wages. In that view of the matter, we direct that upon consideration of the case of the respondent as against the


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handicapped quota in low vision category if he is appointed in that event, the respondent shall be entitled to his seniority from the date his batch mates were appointed. But he shall not be entitled to any arrears of wages, salary and other benefits".

4. Shri V.S.R Krishna, learned counsel of respondents has filed a copy of DRM's notice dated 28.8.2006, stating that applicant has been placed on the provisional panel for appointment in Group 'C' category against Handicapped quota vide office letter dated 1.4.98. Learned counsel stated that while the applicant has been provided due seniority without any back wages as is clear from notice dated 28.8.2006, he shall be issued the appointment letter within a period of two weeks after completing the necessary formalities.

5. In this backdrop, contempt proceedings are dropped and notice issued to Respondent No.2 is discharged, however, with liberty to the applicant to agitate the matter as per law on remaining aggrieved.


(Mukesh Kumar Gupta)
Member (J)


(V.K. Majotra)
Vice Chairman (A)
29.8.06

cc.