

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

original Application No. 1113 of 2001.

this the 1st day of November 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Subhash Chandra Sharma, aged about 43 years, s/o late Kashi Prasad Sharma, resident of Village Laipurekavi, Post Office Anapur, P.S. Nawabganj, Allahabad.

Applicant.

By Advocate : Sri B.P. Srivastava

Versus.

1. Union of India through the General Manager, Eastern Railway, New Delhi.
2. The Divisional Railway Manager (Personnel), Eastern Railway, Varanasi.
3. The General Manager (Personnel), N.E. Railway, Gorakhpur.

Respondents.

By Advocate : Sri K.P. Singh.

O R D E R (ORAL)

By means of this O.A., the applicant-Subhash Chandra Sharma has prayed for issuing directions to the respondents to consider him on a suitable post, considering him a handicapped person.

2. It appears from the record that the applicant had earlier filed O.A. no. 1273/94, which was dismissed vide order dated 17.2.98. The operative part of the order is as under :

"Annexure A-1 shows that the applicant worked from 1.5.78 to 15.4.1979 in the first instance and from 7.11.1989 to 4.1.90 in the second instance. The applicant approaches the Tribunal at this belated stage for relief. He has not even worked continuously for 120 days in the second instance which entitled him for temporary status. We, therefore, find no reason why this application should be entertained at this stage. This is dismissed as barred by limitation as well as on merits."

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3. Against the order of the Tribunal, the applicant filed a Writ petition bearing no. 12048 of 1998, which was disposed of with the following observations :

"On consideration of the entire matter this writ petition is disposed of with the order that dismissal of the case by the Tribunal will not prevent the petitioner from making an application for appointment when a post is notified and if such an application is made by the petitioner the same will be considered in accordance with law treating the petitioner as an handicapped person!"

4. In pursuance of the aforesaid directions, the applicant submitted a representation before the General Manager, N.E. Railway, Gorakhpur on 2.6.1998, a copy of which has been annexed as Annexure A-5 to the O.A. The grievance of the applicant is that the respondents have not passed any order on the aforesaid representation of the applicant.

5. I have heard the learned counsel for the parties and have perused the pleadings on record.

6. The learned counsel for the applicant submits that the O.A. may be disposed of with the direction to the respondent no. 2 to consider and pass appropriate orders on the aforesaid representation of the applicant. The O.A. is accordingly disposed of with the direction to the respondent no. 2 to consider and pass appropriate orders on the aforesaid representation of the applicant as per rules within a period of three months from the date of communication of this order, by a reasoned and speaking order. There shall be no order as to costs.

D. Girish
MEMBER (J)

GIRISH/-