

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 31st day of August, 2000.

Original Application no. 1593 of 1992.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member
Hon'ble Mr. M.P. Singh, Administrative Member

Bachchi Lal,
S/o Sri Ram Gharan,
R/o house no. 216, Inside Sainyer Gate,
Jhansi.

... Applicant

C/A Shri R.K. Nigam

Versus

1. Union of India through General Manager,
Central Railway, Bombay VT.
2. Divisional Railway Manager, Central Railway,
Jhansi.

... Respondents

C/Rs Sri P. Mathur

....2/-

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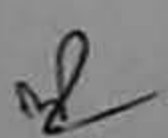
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O R D E RHon'ble Mr. M.P. Singh, Member-A.

The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985, against Respondent no. 2 for not issuing his appointment order in Grade 'D' post against handicapped quota.

2. The brief facts of the case are that certain vacancies were notified under handicapped quota by the respondents. The applicant was screened and was approved for appointment against the post of waiting room attendant. His name finds place at sl. no. 4 in the panel. According to the applicant there was neither any blind nor deaf candidate but the applicant being orthopaedically handicapped remains the solitary candidate against 3% quota. No appointment order has been issued by respondent no. 2 which is clearly malafide and fraught with ulterior motives. Aggrieved by this he has filed this OA seeking direction to the respondents to issue appointment order in favour of the applicant for the post of waiting room attendant (Group 'D') against the handicapped quota.

3. The respondents have contested the case and have stated that a panel of class IV category in physically handicapped quota was formed vide letter dated 06.07.87, in which the applicant's name finds place at Sl. no. 4 at screening no. 116 against



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the post of Waiting Room Attendant. Since as per rules, the life of the panel is only one year and more-over this panel was never operated and as such the same has expired. The department had already identified vacancies in each category and had notified the respective Employment Exchange/Special Employment Exchange/Vocational Rehabilitation Centre from the source where the persons had to be called for.

4. Heard the learned counsel for the rival contesting parties and perused the record.

5. It is not in dispute that the validity of the panel for appointment of the applicant prepared on 06.07.87 has already expired. During the course of argument learned counsel for the respondents took us through letter dated 16.11.84. According to this letter Ministry of Railways has decided that the currency of the Grade 'D' panel in case of direct recruitment from the open market, should be normally one year. The validity of this has not been challenged by the applicant. Moreover order, the respondents have already notified the vacancies to the concerned Employment Exchange which are earmarked for handicapped quota. It is also stated by the respondents that no person junior to the applicant placed in the panel had been appointed against the handicapped quota. The learned counsel for the ^{applicant} ~~respondents~~ drew our attention to the case of Gautam C. Meshram versus Divisional General Manager, South Eastern Railway, Nagpur and others,


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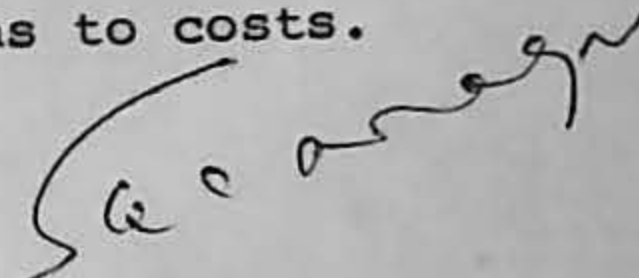
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(1991) 15 ATC 274 decided on 09.08.1990. On perusal of this judgment we find that keeping in view the facts and circumstances of the case this judgment is not applicable to the present O.A.

6. In view of the above discussion, we do not find any merit in the OA which is dismissed accordingly.

7. There shall be no order as to costs.


Member-A


Member-J

/pc/