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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

ORIGINAL APPLICATION NO. 511 OF 2006  
ALLAHABAD THIS THE 6<sup>TH</sup> DAY OF DECEMBER 2006.

Hon'ble Mr. Justice Khem Karan, V.C.

Hon'ble Mr. P.K. Chatterji, A.M

Kumar Shri Prakash s/o Sri Harigovind Lal Srivastava, R/o  
Village LOhar Patti, Post Nechua Jalalpur, District Gopal Ganj,  
Bihar.

.....Applicant

(By Advocate: Sri A.K. Srivastava)

VERSUS.

1. Union of India through its General Manager/Karmik,  
D.L.W. Varanasi.
2. Chief Personnel Officer, D.L.W. Varanasi.
3. Deputy-Chief Personnel Officer, D.L.W Varanasi.
4. Santosh Kumar Nigam, S/o late Ramadhar Nigam, Roll  
No. H/005222.

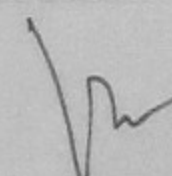
.....Respondents

ORDER

By Mr. Justice Khem Karan, V.C.

Heard Sri A.K. Srivastava, learned counsel for the  
applicant on this original application.

2. The applicant claims to be physically handicapped person. He appeared in an examination held by respondents on 19.3.2005 for appointment on the post of Clerk/Typist in Diesel Locomotive Works, Varanasi. Some vacancies were reserved for physically handicapped persons. The applicant says that he was successful in written examination but when he was called for viva-voce, the Members refused to recognize him as physically handicapped person but gave nothing in writing in support of ~~his~~ refusal. The applicant alleges that he represented to respondent No.3 and also to other authorities but nothing was



done to the satisfaction of the applicant and in the meantime official respondents have appointed respondent NO.5 as physically handicapped person.

3. Whether the applicant was physically handicapped person so as to be considered for appointment on the post in question, which has to be first, looked into by the Authority concerned in accordance with Rules. This much can be said, that whether a person is physically handicapped within the meaning of relevant law or Rules providing reservation to them in Govt. service, is such a question which has to be decided on the basis of medical opinion and if there is any doubt at any stage, then by another team of doctors/expert as may be provided under the Rules or as may be thought proper in a particular cases. We propose to dispose of this O.A. with a direction to respondent No.3 to consider the representation of the applicant, to be given by him within a period of 15 days from today.

4. So the O.A. is disposed of with a direction that in case the applicant gives a detailed representation to respondent No.3 within a period of 15 days from today, the Authority concerned namely respondent No.3 will consider and dispose of the same in accordance with relevant Rules and in the light of the observation made above within a period of one month from the date, such representation is received <sup>by</sup> him together with copy of order and copy of this original application.

No costs.

*Manish*  
Member-A

*[Signature]*

Vice-Chairman

Manish/-