

79
Central Administrative Tribunal,
Cuttack Bench, Cuttack

Original Application No. 252 of 1990
And

Original Application No. 370 of 1990
Date of Decision: 19-1-93

Shri Nabaghan Biswal Petitioner
Versus

Union of India and others.... Opp. Parties.

For the Petitioner : M/s A.K. Mohapatra,
D. Patra,
K.N. Parida,
Advocates.

For the Opp. Parties : Mr. R.C. Rath, St. Counsel

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CORAM :

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN
AND
THE HONOURABLE MR. S.R. ADIGE, MEMBER (ADMN.)

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P. ACHARYA, V.C.

Both these applications have been filed by the same petitioner Shri Nabaghan Biswal.

2. In Original Application No.250 of 1990, the prayer of the petitioner is to reinstate the petitioner to service with all back wages with effect from 9-6-1989 and to quash Annexure 2 and to regularise the petitioner against a Class IV post.

3. The petitioner has been working as a Khalasi in the South Eastern Railway on casual basis since 25th October, 1971. The petitioner had undergone a medical test. Vide Annexure A 2 the petitioner was found to be physically handicapped and not fit for such post. On 23.6.1989, Vide Annexure 3, the petitioner made a representation to the opposite parties which according to the petitioner has not ~~as yet~~ been disposed of. Hence this application has been filed with the aforesaid prayer.

4. In Original Application No.370 of 1990, the petitioner has a grievance regarding termination of his services passed on 20th August, 1990 contained in Annexure 2.

5. Since both the cases involve the same petitioner and the facts are practically same in nature, we have heard the case one after other from Mr. K.N. Parida learned counsel for the Petitioner and Mr. R.C. Rath learned Standing Counsel (Railway) for the Opposite Parties. Though Mr. Rath learned Standing Counsel vehemently opposed the prayer of the petitioner in both the cases, we feel inclined to take a sympathetic view over the

Petitioner because admittedly he is a physically handicapped person. The Government of India has taken always a sympathetic view over the people who are physically handicapped by creating a quota for such physically handicapped persons. ~~We do hereby do~~

quash the order of termination ~~and~~ we would strongly recommend the case of the petitioner to the Opposite Parties to consider the case of the petitioner and give him a job against the physically handicapped quota. We are very sure that the concerned authority would be equally sympathetic to the petitioner as we are and we hope and trust the petitioner would not be driven to the portals of the court once again. **The petitioners will not be entitled to any backwages.**

6. Thus, both the applications are accordingly disposed of leaving the parties to bear their own costs.

Anil 19.1.93
MEMBER (ADMINISTRATIVE)

K. Mohanty
19.1.93

VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/19.1.93
K. Mohanty.

