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O.A. No. 476 of 2006

Order dated: 17.07.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R.Mohapatra, Member (A)

The applicant, a Physically Handicapped person, approached this Tribunal for giving a direction to the Respondents to give him an employment under the quota reserved for the Physically Handicapped persons as per the orders issued by the Govt. of India.

2. We have gone through the averments in the O.A. and heard Mr. B.S.Tripathy, Ld. Counsel for the applicant and Mr. M.K.Das, Ld. Counsel for the Respondents.

3. The question coming in this O.A. is whether the relief which the applicant has sought is allowable or not. The materials placed before this Tribunal would show that the applicant is a Physically Handicapped person having 50% disability as per the manual for the orthopedic handicapped person as evident from Annexure-A/1 certificate given by the Chief District Medical Officer, Cuttack as well as by the Professor of Orthopedic, SCB, Cuttack. But the question is whether the applicant has applied to any post, which is reserved for Physically Handicapped. In this context, the Ld. Counsel for the applicant is not in a position to give any data or any material to show that any post has been invited by the Department of the Respondents or in any other Department in the State of Orissa. As per the principle of reservation in Physically Handicapped quota on the basis of Official Memorandum issued by the Ministry of Welfare,



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Department of Personnel and Training and Health and Administration Department, it is clear that 3% of the posts is to be reserved for Physically Handicapped on the following basis namely,

Blind or low vision- 1%


Hearing impaired - 1%

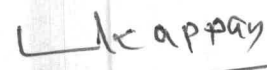
Locomotive impaired - 1%

This reservation should be applied in all direct recruitment by all the departments as and when such recruitments are invited.

4. However, with the above order, we are not in a position to give any positive direction to the Respondents herein however, we observe that as and when any vacancy is invited by any authority which is liable to ^{observe} ~~observe~~ the order issued by the Govt. of India for such post, the applicant shall be given preference in that aspect.

5. With the above observation, this O.A. stands disposed of. No costs.


MEMBER (A)


MEMBER (J)

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