

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

O.A No. 821 of 2010  
Cuttack, this the 20<sup>th</sup> December, 2010

**Bijay K. Kar** .... Applicant

-v-

**UOI & Others.** .... Respondents

**C O R A M**

THE HON'BLE MR. C.R. MOHAPATRA, MEMBER (A)

A N D

THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

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The case of the Applicant, in nut shell, is that he being a physically handicapped person, on 01-12-2009 applied for engagement as a Fresh face Substitute under General Manager's discretionary quota in terms of the Railway Board's instruction issued vide RBE No.116/09 dated 24-06-2009. He was intimated vide letter dated 18.05.2010 in enclosing thereto copy of the letter dated 17.05.2010 that the GM, ECoRailway would consider his case in due course of time along with others. His contention is that despite repeated representations, last one is being dated 20.09.2010 (Annexure-A/11), there has been no response. Hence by filing the present OA he mainly seeks direction to the Respondents for appointment as a substitute in terms of RBE

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No. 116 of 2009 (Annexure-A/5) by granting necessary age relaxation as provided in the Rules within a reasonable time.

Having heard Mr.J.M.Patnaik, Learned Counsel appearing for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Railway appearing on notice for the Respondents, perused the materials placed on record.

It is the positive case of the Applicant that he being a physically handicapped candidate has got a right to be appointed as a fresh face substitute under the discretionary quota of the GM, Railway in terms of the RBE No. 116 of 2009 but delay in consideration of his case deprives him of his right to earn livelihood as enshrined under Article 21 of the Constitution of India. Hence, Learned Counsel for the Applicant points out that as no decision has yet been communicated on his repeated representation especially on the representation under Annexure-A/11, Respondent No.2 may be directed to sympathetically consider the case of the applicant and provide him engagement in terms of RBE No. 116 of 2009. Mr. Ojha, Learned Standing Counsel expressed that he has no information as to whether any decision has been taken on the representation under Annexure-A/11 meanwhile. In view of the above, without expressing any

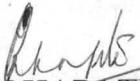
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opinion on the merit of the matter, this OA is disposed of with direction to the Respondent No.2 to consider and dispose of the representation under Annexure-A/11 within a period of 60 days from the date of receipt of this order and communicate the decision taken thereon in a well reasoned order to the Applicant.

Send copy of this order along with copy of the OA to the Respondent No.2 at the cost of the Applicant for which Learned Counsel for the Applicant undertakes to furnish the postal requisite by next two days, for compliance. Free copy of this order be also furnished to Learned Counsel for both sides.



(A.K.PATNAIK)  
MEMBER(JUDL.)



(C.R.MOHAPATRA)  
MEMBER(ADMN.)