

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 960/99

Date of Decision : 19.6.2000

Ms. S. Manjrekar Applicant.

Shri P.A. Prabhakaran Advocate for the
Applicant.

VERSUS

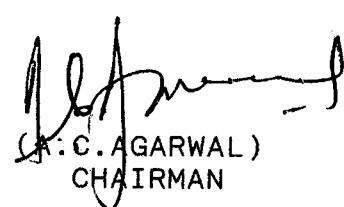
Union of India & Others, Respondents.

Shri Lad for
Shri V.G. Rege Advocate for the
Respondents.

CORAM :

The Hon'ble Shri Justice A.C. Agarwal, Chairman

- (i) To be referred to the Reporter or not ? Yes
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? No
- (iii) Library No


(A.C. AGARWAL)
CHAIRMAN

mrj*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.960/99

Monday this the 19th day of June, 2000.

CORAM : Hon'ble Shri Justice A.C.Agarwal, Chairman

Miss Shubhalaxmi Manjrekar,
Lower Division Clerk,
Kendriya Vidyalaya-III,
Near RC Church, INS TRATA,
Colaba, Mumbai-400 005.

...Applicant

By Advocate Shri P.A.Prabhakaran

V/S.

1. Union of India through
Secretary, Education,
Government of India,
Ministry of HRD, Dept.
of Education,
Shastry Bhavan, New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeetsingh Marg,
New Delhi.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan (MR)
I.I.T., Powai, Mumbai.
4. The Estate Officer,
Chairman Allotment Committee &
Principal Kendriya Vidyalaya No.1,
Navy Nagar, Colaba,
Mumbai.

...Respondents

By Advocate Shri Lad for
Shri V.G.Rege



O R D E R (ORAL)

{Per: Shri Justice A.C.Agarwal, Chairman}

Heard Shri P.A.Prabhakaran for the applicant and Shri Lad for Shri V.G.Rege for the respondents.

2. M.P.No.375/2000 submitted by the applicant for taking certain documents on record is allowed and the documents are taken on record. M.P. stands disposed of.

3. On 26.4.2000 I had passed the following order :-

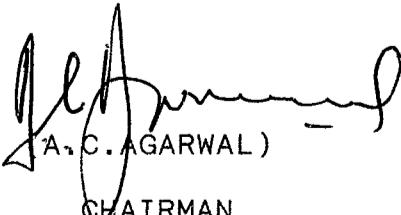
" Applicant by Shri P.A.Prabhakaran.
Respondents by Shri V.G.Rege.

2. By the present OA. applicant wants that she should be allotted residential quarters in Acharya Niwas (Staff quarters for Kendriya Vidyalaya) at Colaba. According to her, she is placed at Sr.No.49 in the wait list prepared for allotment in the aforesaid quarters. She wants out of turn allotment on the basis of 5% reservation earmarked for physically handicapped members of the staff. In support of her claim of her being physically handicapped, she has produced a medical certificate issued by the All India Institute of Physical Medicine & Rehabilitation, Ministry of Health and Family Planning, Government of India. The certificate is dated 5.1.1982. The same certifies that her's is a case of Residual Polio of both the lower limbs. As far as respondents are concerned, they seek a direction that applicant be subjected to a fresh medical examination in order to find out whether she continues to be physically handicapped as on date. Shri Prabhakaran, learned Advocate appearing on behalf of applicant has no objection to her being subjected to a fresh medical examination. In the circumstances, I direct that applicant be medically examined by J.J.Hospital. Respondents will take appropriate steps to refer her to the aforesaid hospital for medical examination. Report in respect of the same be submitted to this court expeditiously on or before 5.6.2000.

3. S.O. to 8.6.2000 as part-heard."

Respondents instead of referring the applicant to J.J.Hospital in compliance of the aforesaid order by a communication issued by Respondent No.3 on 3.5.2000 and addressed to the Principal of Kendriya Vidyalaya No.III, Colaba sought to refer applicant to a Medical Board in a private hospital at Thane. A copy of the aforesaid letter was also endorsed to the applicant. Applicant, however, in pursuance of the aforesaid order herself reported to the J.J.Hospital for medical examination. A certificate issued by the J.J.Hospital dated 8.5.2000 certifies that applicant continues to be physically handicapped as on date. The certificate contains the following opinion "In his opinion she PARP (Rt) Lower Limb Permanent Disability above 40%." It is now, therefore, clear that she continues to be physically handicapped and is therefore entitled to be considered for allotment of residential quarters in Acharya Niwas (Staff quarters for Kendriya Vidyalaya) at Colaba under 5% reservation earmarked for physically handicapped members of the staff.

2. In the circumstances, I direct that respondents will allot a residential quarter in the aforesaid Acharya Niwas (Staff quarters for Kendriya Vidyalaya) at Colaba provided a vacancy in the 5% reservation earmarked for the physically handicapped staff exists. Direction contained in this order be complied with expeditiously and within a period of four weeks from today. Decision of the respondents be communicated to the applicant within the afore-stated period. Present OA. is allowed in the aforesated terms with no order as to costs.



A.C. AGARWAL
CHAIRMAN