

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 741/92

Date of decision: 22.9.94

P.K. PARMARTHAK

: Applicant

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. J.K. Kaushik : Counsel for the applicant.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Ms. Usha Sen, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

2. The applicant was appointed in the handicapped quota and this fact was in the notice of the respondents. This thing should be considered by the persons while considering whether a person can still continue the work of the post which he is performing. If the handicap of a person is not coming in a way then it will not be a ground of transferring him to any other post.

3. <sup>Previous</sup> record of 12 years' service should also be consider for the purpose of performance as an handicapped person. However, the respondents are at liberty to get him examined in a regular way and ~~if~~ they can get him examined immediately and the report should be based on the position of performance and medical fitness etc. Taking into consideration that the applicant was appointed in the handicapped quota and before taking any action on the basis of the medical report, the respondents will consider this fact.

4. The O.A. is disposed of accordingly, with no order as to costs.

*U.S.*

( USHA SEN )  
Administrative Member

*D.L. Mehta*

( D.L. MEHTA )  
Vice-Chairman