

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00126/2018

Date of Order: This, the 27th day of September 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Shri Jitendra Nath Mishra
S/O- Late Khageswar Mishra
R/O- N.F. Railway, Uzan Bazar
Colony, Barowari. Qtr No- A/17.

...Applicant

By Advocates: Mr. G.C. Sarma & Mr. D.N. Sarma

-Versus-

1. The Union of India
Represented by the Secretary
Ministry of Railway, Rail Bhawan.
New Delhi-110003.
2. The General Manager
N.F. Railway, Maligaon
P.O- Maligaon Rly H/Qtr.
Dist- Kamrup (Metro), Pin- 781011. Assam.
3. The Chief Commercial Manager
N.F. Railway, Maligaon
P.O.- Maligaon Rly H/Qtr
Dist- Kamrup (Metro), Pin- 781011, Assam.
4. The Divisional Railway Manager
N.F. Railway, Lumding
P.O.- Lumding, Dist- Nagaon (Assam)
Pin- 782447.

...Respondents

By Advocate: Mrs. U. Dutta, railway counsel

ORDER (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

Heard Mr. G.C. Sarma along with Mr. D. N. Sarma, learned counsel for the applicant and Mrs. U. Dutta, learned railway counsel for the respondents.

2. It was submitted by the learned counsel for the applicant that applicant is a Railway Employee in the Commercial Department and Dvyanga with 90% disability assessed way back in 1990. He is suffering from various ailments and at times, he falls on the ground necessitating frequent treatment and constant attendance. Moreover, he is being mentally tortured and humiliated by some of his senior colleagues adding to his miseries and agonies. He is now desirous of and opting for retiring from service on the ground of total incapacity. He submitted representation to the higher authorities in this regard on 26.04.2017 as well as complaint on 03.01.2018 for harassment meted out to him. But till date no action has been taken. His normal retirement from service is due on 28.02.2021.

3. On the other hand, Mrs. U. Dutta, learned railway counsel representing the respondents submits that the

applicant who joined railway service on 17.09.1982 as Commercial Clerk is a Physically Handicapped having no right hand. However, as the medical board has not medically incapacitated the applicant, therefore, compassionate appointment does not arise inasmuch as medical invalidation of any physically handicapped employee in railway service depends on medical examination by a Medical Board. However, she has no objection if a direction is issued to the respondent authorities to dispose of the pending representation within a time frame.

4. In view of the above, without going into the merit of the case as well as by accepting the prayer made by the learned counsel for the parties, we direct the respondent authorities to dispose of the pending representation dated 26.04.2017 as well as complaint dated 03.01.2018 within a period of fifteen days from the date of receipt copy of this order.

5. It is further ordered that whatever decision to be passed by the respondent authorities shall be a reasoned and speaking and shall be communicated to the applicant forthwith.

6. O.A. stands disposed of accordingly at the admission stage itself. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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