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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.
CALCUTTA BENCH. KOLKATA

OA. 469/2017

PARTICULARS OF THE APPLICANT:

Suman Sarkar, son of Bikash Ch. Sarkar, aged about 32 years, occupation
 nil, residing at Village – Saltia, Post Office – Habra, District – 24
 Parganas (North), Pin 743263

.... APPLICANT

V E R S U S

- I. The Union of India, through the General Manager, Eastern Railway,
Fairlie Place, Kolkata 700 001.
- II. The Chairman, Railway Recruitment Cell, C. R. Avenue, Kolkata
700012
- III. The Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata
700001.

... .. RESPONDENTS

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No. O.A. 350/00469/2017

Date of order: 15.5.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
 Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. S. Banerjee, Counsel

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. A. Chakraborty, Ld. Counsel appearing for the applicant and Mr. S. Banerjee, Ld. Counsel appearing for the respondents.

2. This OA has been filed by Suman Sarkar, residing at Village – Saltia, P.O. Habra, District – 24 Parganas (North) challenging non-observance of the Scheme of Reservation for persons with disability as per directions of the Hon'ble Supreme Court in the case of U.O.I. & ors. v. National Federation of the Blind & ors. in Civil Appeal No. 9096 of 2013. This O.A. has been filed praying for the following reliefs:

"a) An order do issue directing the respondents to grant appointment to the applicant following Section 36 of the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 since he was declared fit for appointment by RRC.

b) An order do issue directing the respondent not to act on the basis the notification 01/2015 issued by RRC..

3. The facts in a nut shell as per Mr. Chakraborty, Ld. Counsel for the applicant are that an Employment Notice No. 0112 was issued by the Railway Recruitment Cell, Eastern Railway, Kolkata on 1.1.2012 inviting applications for filling up of the Group – 'D' posts. The applicant belongs to Orthopedically Handicapped category. Pursuant to the notification, he applied for getting appointment in Gr. 'D' post in Eastern Railway. The total number of vacancies sought to be filled up was 4179. The total vacancy notified in EN No. 0112 of PW candidate was 13. Subsequently the vacancies were enhanced to 5847. As per Section 33 of the Disabled Act, 1985 total 58 vacancies are to be reserved for OH Quota. Thereafter the applicant appeared in the written test and was declared suitable. He was also declared suitable in the medical test but was not empanelled in the

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panel for giving appointment. Thereafter a corrigendum was issued by the RRC by which it was stated that the shortfall of 97 VIA and HH against EN No. 0110 dated 14.12.2010 are included in the notified vacancy of employment notice No. 0112. On 1.1.2016 notification No. 01/2015 was published for filling up Gr. 'D' posts through Special Recruitment Drive for persons with Disabilities. Subsequently on 7.3.2017 he made a representation stating inter alia that he should be empanelled and given appointment by following the principle of Inter-se Change.

4. Mr. Chakraborty, Ld. Counsel for the applicant submitted that the applicant belongs to PWD category. Ld. Counsel for the respondents prayed for some time to file reply statement but since a representation is pending before the respondent 2 & 3 we think that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent Nos. 2 & 3 to dispose of the representation dated 7.3.2017 within a specific time frame.

5. ~~Though no notice has been issued still then~~ we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent Nos. 2 & 3, that if any such representation have been preferred on 7.3.2017 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of three months from the date of receipt of a copy of this order under communication to the applicant, and if the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

6. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force and PWD Act.

7. We also make it clear that if all the vacancies pertaining to Notification No. 1/2015 are not filled up, then one post may be kept vacant till 30.8.2017 for

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appointment of the applicant.

8. A copy of this order along with paper book be transmitted to the respondent Nos. 2 & 3 by speed post for which Mr. Chakraborty undertakes to deposit necessary cost in the Registry within this week.

9. With the aforesaid observation and direction, the O.A. is disposed of.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP