

CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH
KOLKATA

O.A.No.350/01286/2015

Date of Order : 07-09-2015

Present : **Hon'ble Mr Justice G. Rajasuria, Judicial Member**
Hon'ble Ms Jaya Das Gupta, Administrative Member



B. Vinusha

.....Applicant

-Versus-

Union of India & Ors. (S.E.Railway)

.....Respondents

For the applicants : Mr Y. N. Gupta, Counsel
For the respondents: Mr B.L. Gangopadhyay, Counsel

ORDER (ORAL)

JUSTICE G. RAJASURIA, JM,

Heard Both. This O.A has been filed seeking the following reliefs :

- a) To issue show cause notice to the respondent authorities as to why the appointment of the applicant who is suffering from 60% disability shall not be considered and given appointment under provisions as contained in Disability (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995.
- b) Why an order and/or mandatory direction shall be given to the respondent authorities to take immediate action for giving appointment of the applicant who is suffering from 60% disability with cerebral palsy without any delay.
- c) To give mandatory direction upon the Railway administration to comply with the provisions under the Disability (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995 for giving the appointment to the applicant.

2. Learned counsel for the applicant would placing reliance on section 33 of the Persons with Disability (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995, submit that the applicant is a disabled person having 60% disability with cerebral palsy, and aspired for the Group D post under the Railways

and for that he represented to the authorities on 7.11.2012 for which there is no response from the respondents.

3. Learned counsel for the respondents in a bid to torpedo and pulverize such argument would submit that if at all there is any employment notice for recruiting personnel for the Group D post, he could apply for the same and as per rules his case would be considered for appointment; but without any employment notice, he gave representation for appointment in Group D post which cannot be considered.

4. Be that as it may, respondent No.3 shall give a detailed reply to the representation dated 07.11.2012 within a period of 2 months from the date of receipt copy of this order. We have not decided the matter on merits.

O.A is disposed of. No costs.

(JAYA DAS GUPTA)
ADMINISTRATIVE MEMBER

(G. RAJASURIA)
JUDICIAL MEMBER

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