

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 041/00172/2016

Date of Order: This, the 02<sup>nd</sup> day of November 2018

(Circuit Court at Agartala)

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

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

Arup Kumar Chakraborty  
Son of Late Sunil Kumar Chakraborty  
A.D. Nagar, Road No. 9  
P.O. & P.S. A.D. Nagar Road  
Agartala, West Tripura, Pin – 799003.

**...Applicant**

By Advocates: Mr. P. Maishan

-Versus-

1. Union of India  
To be represented by The Secretary  
The Ministry of Communication & information Technology  
Dak Bhavan, New Delhi – 110001.
2. The Chief Postmaster General  
Department of Post  
Assam Circle, Dibrugarh Region  
Guwahati – 781001
3. The Assistant Postmaster General (Staff)  
Office of the Chief Postmaster General  
Department of Post, Assam Circle  
Guwahati – 781001.
4. The Superintendent  
Department of Posts  
RMS's Division, Silchar  
Silchar – 788001.

5. The Director of Postal Services  
Agartala Post Office, Agartala  
West Tripura, Pin – 799001.
6. The Commissioner for Persons with Disabilities  
(Principal Secretary, Office of the Social Welfare  
& Social Education Deptt.), government of Tripura  
Abhoynagar, Agartala, West Tripura, Pin – 799001.
7. The Secretary  
Department of Social Welfare & Social Education  
Government of Tripura, Abhoynagar,  
Agartala, West Tripura, Pin – 799001
8. The Accountant General (A&E)  
Kunjaban, Agartala, West Tripura, Pin – 799001.

**...Respondents**

By Advocate: Mr. A. Chakraborty, Addl. CGSC

**ORDER (ORAL)**

**MANJULA DAS, JUDICIAL MEMBER:**

By this O.A., applicant makes a prayer for a direction upon the respondents to retain the applicant in service till he attains the age of retirement with full pay and salary w.e.f. March 1999 and consider further grant of benefits of promotion in service.

2. Heard Mr. P. Maishan, learned counsel for the applicant and Mr. A. Chakraborty, learned Addl. CGSC for the

respondents. Perused the pleadings and material placed on record.

3. Mr. P. Maishan, learned counsel appearing on behalf of the applicant submits that applicant joined as Sorting Assistant on 13.05.1997 under respondent Nos. 1 to 5. While in service, from March 1999, the applicant became completely bed ridden due to Ankylosing Spondylitis and he has been still continuing in the same condition. According to Mr. Maishan, the District Disability Board issued still certificate dated 30.05.2007 certifying that the applicant has been suffering from ankylosing spondylitis and the extent of disability is now 100%.

4. In course of service the applicant became invalid and in terms of section 47 of the Persons with Disability (Equal opportunities, Protection of Equal Rights and Full Participations) Act, 1995, the applicant became entitled full pay and salary, during the period of his disability. Section 47 mandates that no establishment shall dispense with or reduce in rank an employee that no establishment shall dispense with or reduce in rank an employee who acquires disability during his service and no promotion shall be denied to a person merely on the ground of disability. According to Mr. Maishan, in such circumstance, being confronted with desperate situation, he

had sought for invalid pension. But the respondents did not grant invalid pension to the applicant.

5. The applicant submitted representation on 21.01.2015 to the respondents with a request to give full pay and salary w.e.f. March 1999 to the date of payment and thereafter to continue the same until the applicant attains the age of superannuation. However, no response has been given to the applicant by the respondents.

6. On the other hand, Mr. A. Chakraborty, learned Addl. CGSC appearing on behalf of the respondent Nos. 1 to 5 submits that let the applicant be directed to produce a disable certificate from the competent authority so as to enable to take a proper decision on the matter by the respondent authority where the learned counsel for the applicant is also agreed to.

7. In view of the above, without going into the merit of the case as well as by accepting the above prayers, we direct the respondents to make suitable arrangement by writing to appropriate Medical Authority/Board for examination of the individual to establish his case of disability with a copy to the applicant. The individual may present himself before the

Medical Board. On receipt of the letter from the Medical Board, the respondent authority shall take a decision and pass orders as per rules without delay.

8. O.A. stands disposed of. No order as to costs.

**(N. NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

**PB**