IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO.3194/2016

The Union of India through General Manager, Bilaspur and others ..vs.. Shashi Bhushan Hinwar

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. V. M. Gadkari, Advocate for petitioner.

CORAM : B. R. GAVAI & V. M. DESHPANDE, JJ.
DATE : OCTOBER 18, 2016

The petitioner has approached this Court being aggrieved by judgment and order dated 04.09.2015 passed by Central Administrative Tribunal, Nagpur thereby allowing the Original Application filed by the respondent. The learned tribunal, while relying on the judgments in ***Kuna Singh vs. Union of India and anr.; 2003 I CLR 766 SC; Shivaji s/o Vishwanath Dongre vs. State of Maharasthra & Ors., 2006 I CLR 496; Edward Swalin D'Cunha vs. Commissioner for Persons with Disabilities & anr, 2010 I CLR 954; Metropolitan Transport Corporation Ltd., Chennai vs. K Ravichandran, LLJ 2005 Page 78,*** and ***Dhammadip Bhaurao Mankar, Yeotmal vs. UOI, Ministry of Coal and Ors.; 2011 (III) CLR 976,*** held that the person who has acquired disability during the employment, needs to be treated differently and the employer should take all necessary steps to protect his pay and status when giving him an alternate employment.

The learned Tribunal found that the applicant before acquiring disability, he was already placed in the provisional panel for promotion to the post of Loco Pilot with a Grade Pay of Rs.4200/-. It is further found that had he been sent for training before acquiring disability,he would have been promoted.

In that view of the matter, it cannot be said that the view taken by the learned tribunal is perverse or impossible warranting interference in the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India. The writ petition is, therefore, dismissed. No order as to costs.

JUDGE **JUDGE**

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