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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6897/2016**

PARAS RAM KAKKAR Petitioner

Through Mr. S.P. Sethi, Advocate

versus

UNION OF INDIA & ORS Respondents

Through Mr. Jitendra Kumar Singh, Standing
Counsel for UOI/Railways

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE I.S. MEHTA

ORDER

% **09.08.2016**

CM.APPL 28310/2016(delay)

For the reasons stated in the application, delay in filing the writ petition is condoned.

The application stands disposed of.

W.P.(C) 6897/2016

Challenge in this writ petition is to the order dated 02.07.2015 passed by the Central Administrative Tribunal whereby the OA filed by the petitioner was dismissed by the Tribunal. The petitioner also seeks to challenge the order dated 22.02.2016 whereby RA No.46/2016 filed by the petitioner was also dismissed.

The petitioner was working as a Chief Ticket Inspector in the Commercial Department of Northern Railways. He was declared unfit for Group 'B' gazetted technical post. Petitioner claims that he was declared medically fit for B-2 and below categories with glasses. The petitioner was declared unfit on the ground that he was colour blind.

Learned counsel for the petitioner submits that the petitioner has served in

the Railways for more than 30 years and the deficiency, i.e., being colour blind did not come in his way. He further submits that his next promotional post is a non-safety category and thus, the Railways can grant relaxation to him. Counsel submits that he had relied on the Railway Board's letter dated 09.04.2007 which was reproduced in the order of the Tribunal. However, the Tribunal was persuaded to dismiss the O.A. on the ground that the petitioner was retiring on 31.07.2015 and, at that stage, to give a direction to the respondent to refer the matter to the Railway Board for consideration would be a futile exercise. Learned counsel for the petitioner submits that even if he was retiring on 31.07.2015, in case petitioner is promoted, it would have a bearing on his retiral benefits, including his pension which the Tribunal has completely lost track of.

After some hearing in the matter, both the parties agree that the matter may be remanded back to the Tribunal for fresh hearing.

Accordingly, the matter is remanded back to the Tribunal. The Tribunal would consider the matter afresh and would also take into account the Railway Board's letter dated 09.04.2007. The Tribunal would also consider as to whether the post of the petitioner is a safety, non-safety or non-technical category.

Legal rights of both the parties are kept open.

The writ petition is disposed of accordingly.

G.S.SISTANI, J

I.S. MEHTA, J

AUGUST 09, 2016

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W.P.(C) 6897/2016

2/2