

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

WP.CT 80 of 2019

Union of India & Ors.

Vs.

Joy Hind Prasad & Ors.

For the petitioners

: Mr. Sanajit Kumar Ghosh, Advocate

For the respondents

: Mr. Uday Narayan Betal, Advocate

Mr. Barun Chatterjee, Advocate

Mr. Mriganka Patra, Advocate

Heard & Judgment on

: August 21, 2024

DEBANGSU BASAK, J.:-

1. Writ petition is directed against the order dated December 13, 2018 passed by the Central Administrative Tribunal in O.A/350/1017/2015.
2. By the impugned order, the Tribunal quashed the memo dated January 12, 2014 and remanded the matter to the authorities for appropriate

direction in accordance with the decision and the direction of the Tribunal given in the earlier round of litigation.

3. The writ petition is at the behest of the Union of India and its functionaries.
4. Learned Advocate appearing for the writ petitioners submits that, a number of writ petitions were filed all over India regarding absorptions of parcel porters in the railways. Such matters received the consideration of the Hon'ble Supreme Court. Hon'ble Supreme Court directed formulation of a scheme of absorption. He submits that, the private respondents herein participated in the selection process initiated under the sanctioned scheme for absorption and were found unfit due to the medical reasons. He submits that, as on date, excepting two private respondents, namely, respondent nos.5 and 8, all are above the age of superannuation, if they are to be given an appointment.
5. So far as the respondent nos.5 and 8 are concerned, apparently, writ petitioners are not averse to their appointments subject to them complying with the requisite medical qualifications.
6. Respondent nos.5 and 8 underwent medical examination on the vision front. They were classified C-2 while the requirement was C-1.
7. C-2 vision does not disqualify the respondent nos.5 and 8 from all types of work available with the Railways as parcel porter. Railways being such of an organization, who as an Article 12 authority advances the

requirement of inclusiveness as laid down in the Constitution, is required to act as an ideal employer. Therefore, as an Article 12 authority and an ideal employer Railways cannot shirk its responsibility in granting appointment to respondent nos.5 and 8 with a C-2 vision.

8. In such circumstances, it would be appropriate to direct the railways authorities to grant appointments to respondent nos.5 and 8 within a period of four weeks from date.
9. So far as the other private respondents are concerned, since they crossed the age of superannuation, directing grant of appointment to them is not feasible.
10. **WP.CT 80 of 2019** is disposed of accordingly without any order as to costs.

(Debangsu Basak, J.)

11. I Agree.

(Md. Shabbar Rashidi, J.)

(AD)