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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2063/2002

New Delhi this the 7th day of August, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble V.K. Majotra, Member (A)

Vinod Kumar Kesri,
S/O Shri Dwarka Prasad Kesri,
R/O P-621, Sewa Nagar,
New Delhi-3

..Applicant
(By Advocate Shri H.C. Sharma)

VERSUS

1. Union of India through its
Director General of Audit - Post
and Telecommunications, Shamnath
Marg, Delhi-54
2. Secretary, Department of Personnel
and Training, Govt. of India,
North Block, New Delhi.

..Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

We have heard Shri H.C. Sharma, learned counsel for the applicant. The applicant's grievance is that the respondents have not considered his case as a totally disabled person i.e. Visually handicapped person for promotion from Group 'D' to Group 'C'/LDC. In this regard, learned counsel has drawn our attention to the representation submitted by the applicant on 28.2.2002 (Annexure A-2).

2. In the above representation, we find that there is no specific reference made by the applicant to the fact that he is a disabled person on which he is claiming that he should be considered for promotion to the next higher post

of Group 'C'/LDC based on his seniority as visually handicapped person. That fact has been emphasized by the learned counsel for the applicant. He has also submitted that Ann.A-1 impugned order has been issued by an authority who is not competent to do so. The facts in Para 2 have been communicated, wherein they have stated that we have surplus manpower in the quota of 'LDC's. His grievance is that the respondents have not even understood what the claims ^{of} _a the applicant are i.e. for consideration as ^{of} visually handicapped person for promotion to Group 'C'/LDC.

3. On perusal of the aforesaid representation made by the applicant on 28.2.2002, we do not find that sufficient details have been given by the applicant in the manner the learned counsel has now contended and there is not even a mention ^{of} the fact that he is claiming his seniority ~~as~~ ^{as} visually handicapped person and not on the basis of seniority in Group 'D' posts in the Department.

4. In the above facts and circumstances of the case, we consider that in the interest of justice, OA should be disposed of, with liberty to the applicant to make a detailed representation supported by relevant rules and instructions on the subject issued by the Govt. of India under the provisions of " Persons with Disability Act (Equal Opportunities, Protection of Rights and Full Participation), 1995 from time to time. If the applicant

makes such a representation to the respondents, we hope that the same will be duly considered and disposed of by a reasoned and speaking order.

5. With the above observations, the OA is disposed of, having regard also to the provisions of Section 20 of the Administrative Tribunals Act, 1985.

V.K.Majotra
(V.K.Majotra)

Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)

Vice Chairman (J)

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