

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1807/99

New Delhi: this the 18th day of July, 2000.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. National Federation of Blind
registered under Societies Registration Act,
through its General Secretary,
Shri S.K. Rungta, having its
office at 2721, Sang Tarashan Chowk,
Paharganj,
New Delhi.

2. Shri Inder Singh, TGT,
S/o Late Shri Makhan Singh,
1818, Sher Singh Bazar,
Kotla Mubarakpur,
New Delhi.

.....Applicants.

(By Advocate: Shri S.K. Rungta)

Versus

1. NCT Govt. of Delhi,
through Secretary Education,
Old Secretariat,
Delhi.

2. NCT Govt. of Delhi
through Secretary Services,
Old Secretariat, Delhi.

3. Union of India
through Secretary Personnel,
North Block,
New Delhi

.....Respondents.

(By Advocate: MS. Jasmine Ahmed for R-1 & R-2.

Shri V.S.R. Krishna for R-3).

ORDER

Mr. S.R. Adige, VC(A):

Applicants impugn respondents dated 14.1.99
(Annexure-A) and seek quashing of all orders not
continuing reservation to persons with disabilities
in promotion from TGT to PGT/ Lecturers to the
extent of 3% distributed to the extent of 1% ^{each for} persons
with visual impairment, hearing impairment, and
persons with locomotor disabilities in terms of
Section 33 The Persons with Disabilities (Equal
Opportunities, Full Participation & Protection of
Rights) Act, 1995.

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2. Heard both sides.

3. This issue was examined inter alia in Case No. 37/99 Mr. J.L. Kaul Vs. Services III Deptt. Govt. of NCT of Delhi (Respondent No. 1) and Deptt. of Personnel & Training, GOI (Respondent No. 2) in the Court of the Chief Commissioner for Disabilities. By his judgment & order dated 24.12.99 he held inter alia thus

"Therefore, in order to maintain element of reserving at least 3% posts in every establishment, for persons with disabilities, it is necessary that irrespective of method of appointment such as direct recruitment, promotion etc., the provision of reservation up to 3% at least for persons with disabilities, as per sec. 33 of the Disabilities Act, is maintained in letter and spirit by all the establishments covered under the Act."

Directions have also been issued in the judgment & order to those respondents to issue clear directions to all Ministries & Deptts. in this regard.

4. Nothing has been shown to us to establish that respondent Organisations are outside the purview of the Act.

5. Section 63(2) of the Disabilities Act lays down that every proceeding before the Chief Commissioner / Commissioner shall be a judicial proceeding within the meaning of sections 193 & 228 IPC and the Chief Commissioner/Commissioner/Competent Authority shall be deemed to be a Civil Court for the purpose of section 195 and Chapter XXVI Cr.PC.

6. In view of the above, the aforesaid judgment order dated 24.12.99 is a valid judicial order.

7. Nothing has been shown to us to establish

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that the aforesaid judicial order dated 24.12.99 has been stayed, modified or set aside by a Court of competent jurisdiction. It is therefore binding on the respondents in the present OA, who were also respondents in Case No. 37/99.

8. This OA is therefore disposed of with a direction to respondents to consider the claim of applicants for providing reservation in promotions from TGTs to PGTs/ Lecturer to the extent of 3% distributed to the extent of 1% each for persons with visual impairment, hearing impairment and locomotor disabilities, in terms of the judgment order dated 24.12.99 in aforementioned case No. 37/99 and pass appropriate order in this regard in accordance with law, rules and instructions as expeditiously as possible and preferably within 4 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER(J)


(S.R. ADIGE)
VICE CHAIRMAN(A)

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