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CENTRAL ADMINISTRATIVE TRIBUNAL

principal Bench
New Delhi.

New Delhi, this the 21st day of Oct., 1994.

RA No. 353 of 1994 in O.A. 326/94

HON'BLE MR JUSTICE S.K. DHAN, VICE CHAIRMAN
HON'BLE MR B.N.DHOUNDIYAL, MEMBER(A)

Vinita Makkar
D/O Shri P.D. Makkar
R/O AC-64, Tagore Garden,
New Delhi-27. Applicant.

vs.

1. The Secretary,
Personnel Public Grievances & Pensions
North Block, New Delhi.
2. The Secretary
Staff Selection Commission Block No.12
C.G.O. Complex, Lodhi Road, New Delhi.
3. The Secretary
Ministry of Welfare
(Handicapped Welfare Wing)
Shastri Bhawan, New Delhi..... Respondents.

ORDER (BY CIRCULATION)

(delivered by Hon'ble Mr B.N.Dhoundiyal)

In the present review petition
Ms Vinita Makkar has prayed for recall of the
order of this Tribunal dated 16.09.1994 in
O.A.No.326 of 1994.

2. The applicant is a handicapped person
and is aggrieved that she has not been selected
in the Clerks Grade Examination of 1990, 1991
and 1992. The main ground taken in the review
application is that this Tribunal has not dealt
with vexed question of law, that is, whether the
Staff Selection Commission by type of tests and
common standards have legally prepared a combined
selection list of 165 posts earmarked for
physically handicapped for the year 1990. It is alleged
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that 165 posts has not been filled equally, from amongst two different categories of physically handicapped. It is also contended that in terms of para 2 of the letter dated 30.12.1980, a roster system has to be maintained and the number of selected CH candidates cannot exceed that of the deaf. This Tribunal had taken note of the fact that the roster system has to be maintained by the indenting department and not by the SSC. It was mentioned in the counter filed by the respondents that "the petitioner failed to qualify the Clerks Grade Examination, 1991 and 1992 despite separate relaxed qualifying standards for HH and CH and as such, her claim for appointment on the basis of CGE 90 where same relaxed standards for all PH candidates had to be adopted, does not seem justified." Unless the applicant achieves a minimum relaxed standard, her name cannot be included in the select list. It was also stated by the respondents at the Bar that there would be no dearth of posts for hearing handicapped persons provided they obtain the minimum standards.

3. In view of the aforesaid considerations, we do not find that our judgment dated 16.09.1994 suffers from any error apparent on the face of record. The review petition is therefore, dismissed.

/sds/

B.N. Dhaoniyal
(B.N.Dhaoniyal)
Member(A)

S.K. Dhaon
(S.K.Dhaon)
Vice Chairman.