

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

HON. DR. JOSE P. VERGHESE, VICE-CHAIRMAN (J)

HON. SHRI R.K. AHOOJA, MEMBER (A)

DA NO. 1957/1996

NEW DELHI, THIS 10TH DAY OF MARCH, 1997

SHRI CHANDER MUKH GAUBA
S/o Shri Mahendra Lal Gauba
Retd. Captain
R/o Qr. No.51, Sector 18, Faridabad
working as Sr. T.G.T.,
Drawing Teacher
Govt. Sr. Secondary School
Tughlakabad
NEW DELHI

..APPLICANT

By Advocate - Shri R.K. Gaba
B.P.O. No. 1000, D-10, T.K. Estate

VERSUS

1. Director of Education
Govt. of NCT Delhi
Old Secretariat
Civil Lines
DELHI

2. The Secretary
Govt. of NCT Delhi
Old Secretariat
Civil Lines
DELHI

..RESPONDENTS

By Advocate - Shri Raj Singh

ORDER (ORAL)

DR. JOSE P. VERGHESE, VICE-CHAIRMAN (J)

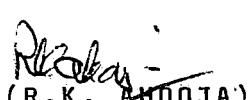
The petitioner is a handicapped person with 40% physical handicap and is holding the post of TGT (Drawing) for the last 15 years in the Department. The 1d. counsel for the respondents says that he is not eligible for the post of PGT since he does not have the Post Graduate Diploma though he has the Post Graduate Degree in the subject. The petitioner has made representation and a legal notice and

(9)

no reply has been given by the respondents. We would direct that the petitioner may give a fresh representation and within two months of the receipt of the same, the respondents shall dispose of the representation with a speaking order and communicate within one week thereafter to the petitioner by registered A.D.

2. While disposing of the representation, respondents shall bear in mind the 15 years of service the petitioner has as well as the fact that he is a physically handicapped person. It goes without saying that this being a Decade for Physically Handicapped declared by the United Nations, the respondents have a duty to consider the applicant's case sympathetically. It is also our view that the Recruitment Rules, in this regard give a discretionary power to relax any of the qualifications prescribed in deserving cases. We may be constrained to read a discretionary power given to respondents coupled with a duty to be ~~mandatory~~ provision. The respondents shall consider the case of the petitioner in the light of the above observations.

With this, the O.A. is disposed of. No costs.


(R.K. BHOOJA)
MEMBER (A)


(DR. JOSE P. VERGHESE)
VICE-CHAIRMAN (J)

/avi/