

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.988 of 1997

New Delhi, this 3rd day of July, 2000

Hon'ble Shri V.Rajagopala Reddy, Vice Chairman(J)
Hon'ble Smt. Shanta Shastray, Member(A)

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Prithvi Singh Ragho
R/o Block T-12, Room Nos.4&5
Military Road, Anand Parbat
New Delhi-5. ... Applicant

(By Advocate: Shri D.S. Garg - not present)

versus

Union of India, through

1. The Area Manager
Canteen Stores Department
Kirbi Place, Delhi Cantt.
New Delhi-10.

2. The Chairman
Board of Administration
Canteen Stores Department
ADELPHI
119 Maharishi Karve Road
Mumbai-20.

3. The Secretary to GOI
Ministry of Defence
South Block
New Delhi. ... Respondents

(By Advocate: Shri S.M.Arif)

ORDER(oral)

By Reddy J.

None appears for the applicant nor any representation is made on his behalf. Since the matter is of 1997, we dispose of the case on merits after hearing the counsel for the respondents, on the available pleadings.

2. The applicant was initially appointed as Lower Division Clerk (Typist) in the Canteen Stores Department, Delhi in 1965. The applicant is a physically handicapped person. He was promoted to the

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post of Upper Division Clerk (UDC) during 1981.

Subsequently he was promoted to the post of Selection Grade Clerk (SGC) in 1995. The grievance of the applicant is two-fold. In 1977 there was reservation of 1% for the orthopaedically handicapped persons and thereafter in 1989 the reservation had been increased to 3%. The respondents have not followed the reservation policy of either 1% or 3% while promoting the applicant to the post of UDC and SGC. In the counter affidavit it is stated that the reservation policy of 3% has come into being only in 1989 and the respondents had kept in mind all the rules of reservation while giving promotion to the post of UDC and SGC.

3. The promotion to the post of UDC cannot be considered at this stage as it is barred by limitation. However, with regard to the promotion to the post of SGC which was given to the applicant in 1995, except making it a general statement that the respondents had kept in mind the reservation policy, whether the applicant was considered in the 3% quota which was allotted to the orthopaedically handicapped persons was not particularly stated. The present OA is only filed to dispose of the representation of the applicant dated 16.5.1996. In Annexure-1 dated 13.9.1996, the respondents have stated that the application of the applicant was under process and he would be intimated after reasonable decision from the competent authority. It is nowhere stated in the reply that the final order was passed. Though the

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applicant had stated that he would amend the OA, it was not done.

4. In the circumstances, the OA is disposed of directing the respondents to pass a final order if it was not passed already, within three months from the date of receipt of a copy of this order ^u as on the representation of the applicant dated 16.5.1996. The OA is accordingly disposed of. No costs.

Shanta
(Smt. Shanta Shastry)

Member(A)

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V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice Chairman((J))