

CAT/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1030/97
T.A. No.

199

DATE OF DECISION 15.5.98

National Federation of the Blind
through Sh.S.K.Rungta and Ors.

Petitioner

Sh.S.K.Rungta

Advocate for the Petitioner(s)

Versus

Union of India and ors.

Respondent

Sh.V.S.R.Krishna for R-1

Advocate for the Respondent

Sh.P.H.Ramchandani Sr.Counsel for
R-2.

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The Hon'ble Smt.Lakshmi Swaminathan, Member(J)

The Hon'ble Shri K.Muthukumar, Member(A)

1. To be referred to the Reporter or not? Yes.

2. Whether it needs to be circulated to other Benches of the Tribunal
Tribunal. No.

Lakshmi Swaminathan

(Smt.Lakshmi Swaminathan)
Member(J)

Central Administrative Tribunal
Principal Bench

O.A. 1030/97

New Delhi on this 15 th day of May, 1998

(9)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri K. Muthukumar, Member(A).

1. National Federation of the Blind,
through Shri S.K. Rungta,
its General Secretary,
having its registered office at
2721, Sangtrash Chowk, Pahar Ganj,
New Delhi.
2. Shri Vichtar Vijay,
S/o late Shri Sultan Singh,
C/o National Federation of the Blind,
2721, Sangtrash Chowk, Paharganj,
New Delhi.
3. Shri Nand Kishore Saini,
S/o Shri Dharam Vir Singh Saini,
President of Village Goana,
Post Office Hapur,
District Ghaziabad (UP). Applicants.

By Advocate Shri S.K. Rungta.

Versus

1. Union of India,
through Secretary Personnel & Training,
Central Block,
New Delhi.
2. Union Public Service Commission,
through its Chairman,
Dholpur House,
New Delhi. Respondents.

By Advocate Shri V.S.R. Krishna - for Respondent 1.

By Advocate Shri P.H. Ramchandani - for Respondent 2.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Applicant 1 which is a Society registered under the Societies Act for protection of the rights of the disabled persons in general and blind persons, in particular together with Applicants 2 and 3, have filed this application against the decision of the respondents dated 21.4.1997 and rejection of their candidature to sit in the Civil Services Examination (CSE) (Preliminary) for the year 1997. In an

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earlier application filed by Applicant 1 (OA 991/96), the Tribunal had directed the respondents to dispose of the representation in regard to grant of age concession for blind persons in Civil Services Examination. In accordance with these directions, the respondents have passed the order dated 21.4.1997 after giving a detailed personal hearing to the representatives of the National Federation of the Blind. Shri S.K. Rungta, learned counsel and General Secretary of the Federation, has submitted that the age relaxation being given to physically handicapped in Group 'A' and 'B' posts, is not sufficient and the respondents should be directed to grant them 10 years' age relaxation. He has submitted that 10 years' age relaxation is given to physically handicapped in respect of appointment to Group 'C' and 'D' posts and the same concession should be given to blind persons who are otherwise qualified for Group 'A' and 'B' posts. He has submitted that it was an extremely uphill task for the applicants to get the respondents to initially consider the question of age relaxation which they finally succeeded only in 1995 in getting age relaxation for a maximum period of 5 years. ^{for Group 'A' posts} He has submitted that in 1977 the Government had accepted in principle that for consideration of physically handicapped persons for appointment in Group 'C' and Group 'D' posts, age relaxation upto 10 years may be given. The learned counsel has contended that in certain other categories of persons, namely, SC/ST persons who are ordinarily domiciled in Kashmir Division of the State of Jammu and Kashmir, ex-servicemen, including Commissioned Officers and ECOs and SSCOs, who belong to the SC/ST community have been given age relaxation upto a maximum period of 10 years. He has very poignantly submitted that whereas in these categories of persons, for example SC/ST or

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persons domiciled in Kashmir Division of the State of Jammu and Kashmir, they might have faced certain difficulties due to terrorism and unrest for some period of time, the disability of the physically handicapped like the blind is not something that will ever vanish. He has also submitted that the handicapped persons are not given facilities like other normal persons and as such discrimination against them starts perhaps even from their birth by their own parents. He further submits that even the Government showed much resistance towards handicapped persons till 1977 when some concession was given for Group 'C' and 'D' posts and it was only in 1995 that age relaxation was given for Group 'A' and 'B' posts. For these reasons, he has submitted that a uniform relaxation of age upto 10 years for handicapped persons for appointment in Group 'A' and 'B' service is also necessary.

2. The respondents in their reply have submitted that they have very carefully considered the representation made by the applicants. Shri V.S.R. Krishna, learned counsel submits that this is a policy decision and there is no arbitrariness in the same. He submits that 10 years' relaxation has been given to ex-servicemen in the CSE, considering their services to the Nation earlier. Similarly, he submits that there is also a rational nexus in giving relaxation upto 10 years to the persons belonging to areas disrupted by violence in Jammu and Kashmir. The learned counsel has contended that in all these cases of selection and appointment in the higher posts of Group 'A' and 'B' in the Government, it is necessary to appoint persons at a young age so that they can acquire necessary skills, experience and so on. He has submitted that only in very exceptional cases

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~~He~~ relaxation has been given, that too for valid reasons.

He has further submitted that in pursuance of the Tribunal's order in O.A.991/96 Respondent 2 had after hearing the applicants and considering all the relevant facts taken a decision that 5 years' age relaxation may be granted to the physically handicapped for appointments to Group 'A' and 'B' posts, including those filled through open competitive examination. In the facts and circumstances of the case, the learned counsel submits that the application may be dismissed.

3. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

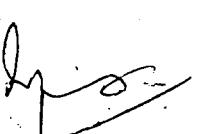
4. On perusal of the impugned order dated 21.4.1997, it is seen that the respondents have no doubt considered the issue whether further age relaxation upto 10 years may be given in case of physically handicapped persons for appointment in Group 'A' and 'B' services, including those posts to be filled through open competitive examination. We are aware that this is essentially a policy decision. However, the submissions of Shri Rungta, learned counsel for the applicants, that the Government has been slow in recognising that something more has to be given for the physically handicapped persons by way of giving them opportunities for employment so that they can lead their lives with dignity, cannot be ignored. He has mentioned that it is only in 1977 that relaxation of age was given to handicapped persons for appointment in Group 'C' and 'D' posts. In respect of Group 'A' and 'B' posts, the Government took another 18 years to give age relaxation of 5 years. From this it is clear that no doubt the Government has been

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taking a sympathetic view of the matter, but it cannot be stated that this is the last word on it and more cannot be done in the facts and circumstances of the case. The argument of Shri Rungta, learned counsel that while the disability suffered by a person domiciled in the State of Jammu and Kashmir due to terrorism and unrest may go away shortly in future because of the efforts of the Government, the disability suffered by a blind person will not similarly vanish, is something to be kept in mind while dealing with these cases. The learned counsel has fairly submitted that in case of SC/ST handicapped persons the total relaxation of upper age limit may not exceed 10 years within their 3% accepted quota. In the circumstances, it is for the respondents to consider whether a further relaxation in age in favour of the physically handicapped persons may or may not be given without compromising on efficiency and merit in the larger interest.

5. In view of the above facts and circumstances of the case, we think it proper that the respondents may like to reconsider the claims of the applicants sympathetically with a view to enhancing the age relaxation upto a maximum period of 10 years, keeping in view the relevant facts mentioned above and the balance of interest, both of the individual and the Government.

O.A. disposed of as above. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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