

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

ORIGINAL APPLICATION NO.60/122/2021

DATED THIS THE 05th DAY OF FEBRUARY, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

Ritu Dharwal

D/o Sh.Purshotam Lal

Aged 40 years

Working as Junior Basic Teacher (JBT)

At Govt. Modal High School

Maloya-II, Chandigarh-160025. (Group-C)

....Applicant

(By Advocate Shri K.B.Sharma - through video conference)

Vs.

1. Chandigarh Administration through Secretary
In the Department of School Education
Additional Deluxe Building
Sector-9, Chandigarh-160009.
2. Director
Public Instructions
In the Department of School Education
Additional Deluxe Building
Sector-9, Chandigarh-160009.
3. District Education Officer
In the Department of School Education
Sector-19, Chandigarh-160019.

.....Respondents

O R D E R (ORAL)**PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- i. That the record of the case be called for;
- ii. That the respondents be directed to consider the case of the applicant for promotion to the post of TGT, Home Science by providing 4% reservation to persons with disability on the total cadre of JBTs by extending the benefit of the judgment of the Hon'ble Apex Court in the case of Siddaraju vs The State of Karnataka, Civil Appeal No.1567/2017 decided on 14.1.2020 (Annexure A9) and provisions of 2016 Act, from due date along with consequential benefits.

2. At the very outset, Shri K.B.Sharma, learned counsel representing the applicant submitted that before filing the present Original Application, the applicant had submitted a representation dated 01.07.2020 on which no decision has been taken by the respondents upto today. Learned counsel further submitted that the applicant will be satisfied if a direction is issued to the respondents to decide his pending representation within a time frame.

3. Keeping in view the aforesaid limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original

Application at the admission stage itself without entering into the merits of the case.

4. Accordingly, the Original Application is disposed of with a direction to Director, Public Instructions, Department of School Education, Union Territory, Chandigarh to decide the applicant's pending representation dated 01.07.2020 and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two(2) months from the date of receipt of a certified copy of this order.

5. The OA stands disposed of in the above terms. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ps/