

Central Administrative Tribunal  
Principal Bench

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AS

O.A.No.205/2004

New Delhi, this the 15<sup>th</sup> day of July 2005

Hon'ble Shri Justice V.S.Agarwal, Member (J)  
Hon'ble Shri S.K. Naik, Member (A)

1. National Federation of the Blind  
through its General Secretary  
Shri S.K.Rungta  
Having its registered office at  
2721, Chowk Sangtrahan,  
Pahar Ganj,  
New Delhi
2. Surender Singh Rawat,  
S/o Shri Chittar Singh Rawat,  
R/O C/O Mukesh Chander Sharma,  
H.No.260, Sector-4, Timal Pur,  
Delhi-54  
(None appeared)

Applicants

Versus

1. Govt. of NCT of Delhi  
Through its Secretary(Services)  
Having its Office at Players Building, I.P.Estate,  
New Delhi
2. D.S.S.B.,  
through its Chairman  
Having its office at  
UTCS Building,  
Behind Karkardooma Courts Complex,  
Vishwas Nagar,  
Shahdara, Delhi-32

..Respondents

(By Advocate: Shri Ajesh Luthra)

**O R D E R**

**Shri S.K. Naik:**

The applicants in this OA are aggrieved on the ground that the respondents have not reserved any post for the blind category amongst the persons with disabilities for recruitment to the posts of Stenographer Grade-III in their advertisement dated 23.7.2003. They, therefore, seek quashing of the advertisement bearing No.02/2003 dated 23.7.2003 in so far as it relates to the post of Stenographers Grade III and further seek a direction to the respondents to work out the backlog

of reserved vacancies in favour of blind to the extent of 1% against the posts filled in all recruitment years after taking into consideration the vacancies arising after 7.2.1996.

2. When the case was taken up for consideration on 27.5.2005, nobody appeared on behalf of applicants. The OA had earlier been dismissed for non-prosecution on 3.11.2004 but had been subsequently restored by the Tribunal vide order dated 18.2.2005. In this background and since nobody had appeared on behalf of the applicants even after a long wait, we proceeded to hear the learned counsel for the respondents and decide the case on merit by invoking Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. We have carefully perused the record and averments made by the applicants.

4. Their main contention is that despite a clear cut policy laid down by the Ministry of Social Welfare, Govt. of India for reservation of Group 'C' and 'D' posts to the extent of 3% for persons with disabilities of which 1% is to be reserved for the blind as prescribed way back on 4.11.1977 which has been further reiterated by the Department of Personnel & Training vide OM dated 1.4.1986 and despite a statutory provision in Section 33 of Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995(for short "the Act, 1995"), the respondents in their advertisement dated 23.7.2003 have made no reservation in favour of the handicapped category. The applicant No.2 belongs to the visually handicapped category (blind) and has a legitimate right to be considered for appointment to the post of Stenographer Grade-III. It has been stated that in the said advertisement 120 posts had been advertised, all for unreserved category and no reservation has been made for any persons with disability/blind.

5. Another contention that has been raised pertains to the failure on the part of the respondents to carry forward the vacancies reserved for

the persons with disabilities from the year 1996 in accordance with Section 36 of the Act, 1995. It has, therefore, been urged that a direction may be issued to the respondents to give the entire backlog of the persons with disabilities earmarked in favour of blinds.

6. Learned counsel appearing on behalf of the respondents, however, has contested the OA. He has contended that the respondents have not violated the provisions of Sections 33 of the Act, 1995 and have fully catered to reservation of 1% posts in the category of Stenographer Grade III for the blinds including the vacancies arising since 1996. In order to clarify the position he has submitted that earlier the Ministry of Social Justice & Empowerment provided/recommended candidates for appointment against the visually handicapped category. But when the respondents had received a notice from the Chief Commissioner (disabilities), the matter was taken up with the Ministry of Social Justice & Empowerment who conveyed that since GNCTD has their own Recruitment Board, the recruitment for visually handicapped category should also be done by the Delhi Subordinate Services Selection Board (DSSSB). However, in order to give proper representation to the blind category, the GNCTD took a decision as a one-time arrangement to call for dossiers for visually handicapped category (Blind) for Stenographer Grade III from the Staff Selection Commission (SSC) after intimating the Commissioner for disabilities. Two dossiers had been obtained from the SSC and the two visually handicapped persons had been appointed in October 2002. Learned counsel has further submitted that the advertisement dated 23.7.2003 is in continuation of earlier advertisement dated 30.10.2000. Since only six posts (3%) were required to be reserved for the persons with disabilities and 1/3<sup>rd</sup> thereof i.e. 1% was meant for the visually handicapped, the counsel submits that two posts having been given to the visually handicapped category, the legal requirement of reservation already stood complied. It was in this

background that while forwarding the requisition to the DSSB, it had been consciously stated that there was no reservation for visually handicapped candidates. It was in this background that no reservation was provided in the advertisement dated 23.7.2003.

7. We have perused the record and have also considered the averments made by the applicants in their OA and the explanation/contentions advanced by the counsel for the respondents.

8. While the applicants' claim that the respondents since coming into force the Act, 1995, have not complied with the provisions of Section 33 thereof with regard to the reservation for the visually handicapped category to the post of Stenographer Grade III, the respondents have explained the position by stating that the applicants are relying only on the advertisement dated 23.7.2003 where no reservation has been indicated but are unaware of the background that earlier, visually handicapped categories were being sponsored by the Ministry of Social Justice and Empowerment and before they authorized the respondents to fill up the vacancies through the DSSB, they had already obtained dossiers of two blind candidates and have already appointed them. Thus, they have already given 1% in the category of Stenographer Grade III of the total vacancies arising since 1996 to visually handicapped category. In this background of explanation given by the respondents and a conscious advice given to the DSSB when the posts were advertised not to include the reservation for the visually handicapped category, we find that the applicants are perhaps not aware of the full background of the case and have based their apprehension purely on the advertisement dated 23.7.2003. The respondents have further stated that as and when fresh vacancies arise, the DSSB will undertake all such recruitment and recruit the visually handicapped persons against their reserved quota as per the provisions of Act, 1995.

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9. We, therefore, do not find any merit in the OA.
10. The OA is disposed of in these terms.

S.K.Naik  
(S.K.Naik)  
Member (A)

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V.S.Agarwal  
(V.S.Agarwal)  
Chairman