

(10)

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.1575/1993

New Delhi, This the 07th Day of April 1994

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri S.R. Adige, Member(A)

Shri Vinaya Kumar son of Sh. Vasudeva Mishra
r/o of Sector 4, 18, B.D.I.Z. Area, Shahid Bhagat,
Singh Marg, New Delhi.

...Applicant

By Advocate Shri A. K. Behra

Versus

1. The Secretary,
Staff Selection Commission
Block No.12, C.G.O. Complex
Lodhi Road, New Delhi.
2. The Secretary
Department of Personnel & Training
North Block, New Delhi.

By Advocate Shri N.S. Mehta

O R D E R(Oral)

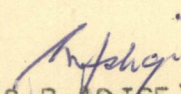
Hon'ble Shri J.P. Sharma, Member(J)

1. The applicant is unfortunately blind and in spite of the disability he got an appointment as LDC on 9th Nov 1987. After completing requisite period of 5 years service in order to improve his service career he applied for an examination in the higher grade of UDC conducted by the Staff Selection Commission. However, by the impugned order dated 12/13 July 93 the commission informed the applicant that the candidature is to be rejected in view of the fact that he is blind. The applicant filed an OA on 27.7.93 and by an interim order dated 2-8-1993 the applicant ^{was} allowed provisionally in the aforesaid examination but the results ^{was} kept ^{to be} in a sealed cover. The respondents in their reply contested this application and the

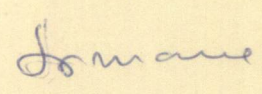
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applicant has also reiterated the averments made in the application by filing a rejoinder. The applicant has also annexed a number of documents relevant to the issue in this case.

2. We took the matter to-day when the counsel for the respondents Shri N S Mehta informed that the applicant was allowed to take the UDC examination under the direction of the Tribunal and that he could not pass the said examination and has been declared failed. In view of this, the application does not call for any further probe. However, the counsel for the applicant Shri A K Behra emphatically stressed that the issue is a live issue and in the years ahead the applicant may also have to face the same situation and they have to repeatedly come to the Tribunal for the same issue. Shri N.S. Mehta the counsel for the respondents having taken instructions from Shri Pawan Hameja, Under Secy. SSC who was present at the bar at the time of hearing the case made a statement that orders have been issued that from this year they are eligible to appear for the said examination. In view of this the application is disposed of as infructuous. No costs.


(S.R. ADIGE)
Member(A)

LCP


(J.P. SHARMA)
Member(J)