

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Dated : Allahabad this the 11th day of July, 1996.

CORAM :Hon'ble Mr. Justice B. C. Saxena, V.C.
Hon'ble Mr. S. Das Gupta, Member- A.

Original Application no. 1137 of 1993.

Onkar Nath Dwivedi son of Vishwanath Dwivedi,
R/o. C-624/Vishwa Bank Colony, Barra, Kanpur Nagar
....Applicant

(THROUGH COUNSEL SHRI A.K.SACHAN)

Versus

1. Union of India, through Ministry of Communication
New Delhi.
2. Chief General Manager, Telecom. Circle, Uttar
Pradesh, Lucknow.
3. General Manager, Telecom Circle, Lucknow.
4. Deputy General Manager (Administration)
U.P. Telecom. Circle, C.G.N.T. Hazratganj,
Lucknow.

.....Respondents.

(THROUGH ADVOCATE SHRI N. B. SINGH)

O R D E R (Oral)
(By Hon. Mr. Justice B. C. Saxena, V.C.)

The applicant claims that he is an Orthopaedically handicapped person. He seeks his promotion to the next higher grade of Rs.2000-3200 under the Binnial^e Cadre Review Scheme. The applicant preferred certain representations. In the counter-affidavit, the respondents have stated that representations have been decided. Further plea in the counter-affidavit is that no reservation in ~~the~~ promotion for handicapped persons under the B.C.R. Scheme has been provided for.

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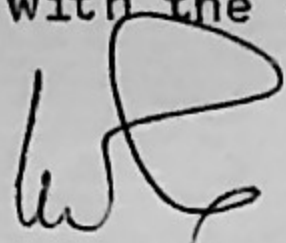
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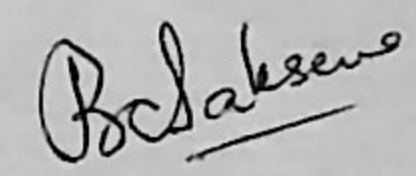
However, it is stated that the matter had been referred to the T. C. H. Q. New Delhi vide letter dated 4.8.1994 seeking a clarification as to whether the reservation to physically handicapped persons in terms of the Department of Personnel & Training letter dated 20.11.1989 will be applicable to the promotions under B.C.R. Scheme or not. The respondents further stated that the matter is still pending with the T.C.H.Q. New Delhi. The office memorandum ~~was~~ of Ministry of Personnel, Public Grievance and Pensions, New Delhi dated 20.11.1989 has been annexed alongwith the counter-affidavit. In the said office Memorandum, it is inter-alia, provided that the decision having been taken that reservation quota for handicapped persons would also be available against promotion posts. But, it has been provided that promotion posts should be identified as being capable of being held by the appropriate category of the physically handicapped persons. Despite said pleas taken by the respondents in the counter-affidavit, the applicant has taken no ~~plea~~ ^{steps} pains to improve his plea^{steps} in his rejoinder-affidavit. He is not able to prove that the post on which he is claiming promotion has been identified as the post capable of being held by appropriate handicapped person. The number of vacancies have also not been indicated so as to enable us to appreciate the plea that atleast one post shall be available to the applicant against the promotion quota for handicapped person.

2. In the circumstances, we are not satisfied that any case for grant of the reliefs prayed for, is made

.....3/-

out. We only provide that as and when, though without much ~~earlier~~ ^{delay} _{but}, the decision is taken by the T.C.H.Q. New Delhi and necessary clarification is issued, if the applicant can get the benefit of promotion against the reservation quota, for handicapped person, he may be granted the necessary relief. The O.A. is accordingly disposed of with the above observation.


MEMBER (A)


VICE-CHAIRMAN

Dt. July 11, 1996.

(Pandey)