

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.62/2000

Tuesday this the 18th day of January, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

Dr. Joseph Thomas,  
aged 50 years,  
Son of V.A.Thomas,  
Assistant Research Officer,  
Clinical Research Unit (H),  
Moolamattam-685 589  
Thodupuzha, Kerala. ....Applicant

(By Advocate Mr. K.T.Thomas)

V.

1. The Director, Central Council for Research in Homeopathy, 61-65, Institutional Area, D Block, Janakpuri, New Delhi.110 058.
2. Union of India, represented by the Secretary to Government, Department of Indian System of Medicine and Homeopathy, Ministry of Health and Family Welfare, New Delhi. ....Respondents

(By Advocate Mr. Sri Hari Rao, ACGSC)

The application having been heard on 18.1.2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, who is Assistant Research Officer, Clinical Research Unit (H), Moolamattam has filed this application aggrieved by A5 impugned order by which in reply to his representation A4 claiming promotion to the post of Research Officer giving him the benefit of reservation as physically handicapped person, he was told that his claim could not be accepted to as

it has been clarified that there is no reservation in promotion to the physically handicapped persons when the promotions are made from Group 'C' to Group 'B' within Group 'B' and from Group 'B' to Group 'A' posts.

2. The applicant states that as he has been continuing in the present post for the last fifteen years, the inaction on the part of the respondents to give him promotion granting the benefit of reservation is unreasonable and unjustified. The applicant therefore, seeks to have the impugned order A5 set aside declaring that he is entitled to be promoted as Research Officer with effect from 4.7.97 and as Assistant Director with effect from 1.1.98 with all consequential benefits.

3. We have gone through the application and have heard the counsel of the applicant and the Addl. Central Govt. Standing counsel appearing for the respondents. The learned counsel of the applicant has not been able to place before us any rule or instruction which provides for reservation for physically handicapped persons in the matter of promotion from Group 'C' to Group 'B' within Group 'B' and from Group 'B' to Group 'A'. Therefore, we do not find even *prima facie* any infirmity in the impugned order and any reason for judicial intervention. The application, is therefore, rejected under Section 19(3) of the Administrative Tribunals Act. There is no orders as to costs.

Dated the 18th day of January, 2000

*J.L. Negi*  
J.L. NEGI  
ADMINISTRATIVE MEMBER

*A.V. Haridasan*  
A.V. HARIDASAN  
VICE CHAIRMAN

List of Annexures referred to:

Annexure.A4: True copy of the representation dated nil sent by the applicant to ther 2nd respondent.

Annexure.A5: True copy of the order F.No.12-51/98-CCRH/Estt dated 26.5.99 issued by the Asstt.Director (Admn) Central Council for research in Homeopathy, New Delhi.