

CIS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

CP NO. 65 OF 1998

IN

OA NO. 302 OF 1998

DATE OF ORDER : 11-6-1998

BETWEEN :

E.C. VARGHESE

... APPLICANT

AND

Dr S.K. Mujumdar
Deputy Director General,
Geological Survey of India
Southern Region, Hyderabad.

... Respondent

Counsel for the Respondent :

Shri V. Venkateswara Rao
Shri N.R. Devaraj

CORAM :

The Hon'ble Shri R. Rangarajan : Member (A)

The Hon'ble Shri B.S. Jai Parameshwar : Member (J)

(Order per Shri Hon'ble Shri R. Rangarajan, Member (A))

Heard Shri V. Venkateswara Rao for the Applicant and
Shri N.R. Devaraj for the Respondents.

The said O.A was disposed on 20-6-1997 with the
following direction :

"We direct the Respondents to decide quickly
within two months from the date of receipt of a
copy of this order and then consider the case of
the applicant for promotion to the post of Assistant
against that quota."

The Learned Counsel for the Respondent submitted that
the Applicant's physical handicap has to be certified by

16

a Medical Board attached to the Vocational Rehabilitation Centre for Handicapped at Vidya Nagar, Hyderabad. He was directed to report to them for getting the certificate. But that letter was issued to him on 30.12.1997. The Applicant failed to produce the certificate yet and it is ascertained by the Respondent that the Applicant has not reported to the authority. Hence the Respondent has fully complied with the directions given by this Tribunal and by ~~deciding~~ ^{deciding} that a physically handicapped person, ^{ie. who is} rendered physically handicapped after entry into service, is also eligible for promotion against that quota.

The Learned Counsel for the Applicant submitted that he has also been certified as a physically handicapped by the Head of the Orthopaedics Department, Nizams^S Institute of Orthopaedics and Specialities, Punjagutta, Hyderabad on 5.6.1980 and 12.7.1980 and the original certificate issued by the Superintendent, Nizams Institute of Orthopaedics and Specialities, Punjagutta, Hyderabad is already available in the Administration. Hence, the question of sending him to the Rehabilitation Centre at Vidya Nagar does not arise and is not bound by rules also. Hence, the Respondent has wilfully disobeyed the orders of this Tribunal and hence fully liable for contempt.

Whether sending of the Applicant for certifying his physical handicap by the Rehabilitation Centre at Vidya Nagar is entirely different point. If the Applicant is aggrieved by that order he is to initiate fresh proceedings under Section 19 of the Administrative Tribunal Act challenging that order. The Deputy Director General has felt that he should be examined by the said Rehabilitation Centre at Vidya Nagar and such an order cannot be obliterated without setting aside such an order.

(17)

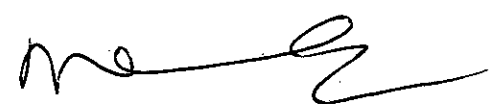
Hence, the Applicant must necessarily get the certificate ^f if he wants promotion. Hence, this contention is rejected.

It is further submitted by the Learned Counsel for the Respondent that the Applicant had already been promoted in his turn and if he is ordered to be promoted against the physically handicapped quota he may get a few months' advantage. But this statement is denied by the other side. This is not the point for consideration in this ^{C.P.} O.A.

In view of the fact that the Applicant has been directed to get the necessary certificate from the Rehabilitation Centre at Vidya Nagar and as that certificate has not yet been furnished we ~~do not~~ come to the conclusion that the order of this Tribunal has ~~not~~ been complied with. Hence, we do not find any contempt in this case. The C.P. is closed. No costs.


(B. S. Jai Parameshwar)
Member (J)

11.6.98


(R. Rangarajan)
Member (A)

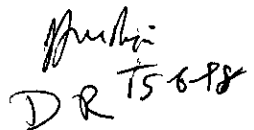
1

1

DICTATED IN OPEN COURT

DATED : 11-6-1998

...js/-


DR T5698