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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1339/95

dt.5-3-98

Shaik Khaja Peer

: Applicant

versus

1. Telecom District Engineer
Mahabubnagar

2. Chief General Manager
AP Circle, Hyderabad

3. Secretary to D/o Telecommunications
New Delhi

: Respondents.

Counsel of the applicant

: K. Venkateswara Rao
Advocate

Counsel for the respondents

: N.V. Raghava Reddy
CGSC

CORAM

HON. MR. A.V. HARIDASAN, VICE CHAIRMAN (EB)

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

Order

Oral order (per Hon. Mr. A.V. Haridasan, Vice Chairman(EB)

The applicant who has passed intermediate was appointed as regular Mazdoor under the respondents with effect from 8-4-1989 by order dated 18-5-1989. During the course of his employment he sustained burning injuries which resulted in fifty percent physical disability (Medical certificate A-7). The applicant claims promotion to Group-C under the incentive scheme as also under the quota Reserved for handicapped persons. He made a representation on 5-5-1994. Finding no reply the applicant has filed this application for a declaration that he is entitled for promotion to Group-C post with effect from 21-1-1994 when Sri G. Lakshminarayana, was promoted to Group-C post and also for a direction to the respondents to promote him with effect from 21-1-1994 and to consider his promotion in accordance with the Government of India, instructions contained in the OM dated 20-11-1989 of the Department of Personnel and Training in regard to reservation in promotion for handicapped persons with all consequential benefits.

2. The respondents resist the claim of the applicant for promotion to the post of Group-C with effect from the date of promotion of G. Lakshminarayana on the ground that Lakshminarayana was promoted at a time when the applicant was not eligible for consideration under the incentive scheme and it was not available to the applicant as he did not acquire the matriculation qualification after joining service. Regarding the claim of the applicant for promotion towards handicapped quota, the respondents contend that no such reservation is existing.

3. We heard the learned counsel on either sides and note that the applicant does not qualify for promotion under the Incentive Scheme.

4. The counsel for the applicant states that the applicant is not pressing the claim for promotion with effect from the date of promotion of G. Lakshminarayana as claimed in the application. The learned counsel states that the claim of the applicant for promotion under the Reservation for Physically handicapped has to be considered by the respondents.

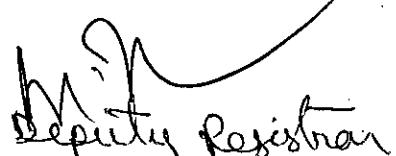
5. The learned counsel for the respondents states that when the case of the applicant for promotion under the Handicapped Reservation quota was pending consideration, the applicant has filed this application and that therefore the matter was not considered and that if given some time the case of the applicant in that regard could be considered and an appropriate decision would be taken by the competent authority within any time to be stipulated by the Tribunal.

6. In the light of what is stated above, we dispose of this application rejecting the claim of the applicant for promotion with effect from the date on which G. Lakshminarayana was promoted but directing the respondents to take an appropriate decision in regard to claim of the applicant for promotion towards Physically handicapped quota basing on the Medical certificate and instructions of Government of India, Ministry of Personnel and Training and to give the applicant a speaking order within a period of two months from the date of communication of this order. No order as to costs.


(H. Rajendra Prasad)
Member (Admn.)


(A.V. Haridasan)
Vice Chairman (EB)

Dated : March 5, 98
Dictated in Open Court


Deputy Registrar

7/1/98
TYPED BY
COMPARED BY

I Court

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE A V Haidar
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 5 - 3 - 1998

ORDER/JUDGMENT:

M.A./R.A./C.A. No.

O.A. No. 1339 in 95

T.A. No. (Q.W.P.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm.

