

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

RA. No. 91/2000
in

OA. No. 1079/1999

Date of order: 16-2-2001

Between:

The General Manager,
Ordnance Factory Project,
Yeddumaidaram - 502 205,
Medak (A.P.)

... Applicant/Respondent

And

1. Shri Maruthi,
Ordnance Factory,
Yeddumailaram,
Medak, A.P.

... Respondent/Applicant

2. K.A.Kishan Rao,
LMS Maintenance, Ordnance Factory,
Yeddumailaram, Medak, A.P.

... Respondent/Respondent

Counsel for the applicant/respondent : Mrs.P.Madhavi Devi, Addl.CGSC

Counsel for Respondent-1/Applicant : Mr.V.Jagapathi, Advocate

Counsel for Respondent-2/Respondent : Mr.P. Naveen Rao, Advocate

CORAM :

THE HON'BLE MR.B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

THE HON'BLE MR.M.V.NATARAJAN : MEMBER (ADMN.)

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Order

(Per Hon'ble Mr.B.S.Jai Parameshwar, M(J))

Heard Mrs.P.Madhavi Devi, learned standing counsel for the applicant in the RA and Mr.V.Jagapathi for the applicant in the OA and Mr.Ramesh for Mr.P.Naveen Rao for the Respondent No.2 in the OA.

2. During the course of this order the parties are referred to according to their position in the original application.



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3. The applicant and respondent no.2 were working in the respondent no.1 factory. The applicant claimed to be physically handicapped person. Likewise the respondent no.2 also claimed to be physically handicapped person. The respondent no.2 is senior to the applicant. The applicant had submitted a representation to the Respondent-1 factory bringing to the notice that the next promotional post Supervisor NT Stores be reserved for a physically handicapped person at the roster point no.34. The applicant submitted that respondent factory promoted the Respondent no.2 to the promotional post of Supervisor (NT) Stores against roster point no.34.

4. During the course of this order we formed an opinion that the respondent no.1 factory should have waited for the decision of the board (Appellate authority) as regards the status of the applicant as well as the respondent no.2 before promoting respondent no.2 to the post of Supervisor NT Stores against roster point 34 and formed an opinion that the respondent no.1 factory unnecessarily drove the applicant to the Tribunal, hence we directed the respondent no.1 to pay Rs.5,000/- costs to the applicant.

5. In the course of the order we made certain observations against the respondent factory in the manner of promoting the respondent-2 to the post of Supervisor NT Stores even though the status of physically handicapped person was under consideration of medical board-appellate authority.

6. Now the respondent-1 factory has filed this application to review the order. Their main contentions are as follows:-

- (a) Imposition of Rs.5000/- on respondent factory was not warranted.

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(b) Further observations made in the manner of promoting the respondent-2 to the promotional post be expunged.

7. In fact at the time of hearing the OA itself, we felt that the direction given to the respondent-1 factory to pay Rs.5000/- was on the higher side. We cannot agree with the respondent-1 factory to set aside the entire amount ordered to be paid to the applicant as contended by her. Considering the facts and circumstances we felt that the respondent-1 factory without waiting for the decision of Medical Board-the appellate authority promoted the respondent-2 for the post against roster point-34.

8. The respondents in their affidavit took the contention that the respondent-2 was appointed against the physically handicapped quota. The factory had not produced any material papers. Further in reply, the respondent-2 specifically stated that he had not claimed the post of Supervisor (NT/Storeess) against Physically Handicapped Quota. When the copy of reply filed on behalf of the respondent no.2 was served on a the respondent factory they should have checked and ascertained whether the respondent-2 was appointed against physically handicapped quota or not. Further they have not stated the reasons for non production of material papers which are now enclosed to R.A. when the application was heard.

9. Had the respondent factory brought the material papers the decision would have been different. Now the respondent factory attempted to state that the observations made in page-15 be expunged and also they pray for revocation of imposition of Rs.5000/- ordered to be paid to the applicant.

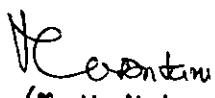
10. Considering the submissions made by the respondent factory and having considered the submissions made by the learned counsel for respondent factory we feel it proper to expunge the portion in para-15 commencing from the word " Because of the in para-15 of order in OA and ending with the word ...for the reasons best known to him."

11. We are not prepared to accept the submissions made by the learned counsel for the respondent factory to revoke the impugned order to pay Rs.5000/- to the applicant as compensation considering it to be on the higher side, we feel it proper to reduce it to Rs.1000/-.

12. Accordingly the following directions are given:-

- (a) The review application is allowed in part.
- (b) Portion in para-15 in the order commencing from the word " Because... and ending with the phrase ...for the reasons best known to him" shall be expunged.
- (c) In paras 15 and 18(iv) of the order the amount of Rs.5000/- shall be substituted by Rs.1000/-
- (d) Time for compliance in RA is 2 months from the date of receipt of a copy of this order.

12. With the above directions the RA is allowed in part.
No order as to costs.


(M.V. Natarajan)
Member (Admn.)


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

'SA'

Dated: 16th February, 2001
(Dictated in open court)

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