

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

Original application No. 291/00616/2016

Date of order: 29/07/2016

CORAM:

Hon'ble Mr. Sanjeev Kumar Kaushik, Judicial Member

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Pramod Goyal son of Shri Chand Goyal aged about 55 years, resident of 434, Mahaveer Nagar, Tonk Road, Jaipur. Presently working as AO Grade-II in the Department of Income Tax, Jaipur, Group 'B' service.

Applicant...

By : Amit Mathur, Advocate.

VERSUS

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, New Delhi.
2. Principal Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur.

Respondents...

ORDER

(Per : Mr. S.K. Kaushik, Judicial Member)

The present O.A has been filed by the applicant seeking issuance of a direction to the respondents to assign correct seniority to him by applying the principles of reservation in promotion for physically handicapped persons in Group 'A' and Group 'B' posts.

2. On commencement of hearing, learned counsel for the applicant submitted that before approaching this Court, the applicant had already submitted a representation on 23/03/2016 to the respondents, which has not been decided by them till today. He made a statement at the Bar that the applicant will be satisfied if a direction is issued to the respondents to decide his pending representation by passing a reasoned and speaking order.

3. We have given our thoughtful consideration to the entire matter and we are in agreement with the submissions of the applicant to direct the respondents to decide his pending representation more particularly when there is latest judicial pronouncement in his favour by the Hon'ble Supreme Court in case of **Rajeev Kumar Gupta & others Vs. Union of India & Ors** in Writ Petition No. 521/2008 wherein their Lordships have held that the physically handicapped persons are entitled for reservation in promotion also in Group 'A' and Group 'B' posts also.

4. In view of the above, we disposed of this OA directing the competent authority amongst the respondents to decide the pending representation dated 23/03/2016 of the applicant in the light of ratio laid down in the case of Rajeev Kumar Gupta (supra).

5. Let the above exercise be carried out within a period of four months from the date of receipt of a copy of this order.
6. It is made clear that while deciding the OA, we have not expressed any opinion on the merits of the case.
7. No order as to costs.


(Ms. Meenakshi Hooja)

Administrative Member


(Sanjeev Kumar Kaushik)

Judicial Member

Vv