

**Central Administrative Tribunal  
Principal Bench, New Delhi**

CP No.142/2015

In

OA No.2279/2004

New Delhi, this the 17th day of May, 2016

**Hon'ble Mr. P.K. Basu, Member (A)**

**Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Northern Railway Physically Handicapped

Employees Welfare Association

Through its President, Mukesh Gupta,

1/3146, Ram Nagar,

Loni Road, Sahadara, Delhi-110032.

.... Applicant

(By Advocate : Mr. Yogesh Sharma)

**Versus**

1. Sh. A.K. Mittal,  
Chairman,  
Railway Board, Rail Bhawan  
New Delhi.

2. A.K. Puthia,  
General Manager  
Northern Railway, Baroda House,  
New Delhi. .... Respondents

(By Advocate : Mr. VSR Krishna & Mr.Satpal Singh)

**ORDER (ORAL)**

**Hon'ble Mr. P.K. Basu, Member (A)**

We have heard the learned counsel for both sides.

2. Learned counsel for the respondents have filed compliance affidavit dated 26.04.2016, wherein they have stated in para 6 that promotion order in respect of 56 physically handicapped candidates have been issued on different dates and 76 promotions have already been made and similarly further promotions of physically handicapped is being taking place as per the directions of this Tribunal passed in OA No.2279/2003 on 30.04.2004 against handicapped quota in terms of DOP&T's Medmorndum NO. 36035/8.89-Estt. (SCT) dated 20.11.1989 and in terms of the directions for taking necessary action regarding implementation of the orders of Hon'ble High Court for provision of reservation in promotions to physically handicapped persons, the office letter No. 220-E/1893/Court Case RP Cell dated 20.11.2015 has been issued to all the concerned Divisions/ Units and workshops directing all the subordinate staff for implementation of above orders/ judgments for providing reservation to physically handicapped persons.

3. It is also indicated in the Railway Board letter about letter No. E(NGII/2009/RC-2/5 dated 27.08.2009 showing the list of posts identified which are suitable for physically handicapped persons issued under NRPS NO. 13634/2009.

4. In view of the above letter, learned counsel for the respondents states that they have substantially complied with the order of this Tribunal and present Contempt Petition may be closed.

5. Learned counsel for the applicant submits that according to the order of this Tribunal, the respondents were required to identify the posts for which the reservation to PH category in promotion had to be given and consider providing reservation to the physically handicapped candidates, who are eligible. It is the contention of the applicant that the posts are to be identified as per roster and as such, it is not possible for the members of the applicants association to know as to which are the posts against which they have to apply under physically handicapped quota.

6. We have perused the order passed in the OA and also the letters dated 20.11.2015 as well as the facts that the respondents have already promoted the 76 candidates under the physically handicapped quota in compliance of the order of this Tribunal and further promotions are in the process.

7. We, therefore, are satisfied that there has been substantial compliance of our order and there is no ground to substantiate that there is willful disobedience of our order by the respondents to attract the offence of the Contempt.

8. In view of the above, the Contempt Petition is closed. The respondents are discharged.

9. The respondents will, however, issue the list identifying the posts against which reservation is being given within a fortnight. The applicants would be at liberty to file fresh application in any case they are still dissatisfied with any decision of the respondents in regard to the promotion of physically handicapped candidates.

**(Dr. Brahm Avtar Agrawal)**  
**Member (J)**

**(P.K. Basu)**  
**Member A)**

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