

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 3992/2015
M.A. No. 252/2017
M.A. No. 1567/2016
M.A. No. 3655/2015

New Delhi, this the 23rd day of May, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

1. Vijay Rawat,
Age 38 years, Post : MTS
S/o Shri M.S.Rawat
R/o 135, Mohammadpur,
Govt. Colony, New Delhi-110066.

2. Pooran Singh Chauhan
S/o Sh. Vijay Singh,
Aged about 36 years, Post MTS
R/o 42/2, Sector-1, Pushp Vihar
M.B. Road, Delhi-110017.

.. Applicants

(By Advocate: Shri R.K. Shukla)

Versus

1. Union of India
Through The Secretary
Ministry of Social Justice & Empowerment
Department of Disability Affairs
5th Floor, Block-3, Paryavaran Bhawan
C.G.O. Complex, Lodhi Road,
New Delhi-110003.

2. The Chief Commissioner for Persons with Disabilities
Ministry of Social Justice & Empowerment
Department of Social Disability Affairs
5th Floor, Block -3, Paryavaran Bhawan
C.G.O. Complex, Lodhi Road,
New Delhi.-110003.

.. Respondents

(By Advocate: Shri B.K. Berera)

ORDER (ORAL)**By Mr. V. Ajay Kumar, Member (J)**

With the consent of both the counsel, the O.A. is taken up for final hearing and accordingly heard both the sides.

2. MA 3655/2015 filed for joining together is allowed.

3. The applicants were appointed as Peon (MTS) in the 2nd respondent – Chief Commissioner for Persons with Disabilities under the Ministry of Social Justice & Empowerment, Department of Disability Affairs on various dates on regular basis. The grievance of the applicants is that though they are eligible and qualified, the respondents are not promoting them to the post of LDCs on the ground that there are no recruitment rules for the same.

4. The learned counsel for the respondents drawn our attention to Annexure R-I filed alongwith the counter, i.e. the Office of the Chief Commissioner for Persons with Disabilities Recruitment Rules 2007, whereunder in respect of post of LDC, the recruitment is provided by way of deputation (including short term contract)/absorption and there is no provision for promotion and accordingly, the learned counsel for the respondents submits that

the applicants have no right for promotion to the post of LDC as the rules does not provide for the same, and prays for dismissal of the O.A.

5. It is the further case of the applicants that not providing promotional avenues to the category of Peons is illegal, arbitrary and violative of Articles 14 and 16 of Constitution of India, as similarly placed persons in other Ministries/Departments are having promotional avenues.

6. Learned counsel for the respondents submits that they have sent proposals to the Govt. for providing promotional avenues to the category of Peons by amending the above referred rules and the 2nd respondent vide Annexure A-3 dated 20.02.2015 has sought permission of the 1st respondent that pending approval and publication of amended recruitment rules, permission may be granted to give promotion to the 70% MTS staff to the post of LDC by seniority quota as mentioned in DoPT OM dated 11.07.2014. It is stated that the said proposal is still pending with the Govt.

7. In the circumstances, the O.A. is disposed of with a direction to the 1st respondent to take a final view on the proposal for amendment of the Office of the Chief Commissioner for Persons

with Disabilities Recruitment Rules 2007 within four months from the date of receipt of a certified copy of this order.

8. The applicant has not pressed MA Nos. 252/2017 and 1567/2016 and accordingly the same are disposed of. No order as to costs.

(SHEKHAR AGARWAL)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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