

**Central Administrative Tribunal
Principal Bench**

OA No.4016/2018

New Delhi, this the 23rd day of October, 2018

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

Prahlad Singh,
Group Instructor, Group B,
Aged about 57 years,
S/o Late Shri Partap Singh,
R/o 43-B, Navyug Adarsh Apartment,
F-Block, Vikas Puri,
New Delhi-110018
O/o ITI Jail Road,
New Delhi.

...Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
I.P. Estate, New Secretariat,
New Delhi.
2. Directorate of Training & Technical Education,
Through its Director,
Govt. of NCT of Delhi,
Muni Maya Ram Marg, Pitampura,
Delhi.

...Respondents

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard the learned counsel for applicant.

2. The applicant, who is presently working as Group Instructor,
under the respondents, filed the OA seeking the following reliefs :-

- “(i) To direct the respondents to promote the applicant to the post of Group Instructor and Vice Principal on regular basis in PH Category from due date with all consequential benefits including arrears of pay.
- (ii) To direct the respondents to promote the applicant to the post of Group Instructor and Vice Principal on regular basis against PH Quota from 1995 or any other date with all consequential benefits including arrears of pay.
- (iii) To direct the respondents to give similar treatment to PH category candidate (applicant) as given to other reserved category candidates in the matter of promotion to the post of Group Instructor and Vice Principal.
- (iv) To allow the OA with cost.
- (v) To pass such other and further orders which their Lordships of this Hon’ble Tribunal deem fit and proper in the existing facts and circumstances of the case.”

3. It is submitted that the applicant is a physically handicapped person and entitled to all the benefits under the said category. However, at the time of his appointment, though he belonged to PH category, but due to his merit, he was appointed in General Category without applying any reservation vide Annexure-A/2 Memorandum dated 24.08.1990. Thereafter, the respondents though required to consider the case of the applicant for all further promotions by treating him as physically handicapped person, by

conferring the benefits attached thereto, but did not treat him as such. Though they promoted the applicant belatedly to the next post of Group Instructor in 2013, but without applying the rule of reservation in PH category, accordingly, the applicant preferred number of representations including Annexure-A/9 (Colly) dated 13.06.2018 seeking to consider his case for all promotions including to the post of Group Instructor and further post of the Vice Principal by treating him as physically handicapped and by conferring the benefits attached thereto, but the respondents have not passed any orders thereon till date.

4. In the circumstances, the OA is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider the Annexure-A/9 (Colly) representation of the applicant dated 13.06.2018, and to pass appropriate speaking and reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a certified copy of this order. No costs.

Let a copy of the OA be enclosed to this order.

(A.K. Bishnoi)
Member (A)

(V. Ajay Kumar)
Member (J)

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