

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/852/2016

Date of decision: 26.07.2018

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

...

Rohtas Singh, S/o Sh. Nand Lal aged 50 years, working as Central Switch Board Operator (CSBO-II), Group 'C', under Western Command Composite Signal Regiment (WCCSR) Chandigarh.

**APPLICANT
VERSUS**

... APPLICANT

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi.
2. Commanding Officer, Western Command, Composite Signal Regiment, Chandimandir Cantt-134107.
3. Chief Record Officer, the Records Signals, Jabalpur (M.P.).

... RESPONDENTS

PRESENT: Sh. Jagdeep Jaswal, counsel for the applicant.
Sh. V.K. Arya, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. In this O.A. the applicant has impugned reply dated 26.11.2016 (Annexure A-1) to legal notice, being violative of judgment passed by the Hon'ble Supreme Court in Writ Petition (Civil) No.521 of 2008 in the case of **Rajeev Kumar Gupta and Others vs. Union of India and Others**, decided on 30.06.2016 (Annexure A-7).
2. After exchange of pleadings, matter came up for hearing today.

3. Learned counsel for the respondents vehemently argued that this petition is not maintainable as the applicant has impugned only a reply to legal notice, which is not an order.
4. Faced with the objection raised, Sh. Jaswal, learned counsel for the applicant submitted that vide communication dated 29.09.2016 (Annexure R-3), respondents themselves have admitted that in terms of decision by the Hon'ble Supreme Court in the case of Rajiv Gupta (supra), they have granted reservation to PWD candidates in Group 'A' and 'B' service also, as per admissible reservation. Therefore, he submitted that let respondents be directed to reconsider the claim of the applicant in the light of subsequent developments, as noted above.
5. Accordingly, we dispose of this O.A. with a direction to the respondents to consider the claim of the applicant for promotion to Group 'B' post in the light of decision in Rajeev Kumar Gupta's case and their own instructions dated 29.09.2016, whereby they have decided to extend benefit of reservation to PH category. Let the above exercise be carried out expeditiously and in any case not later than four months from the date of receipt of a copy of this order.
6. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 26.07.2018.
Place: Chandigarh.

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