

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/20/1450/2012

Dated: 22/03/2019

Between

Smt. B. Sri Krishna Veni,
D/o. B.V.S. Suryanarayana,
Aged 42 years, Dy. Transport
Commissioner, Kadapa,
R/o. D.No.1/705, Dwarakanagar,
Kadapa, YSR District. ... Applicant

AND

1. The Union Public Service Commission
Rep. by its Secretary,
Dholpur House, Shahjahan Road,
New Delhi.
2. The Union of India rep. by its
Secretary (Personnel),
Dept. of Personnel and Training,
Govt. of India, North Block,
New Delhi.
3. The Government of Andhra Pradesh
Rep. by its Chief Secretary,
General Administration Department,
Secretariat, Hyderabad.
4. The Government of Andhra Pradesh
Rep. by its Principal Secretary,
General Administration Department (Political),
Secretariat, Hyderabad.
5. The Government of Andhra Pradesh
Rep. by its Principal Secretary,
Women and Child Welfare and
Disabled Welfare Department,
Secretariat, Hyderabad. ... Respondents

Counsel for the Applicant : Mr. P.V. Ramana
Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC
Mr. B.N. Sharma, SC for UPSC
Mr. Ch. Srinivas, SC for A.P.

CORAM :

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admin. Member

ORAL ORDER

(Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant is an officer of Non-State Civil Service. She filed this O.A. feeling aggrieved by the action of the respondents in not providing reservation in favour of the physically handicapped candidates in the context of forwarding the list of officers to the UPSC and Central Government for the purpose of promotion to IAS. She contends that though the State Government is forwarding the list of State Civil Service and Non-State Civil Service for promotion, they are not implementing the reservation as provided for in Section 33 of Persons with Disabilities (Equal Opportunities, Protection of Rights, Full Participation) Act, 1995, particularly in favour of the Non-State Civil Service.

2. The respondents filed a counter affidavit opposing the O.A. They stated that the list of SCS & Non-SCS is forwarded every year to the UPSC and Central Government for promotion under the relevant rules and that there is no provision for reservation in promotions. Various other contentions are also urged.

3. We heard Sri P.V. Ramana, learned counsel appearing for the applicant and Shri Ch. Srinivas, learned Standing Counsel for the State Government of Andhra Pradesh.

4. The O.A. was filed way back in the year 2012. Thereafter as many as four annual promotions have taken place to IAS. As of now, there is no provision for reservation in favour of Physically Handicapped category candidates either in the State Civil Service or in Non-State Civil Service, in the context of promotion to the IAS.

5. Learned counsel for the applicant submits that in the recent past, the Hon'ble Supreme Court in the case of Pradeep Kumar held that such reservation is required to be followed in promotions, irrespective of the mode of appointment to IAS. If that be so, the applicant can put forward her case as and when list for promotion is forwarded in the immediate future. The O.A. is accordingly disposed of. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

pv