

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

OA No. 4018/2014

this the 25th day of April, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member(J)

Sh. Siriya
Age 50 years
Beldar
S/o Sh. Ram Chander
R/o House No. 140, Gali No. 4
Behari Pur Extension, Khazuri, Delhi-110094.

... Applicant

(None)

Versus

Delhi Jal Board (DJB)
Through Chief Executive Officer
Varunalaya, Karol Bagh
Govt. of NCT of Delhi.

....Respondent

(By Advocate :Mr. Rajeev Kumar)

ORDER (ORAL)

Ms. Nita Chowdhury:

None appeared for the applicant today.

2. On previous date, i.e. 24.04.2019 also, nobody appeared for the applicant and hence, he was given another opportunity to present his case.

3. This case is of 2014, which has come up 21 times now and hence, it is being disposed of in terms of Rule 15 of CAT (Procedure) Rules, 1987 after perusing the OA and hearing learned counsel for respondent.

4. This OA has been filed by the applicant seeking following reliefs :-

- “i. Call for the records of the appointing authority with respect to the appointment as well as promotion for next higher post of fitter of the applicant.

- ii. Direct the respondent to pass an order to grant promotion to the next higher post of Fitter from Beldar.
- iii. Direct the respondent to release the arrears in lieu of the promotion to the post of Fitter from the date of entitlement.”

5. In response to the demand that the respondent to pass an order to grant promotion to the next higher post of Fitter from Beldar, the respondents have stated that there is no provision in the rules to promote a person simply because he has been handicapped. Promotions are to be based on rules as laid down for all employees in the organisation and in view of the fact that there is no rule for accelerating promotion on the ground that somebody is handicapped, the same could not be given to him.

6. The next prayer made by the applicant to release arrears in lieu of his promotion, as replied by the respondents above, no promotion is due to the employee and as there is no scheme for accelerating promotion just because some employee becomes handicapped, the question of giving any arrears does not arise.

7. Besides that the respondents point out that the applicant has given various other applications with regard to conveyance allowance and they have, in fact, taken action on the same and the DJB has allowed him the conveyance allowance at double the prescribed rates as he was handicapped and conveyed the same vide order dated 21.11.2005. They have also provided a copy of the same with their counter reply. Similarly, they have also brought to our attention that he had made a representation for appointment/employment of his son on compassionate basis as he was handicapped. They point out that there is no such scheme for giving compassionate appointment and, hence, the same was not accepted.

8. From the relief claimed for in this OA and from the reply given by the respondents, it is amply clear that the applicant has not been able to make out any case for grant of either out of turn promotion, as the said prayer has not been found valid and as such, no direction can be given with regard to payment of any arrear in the non-allowable promotion or grant of compassionate appointment to his son.

9. As a consequence of the factual position stated above, the OA is dismissed. No costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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