

**Central Administrative Tribunal
Principal Bench**

OA No.4216/2018
MA No. 4749/2018

New Delhi, this the 19th day of February, 2019

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

1. Disabled Employees Association
Of Railways (Regd.), through
its General Secretary,
Mr. Mukesh Gupta (aged about 50 years)
Account Assistant,
N.Rly. Baroda House, New Delhi
S/o Sh. BL Gupta,
R/o C-5/81, Ground Floor,
Sector 11, Rohini, Delhi-110085
2. Hira Lal (aged about 56 years)
S/o Sh. Hari Singh,
Office Superintendent, Group 'C',
North West Railway,
Ajmer Division Ajmer (Rajasthan)
R/o 266-H, Babu Line, Topthada
Ajmer (Rajasthan) - Applicants

(By Advocate: Mr. SP Sethi)

Versus

Union of India through its

1. Chairman,
Railway Board,
Ministry of Railways,
New Delhi-110001
2. The Member Staff,
Railway Board,
Ministry of Railways,
New Delhi-110001 - Respondents

ORDER (ORAL)

Ms. Nita Chowdhury, Member (A):

MA No. 4749/2018 for joining together is allowed for the reasons recorded therein.

2. This Original Application (OA) has been filed by the applicant, seeking the following reliefs:-

- “(i) That this Hon’ble Tribunal may graciously be pleased to pass an order directing the respondents to implement the office memorandum dated 20.11.1989 bearing No.3035/8/89-Estt (SCT) issued by Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) Govt. of India to all the Ministries/Department including respondents giving reservation in promotion to all eligible employees of Indian Railways with retrospective effect on the same line as directed by this Hon’ble Tribunal in OA No. 2279/2003 decided on 30.4.2004 which has since been implemented over Northern Railway.
- (iv) pass any other order/orders which deem fit and proper in the interest of justice.”

3. When the matter is taken up, counsel for the applicants is able to show that this matter of reservation in promotions for PWDs, has already been allowed up to the level of Hon’ble Supreme Court and subsequent to that, orders have even been passed by the Railway Board and Office Memorandum has also been issued for implementation of the same.

4. The only point raised in this OA is that the implementation has been restricted to Northern Railway, though the order should have been issued by the Railway Board to all the Railways zones across the country.

5. In view of the aforesaid facts and circumstances, the applicants of this OA are permitted to give a detailed representation to the Railway Board and a copy of this OA may also be included in the representation. Thereafter, the respondent – Railway Board are directed to pass a detailed and speaking order within a period of 90 days from the date of receipt of copy of such representation. They must clear how and why the rules relating to PWDs will not be extended to all the Railway Zones across the country, as has been done earlier in the case of the Northern Railway.

6. With the above directions, the OA stands disposed off at the admission stage itself.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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