

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

**Original Application No.1280/2012
Date of Order : 04.06.2019**

Between :

Shri M.Ramana Reddy, aged 36 years,
S/o Ganga Reddy, Occ : Commercial
Porter / Nizamabad Railway Station,
S.C.Railway, Nizamabad. ... Applicant

And

UOI rep. by its

1. The General Manager,
South Central Railway,
Secunderabad.

2. The Divisional Railway Manager (P),
Hyderabad Division, S.C.Railway,
Secunderabad. ... Respondents

Counsel for the Applicant ... Mr. G.Pavana Murthy,, Advocate
Counsel for the Respondents ... Mrs.A.P.Lakshmi, S.C. for Rlys.

CORAM:

**Hon'ble Mr.Justice L.Narasimha Reddy ... Chairman
Hon'ble Mr. B.V.Sudhakar ... Member (Administrative)**

ORAL ORDER

[As per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman]

The applicant is a visually handicapped person. He was appointed as a Commercial Porter in 1998 in pay scale of Rs.2550-3200 in South Central Railway and was posted at Nizamabad. He made a

representation on 26.09.2011 with a prayer to consider his case for promotion to the post of Commercial Clerk in the pay scale Rs.5200-20200 with Grade Pay of Rs.2000/-. Through a communication dated 20.10.2011, the respondents informed the applicant that the post of Commercial Clerk is not among those specified categories, certified for visually handicapped persons. The same is challenged in this OA. The applicant contends that the stand taken by the respondents is untenable and contrary to the law laid down by the Hon'ble Supreme Court.

3. The respondents filed the reply statement opposing the OA. They stated that the reply reflected the rule position that existed at the relevant point of time.

4. We heard Mr. G.Pavana Murthy, learned counsel for the applicant and Mrs.A.P.Lakshmi, learned standing counsel for the respondents.

5. Substantial development has taken place during the pendency of the OA. It is stated that the post of Commercial / Reservation Clerk was identified as the one, available for promotion from the category of Commercial Porters who are visually handicapped. Post to the extent of 33 1/3% of the vacancies are earmarked for this purpose. Through a letter dated 26.12.2018 the respondents informed the Tribunal that an

application form has been handed over to the applicant herein, conferring eligibility to apply for the post.

6. Across the Bar it is stated that the selection to the post of Commercial / Reservation Clerk in the concerned division is stalled on account of the interim order passed in another OA. We, therefore, direct that the case of the applicant shall be considered in the selections for the post of Commercial/Reservation Clerks, whenever it becomes permissible.

7. The OA is accordingly disposed of. There shall be no order as to costs.

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

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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