

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI****MISCELLANEOUS APPLICATION No.210/00275/2019
IN
ORIGINAL APPLICATION No.210/00484/2017****Dated this Friday, the 11th day of October, 2019****CORAM : R.VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)**

Nirbhay Pratap Chand Kaushik,
NGK01061961SOH061987,
Assistant Director (Horticulture), Group B (Gaz.),
aged 56 years, Horticulture Sub Division Pune, CPWD,
and residing at: Flat No.7, 4th Floor,
Prateek Regency, Sneh Paradise Society,
Rambaug Colony, Kothrud, Pune 411 038. **- Applicant**
(By Advocate Shri A.I.Bhatkar)

Versus

1. The Union of India, Through the Director General,
Central Public Works Department (CPWD),
Nirman Bhavan, New Delhi 110 011.
2. The Deputy Director General (Horticulture),
Central Public Works Department (CPWD),
R.No.236, A Wing, Nirman Bhavan, New Delhi 110 011.
3. The Dy. Director (Hort), CPWD Mumbai,
Central Hort. Division, Nirman Sadan, Sec-1,
CGHS Colony, Antop Hill, Koliwada,
Mumbai 400 037. **- Respondents**
(By Advocate Shri N.K.Rajpurohit)

ORAL ORDER**Per: R.VIJAYKUMAR, MEMBER (A)**

This application has been filed on
08.07.2017 under Section 19 of the
Administrative Tribunals Act, 1985 seeking

the following reliefs:

"8(a). This Hon'ble Tribunal will be graciously pleased to call for the records and proceedings pertaining to the issuance of the impugned order dated 03.08.2017 and after going through the legality and validity of the same, quash and set aside the same, qua the Applicant.

8(b). This Hon'ble Tribunal will be graciously pleased to pass such other and further orders as deemed fit in the facts and circumstances of the case.

8.c). Cost of this application be awarded to the Applicant."

2. Heard the learned counsels for the parties.

3. This matter has been kept pending before this Tribunal for the reason that after the judgment passed by the Hon'ble Apex Court in **Rajiv Kumar Gupta and others Vs. Union of India and others**, Civil Appeal No.5389/2016 arising out of SLP (Civil) No.244/2016 dated 30.06.2016 granting 3% reservation for Persons With Disability (PWD) in all identified posts in Group A and Group B cadres irrespective of the mode of filling up that post, the matter was considered in **SLA (C) No.24994/2016 in Siddaraju Vs. State of Karnataka and Others** dated 03.02.2017 and was referred to a larger Bench and remains to be considered by such a larger Bench. It is

trite that such orders will be binding on all parties.

4. In case such orders are passed eventually by the Hon'ble Apex Court, the applicant and the respondents are bound by law as settled by the Hon'ble Apex Court and there is no purpose in keeping the matter pending before this Tribunal.

5. In these circumstances, the MA is allowed and OA is disposed of with a direction to the respondents to deal with the issue in terms of the law to be laid down by the Hon'ble Apex Court finally. In the meantime, status quo ordered during the hearing held on 14.08.2017 with regard to the applicant shall continue. No costs.

(Ravinder Kaur)
Member (Judicial)

(R. Vijaykumar)
Member (Administrative)

kmg*

JD
22/10/19

