
(2021) 02 CAT CK 0135

In the Central Administrative Tribunal

Case No : Original Application No. 425 Of 2021, Miscellaneous Application No. 528 Of 2021

Dilip Kumar

APPELLANT

Vs

Govt. Of NCT Of Delhi & Others

RESPONDENT

Date of Decision : 24-02-2021

Acts Referred:

Rights Of Persons With Disabilities Act, 2016 — Section 79(1)

Citation : (2021) 02 CAT CK 0135

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Dinesh S. Badiar, Esha Mazumdar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The Department of Social Welfare, Govt. of NCT of Delhi, issued an advertisement dated 15.10.2019, inviting applications for the post of Commissioner (Persons with Disabilities), as per the provisions of the Section 79 (1) of the Rights of Persons with Disabilities Act, 2016. Later on, the last date of submission of applications was extended till 20.11.2019, through a Corrigendum. The applicant, 4th respondent and several others applied. The 4th respondent is said to have been selected and appointed to the post of Commissioner (Persons with Disabilities) through notification 22.01.2021. This OA is filed challenging the appointment of the 4th respondent.

2. The applicant contends that the 4th respondent did not hold the requisite educational qualifications and experience and despite that he was selected. He further contends that he possesses superior qualifications and ought to have been appointed and selected.

3. We heard Shri Dinesh S. Badiar, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

4. The Delhi Administration intended to appoint the Commissioner (Persons with Disabilities) as part of the statutory obligation. Having regard to the importance of the post, not only the educational qualifications, but also the experience of 20 years in Central/State Governments in Group 'A' service is stipulated. The applicant has made available, the comparative statement prepared by the respondents, as regards the qualifications held by various candidates. The name of the 4th respondent figured at Sl. No.9. His qualifications are mentioned as under :-

Sl.

No.

Name of Applicant

Date of Birth

Educational Qualification

Experience

Receipt Dairy and Date

RCI

9.

Sh. Ranjan Mukherjee

31.01.1961

MBA, B.Sc.

1.As Air commodore (1984-2018) in Ministry of Defence, GOI As Addl. DG (2014-17) in Prasar Bharati 2. As Advisor in Ministry of Agriculture (2018-2019)

2905 dated 04.11. 19

In contrast, the qualifications held by the applicant are as under :-

Sl.No.

Name of Applicant

Date of Birth

Educational Qualification

Experience

Receipt Dairy and Date

RCI

26.

Sh. Dilip Kumar (2 applications received)

10.12.1969

L.L.B, B.M.R

1.Placement trainee in Blessing (April 2000- July2000) 2. Master Trainer Programme in NIMH (20 Aug 2007- 24 Aug 2007) 3. Principal in Mother Home (2000-

5138 dated 14.11. 19 & 5259 dated 20.11. 19

A0 51 63

5. A perusal of the qualifications of the 4th respondent on the one hand and those of the applicant on the other hand, discloses that the applicant did not hold any post in the Central Government or State Government or PSU, much less in Group 'A' service. In contrast, the 4th respondent held higher posts in the hierarchy in the Air force. Once it emerges that the applicant was not qualified at all, the question of his challenging the appointment of the 4th respondent does not arise.

6. We, therefore, do not find any merit in the OA and the same is, accordingly, dismissed.

MA No.528/2021 also stands disposed of.

There shall be no orders as to costs.