

(2011) 04 DEL CK 0272

In the Delhi High Court

Case No : Writ Petition (C) No. 18765-67 of 2005

Union of India (UOI) and Others

APPELLANT

Vs

Smt. Dropadi Seth

RESPONDENT

Date of Decision : 05-04-2011

Acts Referred:

Citation : (2011) 04 DEL CK 0272

Hon'ble Judges : Veena Birbal, J;Anil Kumar, J

Bench : Division Bench

Advocate : R.V. Sinha and A.S. Singh, for the Appellant; S.K. Gupta, for the Respondent

Judgement

Anil Kumar, J.—The Petitioners - Union of India through Secretary, Ministry of Finance, Department of Revenue and Ors. have challenged the order dated 17.12.2004 passed by the Central Administrative Tribunal, Principal Bench in O.A. No. 1952/2003 titled as Smt. Dropadi Seth v. Union of India and Ors. whereby the Tribunal had directed the Petitioner to consider the applicant's claim for benefit of reservation for physically handicapped persons on the post of Assistant Director (Official Language) - Group "B", by passing a detailed and speaking order within a period of one month from the date of availability of recommendations of UPSC. It was further ordered that the Respondent shall be allowed to hold the post of Assistant Director (Official Language) on the basis of the arrangement existing on that date.

2. The Petitioners have also challenged the order dated 23.03.2005 passed in R.A. No. 19/2005 in O.A. No. 1952/2003 whereby it was clarified that the time limit of one month will be applicable from the date of communication of the order passed in the review application.

3. The contention of the learned Counsel for the Petitioners is that there is no reservation to the physically handicapped persons in Group "A" and Group "B" posts and reliance has been placed on DOP&T O.M. No. 36035/4/2003-Estt.

(Res.), dated 08.07.2003 stipulating that reservation for the persons with disabilities is available in case of direct recruitment to identified Groups "A", "B", "C" and "D" posts and also in cases of promotion when promotions are made within Group "D", from Group "D" to Group "C" and within Group "C" posts. It is, thus, contended that no reservation on account of physical handicap is available for promotion to Group "A" and Group "B" posts. According to learned Counsel for the Petitioner, the promotion of the Respondent was in Group "B" post.

4. The learned Counsel for the Respondent, on instructions, has contended that the Respondent had superannuated on 30.04.2007 and consequently the relief granted to the Respondent has become illusory and it is now only academic. The learned Counsel for the Petitioners contends that the same issue is pending adjudication in other petitions which are pending before this Court.

5. Consequently, the present petition is disposed with the observation that the findings of the Tribunal in the impugned order will not be final and will not be a precedent. The relief granted to the Respondent had been stayed by this Court and now it has become infructuous as the Respondent has already superannuated. Whether there should be reservation or not for physically handicapped persons in Group "B" and Group "A" posts pursuant to the O Ms referred to by the Petitioners shall be decided in appropriate cases.

6. With these directions, the writ petition is disposed of. All the pending applications are also disposed of. Parties are left to bear their own costs.