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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2205/2017 & CM Nos.9562-63/2017

SHEEJA JOSHY

..... Petitioner

Through: Mr. Jose Abraham & Mr. P.V.
Saravana Raja, Advocates

versus

AIIMS & ANR

..... Respondents

Through: Mr. A.K. Singh & Mr. R.K. Gupta,
Advocates for respondent No.1
Mr. Roshan Lal Gupta & Ms. Anju
Gupta, Advocate for respondent No.2

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **10.03.2017**

Learned counsel for the petitioner accepts that the petitioner was not eligible for benefit of reservation under Section 33 of **Persons With Disabilities** (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ('Disabilities Act'). Clause (t) to Section 2, defines a "person with disability" to mean a person suffering from not less than 40% disability, as certified by a Medical Authority. This criteria is not satisfied.

The petitioner has placed two disability certificates on record. The first certificate dated 20.1.2010, affirms that the petitioner has physical

locomotive disability to the extent of 15% permanent impairment. The second certificate dated 11.9.2013 states that the petitioner is physically disabled and has 25% mild permanent impairment in relation to locomotion functioning.

The petitioner is a case of traumatic amputation of middle and ring fingers on her left hand.

This being the position, the petitioner is not a “person with disability” as defined by Section 2(t) of the Disabilities Act and, therefore, was not eligible.

Learned counsel for the petitioner submits that the petitioner is entitled damages and compensation as the Call Letter dated 8.2.2014 was issued and the petitioner had resigned from her private employment. Thereafter, the petitioner was not given the joining letter, forcing her to file W.P. (C) No. 2972/2014 before the Delhi High Court, which was transferred to the Principal Bench of the Central Administrative Tribunal and numbered TA No. 3/2014.

Regarding the question of damages, we notice that assertions in the TA No. 3/2014 were vague and proper pleadings were not made. Complete and full facts regarding the alleged pecuniary loss, etc. were not asserted and

pleaded. Moreover, the petitioner also should have been aware of the legal position enunciated under Section 33 of the Disabilities Act.

This being the position, we do not see any reason to interfere with the impugned order dated 3.8.2016 dismissing TA No. 3/2014. The writ petition is dismissed. The pending applications are also dismissed.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 10, 2017
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