IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-12009-2011
Date of Decision: 14.10.2025

Radhey Shyam Sharma and others
...Petitioners

Versus

Union of India and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Hitesh Malik, Advocate, for the petitioners.

Mr. Arvind Moudgil, Senior Standing Counsel, (Through V.C.) with Ms. Ishal Bhukal, Advocate, for respondent Nos.1 to 3-UOI.

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<u>HARSIMRAN SINGH SETHI, J. (ORAL)</u>

1. In the present petition, the challenge is to the order dated 11.02.2011 (Annexure P-15) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), and to order dated 05.05.2011 (Annexure P-17) passed by the Tribunal in Review Application filed against said order dated 11.02.2011, by which, the claim of the petitioners that they are entitled for promotion to the post of Income Tax Officer on the basis of the reservation provided to the specially abled employees, which should be implemented from 20.11.1989, though the same has been implemented from the year 1996.

2. At the very outset, learned counsel appearing for the petitioners argues that the impugned judgment of the Tribunal only recites that the benefit of reservation is to be given from the date of instructions dated 29.12.2005 and all the previous instructions cannot be accepted as the earlier

instructions stand superseded in view of the said instructions dated 29.12.2008 hence, at least the petitioners are entitled to the said benefit from 29.12.2008, especially in view of the fact that there is no dispute that the petitioners suffer with the disability and are covered under the The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, implementation of which, the instructions dated 29.12.2005 were issued. Learned counsel for the petitioners submits that keeping in view the roster provided under the instructions dated 29.12.2005, the claim of the petitioners should have been considered for further promotion to the post of Income Tax Inspector and thereafter as Income Tax Officer.

3. Learned counsel appearing on behalf of the respondents is not able to dispute the fact that the instructions dated 29.12.2005 were to be brought into operation for the grant of reservation in promotion to the specially abled persons, who are covered by the said instructions dated 29.12.2005. Learned counsel for the respondents submits that as of now, keeping in the facts which have been brought on record, the petitioners have already been promoted to the post of Income Tax Inspector and thereafter, to Income Tax Officer and have also retired from service. Learned counsel for the respondents submits that in case, the benefit admissible to the petitioners for promotion to the post of Income Tax Inspector and Income Tax Officer, as the case may be, by grant of reservation under The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, coupled with the instructions dated 29.12.2005, which will result in promotion from a date prior to the date which has

already been given, the case will be examined and appropriate order will be passed within a period of four months of the receipt of the copy of this order. In case, it is found that the relief is admissible to the petitioners, the same will be given, otherwise due reasons will be mentioned in the said order not accepting the claim of the petitioners, which reasons will be conveyed to the petitioner for their information and necessary assistance.

4. Learned counsel for the petitioners submits that in view of the statement made by learned counsel for the respondents, the present writ petition be disposed of as not pressed.

5. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

October 14, 2025
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Whether speaking/reasoned Yes
Whether reportable No