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

+ W.P.(C) 1769/2011 and CM APPL. 61080/2025

MUKESH KUMAR BHATIA

.....Petitioner

Through: Mr. Pankaj Sinha, Ms. Garima,
Ms. Humaira Salam, Mr. Sunil
Kumar Tiwari and Mr. Shyam
Adv. with Petitioner in person.

versus

DDA AND ORS

.....Respondents

Through: Mr. Arun Birbal and Mr. Sanjay
Singh Adv, Adv. for R-1/DDA
Ms. Shiva Lakshmi and Mr.
Madhav Bajaj, Adv. for R-2
and R-3.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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13.01.2026

1. Through this Writ Petition, the Petitioner assails the correctness of the order passed by the Central Administrative Tribunal [hereinafter referred to as 'CAT'] on 03.06.2008.
2. In substance, the Petitioner being a person of disability, prays for accelerated promotion, under the Provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Petitioner was appointed as a Lower Division Clerk (LDC) in the year 1982, whereas he was promoted as Upper Division Clerk (UDC) on 20.11.1989. On 10.01.2000, he was promoted on adhoc basis as an Accountant. He retired in the year 2020.



3. The Tribunal dismissed the petition on the following two grounds:-

(i) The post, the Petitioner's claims is earmarked to be filled by a SC/ST candidate.

(ii) The Accountant is a Group 'B' Post and as per instructions there is no reservation for person with disability in Group 'B' Post.

4. During the pendency of the Writ Petition, the Hon'ble Supreme Court in ***Rajeev Kumar Gupta & Ors. Vs. Union of India & Ors. 2016 (13) SCC 153***, has held that the person with disabilities are entitled to promotion in all the Groups including Group 'A' and 'B'. Pursuant thereto, the Office Memorandum has been issued by the Ministry of Personnel, Public Grievances and Pensions Department to the same effect.

5. In these circumstances, the CAT is required to re-consider the entire claim of the Petitioner. It has to be examined by the Tribunal (i) whether the post against which the Petitioner claims promotion was available for promotion in the category of PwD; (ii) whether the Petitioner was the senior most person available under person with disability category; (iii) what is the effect of granting promotion, if any, to the petitioner, upon the seniority of other persons; (iv) whether the petition would be maintainable in absence of impleadment of other persons who are adversely effected.

6. Keeping in view the aforesaid facts, it will be appropriate for the Court of first instance to re-consider the entire matter. However, taking into consideration the effect that the Petitioner filed the original petition in the year 2006 which was subsequently transferred to the



CAT in the year 2007, the Tribunal is directed to make sincere effort for expeditious disposal of the petition preferably within next three months. The parties through their counsel are directed to appear before the Tribunal on 03.02.2026.

7. In view of the above, the present Writ Petition, along with pending application, is disposed of.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 13, 2026/sp/kb