

IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 23132/2005

ALL INDIA CONFEDERATION OF THE BLIND

Through Mr. Rajan Mani, Advocate.

..... Petitioner

Versus

UOI (M/O RAILWAYS)

Through Mr. Sudhir Najdrajog for R-1.

Ms. Geetanjali Mohan for UOI.

..... Respondent

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

20.01.2009

We have perused the report of Registrar (Vigilance) dated 6th January, 2009. By this report, the Registrar (Vigilance) has accepted the joint report submitted by learned counsel for the parties is proper and in order. The salient features of the said report read as follows:-

(i) Since there is no direct recruitment to Group B Posts, the provision of PWD Act would not apply to any post in the said category.

(ii) The calculation of posts to be treated as reserved for disabled categories has been worked out taking into account the cadre strength of all categories including safety category which is otherwise sought to be treated as exempt from reservation?

(iii) The joint report brings out the shortfall in the recruitment of disabled persons which is to the extent of 66 posts in Group A? (From the year 1996 up to the year 2007) and 2377 and 1811 in Group C? And Group D? Posts respectively (from the year 1996 up to 31.10.2008)

(iv) The information about Group C? and Group D? categories, as given in Table-I annexed to the joint report, shows that out of the 24 Zones/Production Units of the Railways, as many as 11 have not been maintaining the Roster till date. However, there is an assurance held out by respondent/Railways vide their

affidavit dated 26.11.2008 that the Roster System would be adopted within the time indicated by each zone.

(v) The recruitment to Group A? Posts being through UPSC, the information on maintenance of roster separately given (in Annexure A? to the affidavit of Mr. Iranius Tirki) shows that UPSC has been maintaining Roster System from the Year 2006 onwards, for such category?

2. In the Writ Petition W.P. (C) 15828/2006, National Confederation of Blinds Vs. Union of India and Others, the court vide its order dated 19th December, 2008 has directed the Union of India to constitute a Committee consisting of Chief Commissioner for Disabilities, Joint Secretary, Department of Personnel and Training, Secretary, Ministry of Social Justice and Empowerment and Joint Secretary, Staff Selection Commission. The committee has been directed to take steps for recruitment drive in respect of the vacancies in disabled category in Group A, C and D posts by special recruitment drive by organizing centralized recruitment against backlog so as to fill up the vacancies by utilizing at least 50% of the vacancies available and fill up the remaining vacancies by 31st December, 2010.

3. In the report of the Registrar (Vigilance), it is seen that there are shortfalls of 66 posts in Group A and 2377 posts and 1811 posts in Group C and D respectively in the Railways.

4. The Committee is hereby directed to take steps for launching a special recruitment drive to fill up backlog of vacancies so as to fill up 50% of the available posts in the respective Zones/Production Units for this purpose alone. The Committee shall further organize special recruitment drive so as to fill remaining vacancies by 31st December, 2010. The respondent No.1 is directed to Issue instructions to all Zones/Production Units as well concerned recruiting agencies not to undertake any recruitment drive unless they make provision for the reservations for persons with disability in terms of order of this Court and clearance is granted by the above Committee.

5. Counsel appearing for the petitioner has pointed out that recruitment for GroupA posts is being conducted by the UPSC. Therefore, we direct that UPSC shall also be a part of the above Committee in so far as recruitment for Group A posts is concerned.

6. It is seen from the report that as many as 11 Zones/Production Units are not maintaining the Roster as required by the Office Memorandum 2005. The

concerned Zones/Production Units shall prepare the Roster in terms of Office Memorandum 2005 within three months from today.

7. The joint report filed by the counsel for the parties and affidavit dated 26th November, 2008 filed by the respondent shall be placed before the Committee for necessary action.

8. Let the petition be posted for hearing along with W.P(C) No.15828/2006 on 6th April, 2009.

CHIEF JUSTICE

SANJIV KHANNA, J

JANUARY 20, 2009