

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).5 0 7 2 / 2 0 0 6

(From the judgement and order dated 2 8 / 1 0 / 2 0 0 5 in W P No. 8 6 6 5 / 2 0 0 5 of  
The HIGH C O U R T O F M A D R A S)

T.E. R A D H A

Petitioner(s)

VER SUS

J T.COM N R .C U S T O M S ( P . & V I G I L A N C E ) & O R S .

Respondent(s)

(With appln(s) for permission and prayer for interim relief and office report ))

Date: 3 1 / 0 7 / 2 0 0 8 This Petition was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E A . K . M A T H U R

H O N ' B L E M R . J U S T I C E D A L V E E R B H A N D A R I

For Petitioner(s)

Mr. Raghavendr a S. Srivastava, Adv.  
Mr. Subra mo niu m P r a s a d, Adv.

For Respondent(s)

Ms. Rash mi Malhotra, Adv.  
Mr. B. Krishn a P r a s a d, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner submits that the  
petitioner has already been promoted by Order dated 2 5 . 7 . 2 0 0 7 as  
Inspector (Preventive Officer) purely on adhoc basis. Learned counsel  
submits that persons junior to her

-2-

have already been promoted with effect from 2 0 . 1 0 . 2 0 0 3 . Therefore,  
she should also be considered to be promoted from retrospective date.

In some cases, the department has not insisted for the physical test.

Therefore, she should not be asked to go for a physical test because she  
is being recruited/promoted against a Physical Disability Act only.

Therefore, no physical test is required. The only question is that

whether she should be adjusted against any field posting of the

Inspector (Examiner) or that she can be promoted on an equivalent

post in the office where it does not require any field work. We cannot

spell which post is suitable looking to her disability but she should not

be made to suffer on account of the disability and she should be given a

post of equivalent status. So far as giving the promotion from the back date is concerned, we do not accede to that request.

However, we again reiterate that the petitioner has now been appointed though on adhoc basis will be allowed to work on regular basis and she may be given this post or an equivalent post which does not require any field duties but her status as Inspector (Examiner) shall not be disturbed.

The Special Leave Petition is accordingly, disposed of.

(Sukhbir P a u l K a u r)  
Court Master

(Vijay Dhawan)  
Court Master