



न्यायालय मुख्य आयुक्त निःशक्तजन
Court of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.120/1013/12-13

Dated:- 14.03.2013

In the matter of:

Shri Amit Kumar,
C/o Aditya Narayan,
65, Jaimeeni Park, Gali No. 02,
Nanglisakrawati, Najafgarh, New Delhi.

..... Complainant

Versus

Staff Selection Commission (Eastern Region),
Through Regional Director,
Nizam Palace, 1st M.S.O. Building (8th Floor),
234/4, A.J.C. Bose Road, Kolkata-700020.

..... Respondent No. 1

Staff Selection Commission,
Through Regional Director (CR),
21-23, Lowther Road, Allahabad, U.P.-211002.

.... Respondent No. 2

Central Board of Director Taxes,
Through the Chairman,
Ministry of Finance, North Block,
New Delhi-110001.

.... Respondent No. 3

Date of hearing : 11.03.2013

Present :

1. Shri Amit Kumar, Complainant.
2. None for the Respondent.

RECORD OF PROCEEDINGS

A letter dated 11.03.2013 has been delivered by Staff Selection Commission, New Delhi just before the hearing commenced, stating inter-alia that the Staff Selection Commission had sought a clarification from CBDT who has not given any specific views/recommendations in their reply dated 08.03.2013. The Commission has, therefore, requested CBDT to give specific views regarding suitability/acceptability of the candidates with disability in both legs for the post of Inspector of Income Tax vide their letter dated 11.03.2013.

2. The complainant reiterated his written submissions and added that he had given a range of choices following the conclusion of the main examination which was done on-line and Inspector of Income Tax was his first choice. As the post is identified for persons with disability in both legs, he should be immediately allocated the service.

.....2/-

3. It is observed that the fact the post of Inspector of Income Tax is identified for persons with disability in both legs was made clear in the letter of this Court dated 8.11.2012. Therefore, even if Staff Selection Commission did not receive a clear response from the CBDT, they could have allocated the service to the complainant and recommended him for appointment. It is further observed that there is a lapse on the part of Staff Selection Commission **in not including BL category of persons with locomotor disability** as one of the permissible sub-category of disability in its notice for Combined Graduate Level Examination, 2011 which was published in Employment News dated 19.03.2011. It is, however, seen that Staff Selection Commission in subsequent notice of examination pertaining to the years 2012 and 2013 respectively have included BL sub-category as one of the permissible categories of disability for the said post of Inspector of Income Tax quoting Ministry of Social Justice & Empowerment's Notification No.16-70/2004-DD.III dated 15.03.2007.

4. In the light of the above facts, there appears no valid ground to delay allocation of appointment of the complainant as Inspector of Income Tax any further. To meet the ends of justice, it would be appropriate if the Staff Selection Commission forthwith recommends the appointment of the complainant as stated above and the CBDT accordingly accepts and appoints the complainant as Inspector of Income Tax without this Court having to issue a further directive including an ex-parte directive, if nobody represents Staff Selection Commission and CBDT in any prospective hearing. The respondents are expected to appreciate that justice delayed is justice denied and that justice should not only be done but should also appear to have been done.

5. Action taken in respect of the above advice be intimated to this Court by the respondents, namely, Staff Selection Commission and CBDT within 30 days from the date of receipt of this Record of Proceedings.

Sd/-
(P. K. Pincha)
Chief Commissioner
for Persons with Disabilities