



सत्यमेव जयते

**न्यायालय मुख्य आयुक्त विकलांगजन**  
**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES**  
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities  
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment  
भारत सरकार / Government of India

Dated: 17.08.2017  
Dispatch No.....

Case No.: 1231/1024/2014

In the matter of :

Shri Gogineni Rajababu, R2880  
Door No.74-20-3,  
Flat No.301, R.S. Towers,  
Ashok Nagar,  
Vijayawada,  
Krishna Dist.,  
Vijayawada,  
Andhra Pradesh – 520 007  
Email<rajababugogineni9@gmail.com>

.....Complainant

Versus

Life Insurance Corporation of India,  
(Through the Zonal Manager)  
Zonal Office,  
Jeevan Bhagya,  
Secretariat Road,  
Saifabad,  
Andhra Pradesh – 500 063  
R2881

.....Respondent

Date of Hearing : 06.04.2017

Present :

1. Shri Gogineni Rajababu, Complainant Present
2. Shri L. Tarakaram, Manager (PIR), DM, LIC of India, Divisional Office, Machilipatnam, A.P. and Shri C.V.B. Subrahmanyam, Admin, Officer, LIC of India, Machilipatnam, A.P, on behalf of Respondent present.

**ORDER**

The above named complainant, a person with 50% locomotor disability had filed a complaint dated 28.03.2014 before the Chief Commissioner under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act, regarding his promotion to the post of HGA (Admin).

2. The Complainant submitted that he is employed with the Life Insurance Corporation of India since October 1992 under Ex-Serviceman quota. In 2006, he suffered from Paralysis attack and became disabled. The same was informed to his employer which was registered in his records. The Zonal Manager, South Central Zone had issued on 16.12.2014 a notification for promotion to  
....2/-

the post of HGA (Admin) under Class-III Employees promotion Rules, 1987 for the year 2013-2014. The announcement of vacancies to be filled was announced on 31.12.2014 where two posts for promotion to the HGA cadre were reserved for persons with disabilities in Machalipatnam Division. The complainant applied for this post, but his name was shown in the general list of applicants which he brought to the notice of the Branch Management who verbally told him that he was not called for the interview under the said quota as he was neither a person with a born disability nor he was recruited under the quota for disabled employees. The complainant's contention is that he became a disabled before the notification was issued and the criteria that he is not a person born disabled and also was not recruited under the quota that should not bar him to avail the concession. The complainant submitted that this is a clear cut discrimination against a person with disability.

3. The matter was taken up with the respondent under Section 59 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, Act vide letters dated 13.02.2015 and 23.10.2015.

4. As no reply was received from the respondent, a personal hearing in the matter was scheduled on 06.04.2017.

5. The Complainant during the hearing reiterated his earlier submissions made in his complaint that he is employed with LIC since October 1992 under Ex-Serviceman quota. In 2006, during the service, he suffered from Paralysis attack and became disabled. The announcement of vacancies to be filled was announced on 31.12.2014 where two posts for promotion to the HGA cadre were reserved for persons with disabilities in Machalipatnam Division. The complainant applied for the post, but his name was shown in the general list of applicants. He brought this discrepancy to the notice of the branch management who verbally told him that he was not called for the interview under the said quota as he was neither a person with a born disability nor he was recruited under the quota for disabled employees. He further submitted that he wants to change the cadre. He was promoted in 2017. LIC took four long years for his promotion. Therefore, he wanted his elevation with effective from 2013 when it was due.

6. The Respondent, vide their written submission dated 27.03.2017 submitted that the Complainant was appointed as Assistant under unreserved category under Ex-Servicemen quota on 07.10.1992 at Rajahmundry Division. On account of his acquiring disability, the Complainant applied for PHC allowance vide his application dated 14.08.2009, applicable to persons with 50% permanent partial disability as he had been under treatment for Hypertension with Hemiparesis (Left) since 2006. Special Conveyance Allowance was sanctioned to him on 02.03.2010, with retrospective effect from 2009, after admitting his disability in their Office

....3/-

Records. In response to the vacancy notification dated 31.12.2013 for promotion to the cadre of HGA, the Complainant had applied for promotion to the cadre of Higher Grade Assistant (Admn.) vide his application dated 19.12.2013 (DOC.2) during the promotion round for the year 2013-14. The Complainant secured 17<sup>th</sup> position in the merit list submitted by the Interview Committee, as against the total available vacancies of 13 during the promotion year 2013-14. As per LIC of India (Staff) Regulation, 1960 under Regulation. 7(3) (DOC.3), 'promotion shall be based on merit, suitability of the candidate for a particular post and seniority, merit and suitability may be judged by the Confidential Reports and / or interview and / or examination. The representatives of Respondent submitted that the Complainant had not applied for promotion to the cadre of HGA (Admn.) for the promotion round 2014-15 and 2015-16. However, the PH vacancy was not filled in by any other employee and the same was carried forward to the next year of promotion round. The Complainant had applied for the promotion round 2016-17 vide his application dated 12.01.2017 to the cadre of HGA (Admn.). Based on his work record, seniority and performance in the interview, the Complainant obtained promotion to the cadre of HGA (Admn.) vide Office Order dated 01.03.2017 and was posted to Branch Office, Jaggaiahpet under Machilipatnam Division which was the nearest place where the vacancy in the cadre of HGA (Admn.) was declared vide Notification dated 31.12.2016.

7. After hearing both the parties, this Court directed the representatives of Respondent to submit documents on the basis of which promotion was denied by the DPC to the complainant along with the documents refusing Complainant's promotion within 10 days and also the papers showing proof when the complainant had applied.

8. The Respondent vide their letter no. P&IR dated 08.04.2017 submitted that since the appointment of the Complainant, most of his Confidential Reports (Track Record) were not rated 'Outstanding' (DOC-1), instead the Complainant was rated 'Poor Below Average', 'Average' and 'Above Average' under the following traits – with regard to Attitude, Co-operation, Amenability to discipline, Punctuality in attendance, Conscientiousness application to work, Thoroughness, Accuracy, Neatness, Dependability, Output, Ability, Facility, Knowledge etc. by various Reporting / Reviewing Officers at various places from time to time since his joining their establishment. They submitted that all these traits were recorded even before his acquiring disability. There is a gradual improvement in the work of the Complainant's work record during the recent years. The Complainant was granted Special Conveyance Allowance on 02.03.2010 with retrospective effect from 2009 after admitting his disability in their office Records. They submitted that with regard to the point raised by the employee that he was not selected under Persons with Disabilities quota for promotion to the cadre of HGA (A) during the year 2013-14, as per Regulation 7(3) of LIC of India (Staff) Regulations, 1960, promotions shall be based on merit, suitability of the candidate for a particular post and seniority and Merit and suitability may

4/-

be judged by the Confidential Reports and / or interview and / or examination. Based on the performance in the interview and track record of the Complainant, he could not get himself selected during the promotion round 2013-14. The Complainant was promoted to the cadre of HGA (A) during the year 2016-17 and was posted at Jaggaiahpet which is nearest place amongst the notified placed of vacancies as available at that time.

9. The Order was reserved, pending the scrutiny of records and documents placed on record of this Court.

10. On scrutiny of records and / or supporting documents placed on record, this Court reached the conclusion that prima facie the Annual CR in respect of relevant period of consideration are not indicative of providing any substantial ground for denying the claim of promotion to the Complainant. The Respondent, is therefore, advised to re-examine the case of the Complainant within the prevailing framework of rules/criteria to explore the feasibility of redressal of the grievance of the Complainant within extant provisions of the rules/by laws existing as on date on the subject.

11. The case is accordingly disposed off.



**(Dr. Kamlesh Kumar Pandey)**  
Chief Commissioner  
for Persons with Disabilities