



सत्यमेव जयते

Record File

**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

Case No.2862/1011/2014

Dated: 05.10.2016

In the matter of:

Shri N.D. Manian,  
President, 0362  
Development Association of the Visually Handicapped,  
Bhagavanthi Memorial Hall, Ambedkar Nagar,  
Opp. Anna Science Centre, Airport,  
Tiruchirappalli-629007

..... Complainant

Versus

Ordnance Factory Board,  
Through the Secretary, 0363  
"Ayudh Bhawan", 10-A,  
S.K. Bose Road,  
Kolkata-700001

..... Respondent

Date of Hearing : 20.07.2016

Present :

1. Shri N.D. Manian Complainant.
2. Respondent absent.

**ORDER**

The above named complainant, President, Development Association of the Visually Handicapped (India) filed a complaint dated 24.09.2014 before the Chief Commissioner for the Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding non-reservation to persons with low vision and blindness in Group – B Chargeman Technical and Non-technical posts in Direct Recruitment – 2014 by Ordnance Factories Board.

2. The complainant has submitted that the Ordnance Factory Board, Calcutta has given reservation only to Orthopedically handicapped and hearing handicapped category for the Chargeman Group 'B' technical and non technical posts. They have not provided any reservation for the persons with low vision and blindness.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 17.03.2015.

4. The respondent vide letter No.039/44/Per/Policy(A/A) dated 17.07.2015 has inter-alia submitted that they would be strictly following reservation in respect of LV categories in future and reservation roster maintained accordingly. They have informed that 41 ordnance factories/Units all

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Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001; Tel.: 23386054, 23386154; Telefax : 23386006

E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in  
(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)  
(Please quote the above file/case number in future correspondence)

over the country where minimum time is required to obtain necessary details as sought , therefore, they have sought six months extension of time.

5. A copy of the reply dated 17.07.2015 received from the respondent was forwarded to the complainant vide this Court's letter dated 04.08.2015 for his comments/rejoinder.

6. The complainant vide rejoinder dated 13.10.2015 submitted that the denial of reservation in Chargeman Group B direct recruitment 2014 by Ordnance Factory Board, Kolkata for persons with blindness and low vision is unjustifiable, discriminatory and against the provisions of the Persons with Disabilities Act, 1995 because the persons with low vision are successfully discharging the duties of Chargeman Technical in Ordnance Factory, Trichy, HVF, Avadi and other factories/establishments under the control of Ordnance Factory Board, Kolkata. As per letter dated 08.09.2008, the Chargeman non-technical post has already been in the list of identified jobs for persons with low vision. According to the Notification dated 29.07.2013 issued by Ministry of Social Justice & Empowerment, several important Group 'A', Group 'B', Group 'C', Group 'D' posts have been identified for persons with blindness and low vision. Many top administrative posts including District Collector, Bank Manager, Director, Law Officer, Principal of College, Head of Schools are also efficiently held by persons with blindness. The persons with low vision have been successfully doing engineering courses in Government institutions like NIT and IIIT in VH quota. Now also, the Ordnance Factories Board has issued circular dated 05.10.2015 to fill up 200 vacancies of IWM posts through IDCF without reservation for persons with disabilities. Even now many factories and establishments are not maintaining hundred points horizontal reservation roster both for direct recruitment and promotion of persons with disabilities.

7. Upon considering the respondent letter dated 17.07.2015, a hearing was scheduled on 20.07.2016.

8. None appeared on behalf of the Respondent. Nor any intimation was received about his inability to attend the hearing on 20.07.2016 despite the fact that the Notice of Hearing was sent on 01.06.2016 by Speed Post. This Court noted with serious concern, the utter disregard shown by the Respondent by neither intimating his inability to attend the hearing nor caring to appear to explain their version of the case.

9. The complainant reiterated his written submissions and submitted that persons with disabilities are already working as Chargeman in Ordnance Factories and Vehicle Factory and they are discharging their job very efficiently and successfully. They are holding various important jobs. As per Notification dated 29.07.2013 of Ministry of Social Justice & Empowerment, many top administrative posts like District Collector, Bank Manager, Director, Law Officer, Principal of Colleges, Head of Schools etc. have been identified suitable for persons with low vision and blindness but the

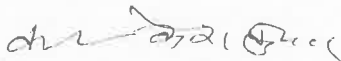
respondent has not identified Chargeman for low vision and blindness. We consider it as discrimination against the persons with low vision and blindness. The post of Mechanical Supervisor can be held by persons with low vision. Mechanical Engineer is not identified. How, he will supervise the work. The post of Senior Technical Assistant and Senior Scientific Assistant is not identified for low vision. These should be identified for low vision. It is prayed that a Committee for job identification by Departmental level should be constituted. The representatives from each category of disability should be included in that Committee to ensure that no job is left unidentified which can easily be held by the category of blindness and low vision.

10. After hearing the complainant and perusal of record available on file, this Court observed that complainant's grievance relates to identification of posts of Chargeman in Mechanical, Electrical, Chemical, Civil, CT, MET, LT, NT-OTS, NT/Stores for persons with low vision and blindness. This Court observed from the list of identified posts notified by the Ministry of Social Justice & Empowerment, Department of Disability Affairs (now the Empowerment of Persons with Disabilities) that some posts, such as Store Officer and Scientific Officer 'A' (Computer) and Scientific Officer 'B' (Computer), Senior Project Fellow are identified suitable for persons with blind and low vision. Rests of the posts are not identified suitable for persons with visual impairment and blindness.

11. The respondent is directed to consider the persons with low vision applying for the posts of Chargeman under Stores and Computer/Information Technology field as the posts are identified suitable for persons with low vision and blindness as per Ministry of Social Justice and Empowerment's Notification dated 29.07.2013. The respondent is also directed to submit by 15.10.2016 the details of vacancies filled since 01.01.1996 in the enclosed proforma alongwith the Certificate from the Liaison Officer certifying that the reservation roster has been maintained as per DoP&T's instructions dated 26.04.2006. Apart from above, it is directed to forward the complainant's grievance dated 24.09.2014 to the Joint Secretary, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, New Delhi for considering and placing the matter before the Expert Committee for considering whether the posts of Chargeman in the streams mentioned above should be identified for persons with low vision.

12. The case is disposed of with the above directions.

Encls:- As above.



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

Copy to:-

2364  
The Joint Secretary, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, CGO Complex, Lodhi Road, New Delhi alongwith a copy of complainant's grievance dated 24.09.2014 for information and necessary action as mentioned in Para 11 of the above order.