

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.3107/1011/2014

Dated: 20.10.2016

In the matter of:

Shri Karanti Goyal,
 S/o Shri Hans Raj Goyal,
 H.No. 84, W.N. 4, Khanauri Kalan,
 District Sangrur, Punjab-148027

..... Complainant

Versus

Agricultural Scientists Recruitment Board,
 Through the Director General,
 Krishi Anusandhan Bhawan-1,
 Pusa, New Delhi-110012.

..... Respondent No. 1

Indian Council of Agricultural Research,
 Through its Secretary,
 Krishi Bhawan,
 New Delhi-110001.

..... Respondent No. 2

Date of Hearing : 13.07.2016, 03.08.2016, 05.09.2016

Present :13.07.2016

1. Shri Karanti Goyal, Complainant.
2. S/Shri Ravi Chauhan, Under Secretary (Admn.) & Ajay Gautam, Under Secretary (ASRB), on behalf of the Respondent.

03.08.2016

1. Shri Karanti Goyal, Complainant.
2. S/Shri Ravi Chauhan, Under Secretary (Admn.), on behalf of the Respondent.

05.09.2016

1. Shri Karanti Goyal, Complainant.
2. S/Shri Ravi Chauhan, Under Secretary (Admn.) & Himanshu Kumar, Section Officer on behalf of the Respondent.

O R D E R

The above named complainant, a person with 50% visually impairment filed a complaint dated 18.11.2014 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding non implementation of provisions of Persons with Disabilities Act, 1995 by the ICAR.

2. The complainant has submitted that Agricultural Scientific Recruitment Board has notified 18 vacancies of Administrative Officers vide Notification No. F. No. 2(1) 2014 Exam II dated 18.07.2014 but in the notification they have not reserved any vacancy for visually impaired person. He has requested for quashing the notification of recruitment and recruitment process and order the Agricultural Scientists Recruitment Board to reserve one vacancy for Blind/Low Vision category of

.....2/-

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 (कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
 (Please quote the above file/case number in future correspondence)

disability. As per him, the written examination for the post of Administrative Officer is going to be held on 23.11.2014.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 06.02.2015.

4. Senior Director (Admn), Indian Council of Agricultural Research vide letter dated 27.11.2015 has submitted that the recruitment notified in 2014 Administrative Officers and Finance & accounts Officer, the Council has notified one vacancy reserved for PwD in case of Finance & Accounts Officer. On this occasion no post has been earmarked for PwD in the case of Administrative Officer (AO). This vacancy has been earmarked to be filled up by an OH person. The vacancy reserved for PwD was first notified to the ASRB for filling up in the year 2009 with the approval of Competent Authority. In fact at the time of placing this requisition in 2009, one post for Pw Dine ach of the post viz. Administrative Officer and Finance & Accounts Officer was earmarked for PH (OH). The recruitment on these posts were finalized only in the year 2012 and 01 PH (OH) candidate Shri Piyush joined on the post of AO against the vacancy reserved for PH (OH). However, the respondent have not submitted thee filled proforma of details of posts.

5. The complainant vide rejoinder dated 25.02.2016 has submitted that it is very clear from the reply of the ICAR that ICAR/ASRB has not reserved any vacancy of Administrative Officer for Blind/Low vision from 1996 to till date.

6. Upon considering the respondent's letter dated 27.11.2015 and complainant's e-mail dated 25.02.2015, a hearing was scheduled on dated 13.07.2016.

7. During the hearing on 13.07.2016, the complainant reiterated his written submission and submitted that Agriculture Scientific Recruitment Board had notified 18 vacancies of Administrative Officers vide Notification dated 18.07.2014. The written examination for the post of Administrative Officer was held on 23.11.2014. But in the notification they have not reserved any vacancy for visually impaired person. From 1996 to till date. The respondents have violated all rules and regulations related with reservation of blind/low vision. The posts of Administrative Officers are suitable for blind/low vision. Therefore, 1% reservation is mandatory by law for blind/low vision according to the cadre strength of Administrative Officers.

8. The representative of the Agricultural Scientists Recruitment Board (ASRB) submitted that the ASRB is an independent recruiting agency established on the lines of the UPSC with the approval of the cabinet under the Department of Agricultural Research and Education(DARE)/Indian Council of Agricultural Research (ICAR) under the Ministry of Agriculture and Farmer's Welfare. As per the Rules & Byelaws of ICAR, the ASRB shall be responsible for recruitment to posts in the Agricultural Research Service and to such other posts and services as may be specified by the President of the

ICAR and the Union Agriculture Ministry. Accordingly, the Board initiates action for recruitment and forward the recommendations to the ICAR base don't he requisitions or indents as forwarded by the Council. The Board is a recommendatory body and the final appointments are made by the ICAR after detailed scrutiny/acceptance of the recommendations by the specified competent appointing authority. The Board had processed and forwarded the recommendations for filling up the positions of Administrative Officer and Finance & Accounts Officer based on the specific requisition as provided by the Council. The specific issues raised by the complainant will have to be clarified and confirmed by the ICAR Headquarters.

9. The representative of the respondent-ICAR submitted that in the recruitment notified in 2014 for the post of Administrative Officer and Finance & Accounts Officer, the Council notified one vacancy reserved for PwD in the case of Finance & Accounts Officer. On this occasion no post was earmarked for PwD in the case of Administrative Officer. This vacancy was earmarked to be filled up by an orthopedically handicapped (OH) person. The vacancy reserved for PwD was first notified to the ASRB for filling up in the year 2009 with the approval of the competent authority. In fact at the time of placing this requisition in 2009, one post for PwD; in each of the post viz. Administrative Officer and Finance & Accounts officer was earmarked for PH(OH). The recruitment on these posts were finalized only in the year 2012 through ASRB and 01 PH (OH) candidate Shri Piyush Shukla joined on the post of Administrative Officer against the vacancy reserved for PH(OH). However, no candidate was recommended against the post of Finance & Accounts Officer earmarked for PH(OH). As such the said post remained unfilled. Accordingly a requisition for filling up the 01 vacant post of Finance & Accounts Officer reserved for PH(OH) which could not be filled up earlier, alongwith other vacant posts was placed to the ASRB in the year 2012. The posts were notified for filling up by the ASRB only on 08.07.2014. As regards the roster for PwD w.e.f. 01.01.1996, the reservation for PwD has been provided in terms of the policy of the reservation circulated by the DoP&T in the case of posts of Administrative Officer and Finance & Accounts Officer.

10. After hearing the parties, the representative of the ICAR was directed to submit the information regarding details of vacancies filled since 1996 in the enclosed proforma, the copy of Reservation Roster and a certificate of the Liaison Officer certifying that the reservation roster register is maintained as per DoP&T's instructions in this Court before the next date of hearing. The respondent No. 1 is exempted from appearing on the next date of hearing. The case is adjourned to 03.08.2016.

11. During the hearing, the representative of the respondent submitted letter No. Admn./33(2)2015-Estt.l(Pt.-I) dated 03.08.2016 and submitted that the required information from the year 1996 is being compiled/prepared on the basis of available records and will take some time to furnish to the Court. The information will be submitted after the approval of the competent authority of

ICAR. Therefore, some more time is needed for furnishing the required information in this Court. He requested for extending the time limit for submitting/providing the document upto 31.08.2016.

12. The copy of the letter is taken on record. The Court accepted the request of the respondent and granted time upto 31.08.2016 for submitting the documents/information. The case is adjourned to 05.09.2016. The respondent is directed to appear with all the required and relevant information. i.e. (i) details of vacancies filled since 1996 and (ii) the copy of Reservation Roster along with a certificate of Liaison Officer certifying that the reservation roster register is maintained as per DoP&T's instructions.

13. During the hearing on 05.09.2016, the complainant reiterated his written submissions and submitted that 18 vacancies for the post of Administrative Officer were notified on dated 18.07.2014 by the Agricultural Scientists Recruitment Board in ICAR., but no post was reserved for visually impaired person. He had applied in VH category and requested to this Court to reserve one vacancy for blind/low vision person. He appeared in the examination in VH category. Therefore, he should be considered for the post.

14. The representative of the respondent submitted that as per directions of this Court, he has submitted the format for furnishing information in respect of posts. The format has been filled taking into account the vacancies occurring w.e.f. 01.01.1996. It is also submitted that the rosters are being prepared for vetting by the Liaison Officer as required by this Court. The same shall be submitted as soon as these are vetted by the Liaison Officer and approved by the Competent Authority.

15. After hearing the parties and perusal of the record as well as the information regarding detail of vacancies filled since 1996 submitted by the respondent ICAR today during the hearing, this Court observed that there appears backlog of vacancies. As the respondent-ICAR is further requesting for time on the ground that reservation roster is being prepared and it will take some time, the case is disposed off with the following directions to the respondent:-

- (i) To prepare the reservation roster w.e.f. 01.01.1996 and submit a copy of reservation roster along with certificate of Liaison Officer certifying that the reservation roster has been maintained as per DoP&T's instructions.
- (ii) Calculate the backlog of vacancies and to fill the vacancies within a time frame manner by conducting Special Recruitment Drive.

- (iii) The whole recruitment process should be completed within a period of six months from the date of receipt of this order and a compliance report mentioning the names of persons with disabilities alongwith their nature and percentage of disability be formed to this Court.
- (iv) Since as per advertisement in question, one vacancy for Finance & Accounts Officer was reserved for person with disability (OH), the outcome of the same alongwith the name of candidate selected with nature and percentage of disability may be intimated to this Court.

16. Ordered accordingly,



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