



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
Case No.3457/1011/2015

Dated: 02.11.2016

In the matter of:

Shri Rakesh Gupta,
House No.C-366, Lal Bagh,
Azadpur, Delhi-110033.

0478

..... Complainant

Versus

Recruitment Cell, 24 Field Ammunition Depot,
Through the Officer Incharge,
Lalgarh, Jattan, District Sri Ganganagar,
Rajasthan-335001.

0479

..... Respondent

Date of Hearing : 21.06.2016., 04.08.2016

Present :

21.06.2016

1. Shri Rakesh Kumar Gupta, Complainant.
2. Shri Hoshiyar Singh, OOC (Adm), on behalf of the Respondent.

04.08.2016

1. Shri Rakesh Kumar Gupta, Complainant.
2. S/Shri Hoshiyar Singh, OOC (Adm) & Devinder Singh, OS, on behalf of the Respondent.

ORDER

The above named complainant, Shri Rakesh Gupta, a person with 71% hearing impairment filed a complaint dated nil before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to the 'Act' regarding denial to appear in the written examination for the post of Fireman.

2. The complainant has submitted that Ministry of Defence, Depot/Unit 24 FAD, C/A 56 APO had advertised 06 vacancies of Fireman, out of which 01 vacancy was reserved for persons with hearing impairment. He applied for the post received call letter and appeared in the examination held on 13.12.2014. The complainant's grievance is that the Controlling Officer did not allow him to appear in the examination stating that there is no vacancy for persons with hearing impairment. He has requested for necessary action in the matter.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 20.04.2015 directing the respondent to intimate action taken in the matter.

4. The Respondent vide letter No.1001/Rect/Adm dated 15.06.2016 informed that in the Disability Certificate of the Complainant, his disability has been shown 71% to 100%, which is invalid. Therefore, he was not included in the above recruitment.

.....2/-

5. Upon considering the reply dated 15.06.2015 of the respondent, a hearing was scheduled on 21.06.2016.

6. During the hearing on 21.06.2016, the complainant reiterated his written submissions and submitted Ministry of Defence, Depot/Unit 24 FAD had advertised 06 vacancies of Fireman out of which 01 vacancy was reserved for persons with hearing impairment. He applied for the post, received call letter and appeared in the examination held on 13.12.2014. His grievance is that the Controlling Officer did not allow him to appear in the examination stating that his disability of hearing impairment is 70 to 100% and hence he is not eligible for the post. His documents were torn out. He tried to meet the higher officer for his grievance but he was not allowed to meet and was sent back. He prays before this Court to give him justice.

7. The representative of the complainant has submitted a copy of reply dated 18.06.2016 which was taken on record and submitted that this may be treated as his oral statement. On a query from this Court that why the complainant was not allowed to appear in the examination on the ground of his hearing impairment disability 71 to 100%, whereas his present disability is 71%. The representative of the respondent was not able to give satisfactory reply and prayed for grant of some time, which was granted. The respondent is directed to submit the copies of the following documents to this Court by 30th June, 2016 :- (i) Copy of ruling/procedure for selection. (ii) Copy of Recruitment Rules for the post. (iii). Bring the copy of Reservation Roster on the date of hearing. (iv) Submit the information regarding details of vacancies filled since 1996 in the proforma supplied to the representative of the respondent during the hearing. (v) Whether the Board was informed about the percentage of disability of the complainant and his eligibility as per the Persons with Disabilities Act, 1995. (vi) Whether the respondent has taken the exemption from the Ministry of Social Justice & Empowerment, Government of India for not filling up the post of Fireman with persons with 71 to 100% hearing impairment, whereas as per Ministry of Social Justice & Empowerment's Notification No.16-15/2010-DD.III dated 29.07.2013, the post of Fireman is identified suitable for persons with hearing impairment. The case was next fixed for hearing for 04.08.2016.

8. Respondent vide letter dated 24.06.2016 submitted that this unit has been released with vacancies of four Firemen for direct recruitment. Out of these two Firemen will be recruited in physically handicapped (Hearing Handicap) quota. In view of the above, the complainant Shri Rakesh Kumar Gupta to submit his application alongwith all connected documents as and when advertisement for direct recruitment is published. This office will entertain the individual for appearing under laid down criteria and eligibility to appear in the test for the said post as advised by this Court on 21.06.2016. If found fit and suitable in all aspects. The complainant will be considered for the said posts in consonance with the standing operating procedure in vogue. It is, therefore, humbly requested that the case may please be closed and necessary action as mentioned above will be taken in this regard by the unit.

.....3/-

9. This Court vide letter dated 28.07.2016 informed the respondent that after perusal of the reply, it has been found that documents as sought vide Record of Proceedings dated 27.06.2016 have not been furnished by them. They are once again advised to submit the reply alongwith necessary documents. Further the time of hearing in the above case, as mentioned in Record of Proceedings dated 27.06.2016 may be read as 11.30 a.m. instead of 11.30 p.m.

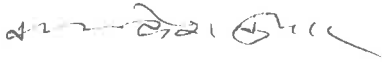
10. During the hearing on 04.08.2016, the complainant reiterated his written submissions and submitted that due to wrong calculation of his disability by the respondent, he was not allowed to appear in the examination. He prayed before this Court to give him justice.

11. The representative of the respondent filed reply dated 31.07.2016, which was taken on record. He also submitted that a reply dated 24.06.2016 was duly filed in this Court that the complainant may be advised to submit fresh application alongwith all connected documents as and when the respondent advertises the post for direct recruitment. Their office will entertain the complainant for appearing under the laid down criteria and eligibility to appear in the test for the said post criteria and eligibility to appear in the test for the said post. If found fit and suitable in all aspects, the complainant will be considered for the said post in consonance with the standing operating procedure in vogue.

12. In view of the above, this Court advises the complainant to apply afresh against the advertisement being published by the respondent. No further intervention is required in the matter and the case is disposed off with the following directions to respondent:-

- (i) Maintain the Reservation Roster since 01.01.1996 and submit a copy of reservation roster alongwith Certificate of Liaison Officer certifying that the Reservation Roster has been maintained and prepared as per DoP&T's instructions.
- (ii) Compute the backlog of vacancies and make sincere efforts to fill the backlog vacancies by conducting Special Recruitment Drive within a time frame period.
- (iii) In all the future examinations/interviews, the Board may be made aware about the DoP&T's instructions regarding reservation for persons with disabilities.
- (iv) A Sign Language Interpreter may also be called during the interview of persons with hearing impairment.

13. Compliance in this regard may be sent to this Court within 30 days from the date of receipt of this Order.


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