



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.3500/1141/2015

Dated:- 20.10.2016

In the matter of:

Shri Manoj Pai, ^{D416}
T-15, Sunrise Park,
Tenements, Sargam Road,
Badakdev, Ahmedabad-380054,

..... Complainant No.1

Shri Fernandes Savio J, ^{D417}
B-15, F-3, Milro Ribander Retreat,
Alto Ribander, Goa-403006
Email - fedsaio@gmail.com

..... Complainant No. 2

Versus

Pasar Bharti Corporation, ^{D418}
Through : The Chief Executive Officer,
2nd Floor, PTI Building, Parliament Street,
New Delhi-110001.
Email - sircar.j@gmail.com

..... Respondent

Date of hearing : 11.08.2016

Present :

1. Shri Manoj Pai, Complainant No.1.
2. Shri Fernandes Savio J, Complainant No. 2.
3. Ms. Jyoti Singhal, Director (Estt.), S/Shri A.K. Barua, Consultant (Legal), T. Ranjeet Singh, DDA, A.K. Suraj, DDA, Deepak Khatwani, S.O., Vineet Grover, S.O. on behalf of the Respondent.

ORDER

The above named complainants Shri Manoj Pai and Shri Fernandes Savio J filed complaint dated 20.01.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding refusal to meet persons with disabilities by the Chief Executive Officer.

2. The complainant submitted that they are working with Doordarshan Kendra, Ahmedabad and All India Radio, Panaji, Goa respectively. They came across various forms of hardships being faced by persons with disabilities working in Prasar Bharti. There are various anomalies and irregularities in the organization. They approached the CEO to meet and to put forwards various points to make him understand the situation but did not yet permitted to meet him. They have alleged that the CEO regularly have meeting with all staff members but he did not meet staff with disabilities. The grounds of complaint are as under:-

- (i) Lack of proper reservation for persons with disabilities in appointment, promotion and transfers etc.

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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)

- (ii) Discrimination and denial of equal opportunities in service matters, etc.
- (iii) Lack of barrier free environment in all offices of Prasar Bharti (AIR, CCW, STI, DDMC; and Doordarshan Kendra all over India).
- (iv) Violation of statutory instructions related to persons with disabilities in broadcast/telecast of programme by Radio Stations, TV Transmitters, Websites of Prasar Bharti.
- (v) Abuse of power by Senior Officers of Prasar Bharti in causing maximum discomfort to persons with disabilities.

The complainants have prayed for enquiring into the matter and have wished to be engaged in the inquiring procedure for transparency, accountability and fair play. They have also requested to grant them an appointment with the CEO, Prasar Bharti Corporation.

3. The matter was taken up with the respondents vide this Court's letter dated 21.09.2015.

4. In the meanwhile complainant has submitted additional facts relating to his case vide his representation dated 03.11.2015, a copy of which was forwarded to the respondent vide this Court's letter dated 17.11.2015.

5. The Deputy Director (C&GA), Prasar Bharti vide letter dated 10.11.2015 has inter-alia intimated that the instructions issued by the Department of Personnel & Training regarding reservation for persons with disabilities from time to time are being followed with due care. They also enclosed the detailed comments. The respondent vide letter dated 30.12.2015 in compliance with the letter dated 21.09.2015 fixed a meeting with the complainant on 15.01.2016.

6. The complainants submitted their comments after the meeting they had with the respondent on 15.01.2016. However, they could not file any specific violation of the provisions of PwD Act, 1995.

7. Upon considering the reply dated 10.11.2015 of the respondent and the rejoinders dated 21.11.2015, 14.12.2015 and 10.02.2016 of the complainant, a hearing was scheduled on 11.08.2016.

8. During the hearing on 11.08.2016, the complainants reiterated their written submissions and submitted that respondent is unwilling to accept the contents of the DoP&T's O.M. dated 31.03.2014 stating that persons with disabilities were not entitled for many benefits. On the directions of this Court, they were given just 20 minutes time to present his case before the CEO. The complainant may be involved in the inquiry procedure in the spirit of transparency, accountability and fair play. The respondents may be directed to issue an action taken report on all documents and other evidence

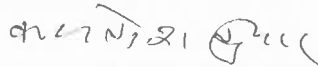
provided by to Prasar Bharti. Shri Jindal, ASG(A), Prasar Bharti may be asked as why he refused to accept all their papers and acknowledgement of the same as directed by the respondent. This Court may inquire into the harassment, ill treatment and humiliation to him. He may be given equal treatment like all other able-bodied staff members and citizens of India.

9. The representatives of the respondent reiterated detailed comments of Prasar Bharti dated 10.11.2015 and submitted that the instructions issued for providing facilities in accordance with DoP&T's O.M. dated 31.03.2014 will be uploaded on their website immediately. Efforts will be made to create barrier free environment in all offices of the Prasar Bharti. Any specific complaint regarding abuse of power by Senior Officers will be looked into by Prasar Bharti.

10. After hearing the parties and perusal of record, the case is disposed off with the following directions:-

- (i) The respondent is directed to maintain the Reservation Roster as per DoP&T's O.M. dated 29.12.2005 and Point No.1, 34 and 67 of the Reservation Roster shall be earmarked reserved for persons with disabilities, maintain the reservation roster with effect from 01.01.1996 in respect of direct recruitment of in 'A', 'B', 'C', 'D' and in promotion for the posts in Group 'C' and 'D'
- (ii) Upload the copy of DoP&T's O.M. dated 31.03.2014 on their website.
- (iii) Make sincere efforts to follow Section 46 of Persons with Disabilities Act, 1995 and take steps to make their offices accessible. Priority may be given to buildings located at Ahmedabad and Goa.
- (iv) Steps taken to provide barrier free environment for employees with disabilities in a phased manner.
- (v) Appoint a Nodal Officer to hear the grievances of employees with disabilities.

11. The compliance/Action Taken Report in the matter to be sent to this Court within 90 days from the receipt of this Order.


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