



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.3991/1011/2015

Dated:- 26.09.2016

In the matter of:

Shri Ajit Kumar,
Ward No.05, Hathwala Road,
Near Peer Baba, Samalkha,
District – Panipat-132101(Haryana)

..... Complainant

Versus

Northern Railway,
Through the Chairman,
Office of the Chairman,
Railway Recruitment Cell (RCC),
Lajpat Nagar-1, New Delhi-110024.

..... Respondent

Date of hearing : 05.07.2016

Present :

1. Complainant absent.
2. Shri S.S. Rana, APO, on behalf of Respondent.

ORDER

The above named complainant, a person with 70% locomotor disability filed a complaint dated 31.03.2015 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 appointment in a post of Group 'D'.

2. The complainant has submitted that Railway Recruitment Cell, Delhi had invited applications vide emp. No.220E/Open Mkt/RRC/2013 for 5679 vacancies of Group 'D' posts in various departments of the Northern Railway Zone and written test was held on 02.11.2014. He further submitted that it is noted in the result that the cut of marks prescribed for PH is more than the General one. It is 84.67 for PH(OH) and 84.02 for General category which is surprising and it seems being a disabled is a disadvantage in competitive examination.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 06.04.2015 followed by reminder dated 30.06.2015.

4. The respondent vide letter No. 220-E/Open Mkt/RRC/2014/CCPWD/HRC dated /07/2015 submitted that RRC/NR intimated recruitment process to fill up 5679 vacancies in Group 'D' vide Employment Notification No.220-E/Open Mkt/RRC/2013 dated 30.12.2013. It includes 20% vacancies of EXSM and 3% vacancies for PwD candidates with 1% each to OH, HH, VH. The recruitment process involves written test followed by Physical Efficiency Test which is qualifying in

.....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)

nature. Under the existing instruction two times the number of vacancies, candidates are called for PET and PwD candidates are exempted for it.

Cut off for PET comes to as under:-

CUT OFF OF RECRUITMENT 2013				
	UR	OBC	SC	ST
Calling candidates for PET	84.02	77.53	73.33	60.79

After the PET, this merit further revised as under for Document Verification/Medical Examination:-

CUT OFF OF RECRUITMENT 2013				
	UR	OBC	SC	ST
Calling candidates for D.V./M.E.	87.65	81.67	77.23	67.49
	OH	HH	VH	
Cut off of PH	84.67	39.37	72.94	

Further it is informed that this office has not received copy of complaint of the complainant alongwith your office letter and as such in the absence of detail like Roll No. and Contract No. etc., this office is unable to provide the marks secured by the complainant.

5. This Court vide letter dated 21.09.2015 sought clarification from the respondent on what basis the cut off marks of PH have been fixed before PET and how many marks have been allowed to PH for PET followed by reminders dated 18.11.2015 and 22.03.2016

6. Upon receiving no reply from the respondent despite reminders dated 18.11.2015 and 22.03.2016, a hearing was scheduled on 05.07.2016.

7. During the hearing, none appeared on behalf of the complainant. Nor any intimation has been received about his inability to attending the hearing despite the fact that the Notice of Hearing was sent on 27.05.2016 by Speed Post. The Court noted with serious concern, the utter disregard shown by the complainant by neither intimating his inability to attend the hearing nor caring to send his version of the case.

8. The representative of the respondent submitted that recruitment process of 5679 vacancies was initiated in the year 2013 in which this complainant named Ajit Kumar applied as OH candidate and secured 38.26 marks in the written examination. The last selected OH candidate has secured 84.67 marks and, as such, being lower in merit, he could not be considered for further process of selection. However, regarding his claim to consider him General Seat, it is submitted that PwD

candidates are exempted from the Efficiency Test under the rules and, accordingly, relaxation in the form of exemption from PET when availed by PwD candidate renders him or her ineligible for consideration against general merit. Their office finds no substance in the claim submitted by the candidate and the case may be dismissed.

9. After hearing the representative of the respondent and after perusal of record available in file, this Court observed that the complainant had secured 38.26 marks whereas cut off for persons with locomotor disability was 84.67 marks. There is no merit in the case and, therefore, no direction can be given to the respondent.

10. The case is accordingly disposed off.



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