



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.4384/1011/2015  
Case No. 4425/1011/2015

Dated: 01.11.2016

In the matter of:

Dr. Nitesh Kumar Tripathi, **D459**  
H. No. 08, A-1 Block,  
Bengali Colony,  
Delhi-110084.  
E-mail: [niteshtripathi85@gmail.com](mailto:niteshtripathi85@gmail.com)

..... Complainant

Versus

Oil & Natural Gas Corporation Ltd., **D460**  
Through the Dy. General Manager (IE),  
Corporate Recruitment,  
Green Hills, Tel Bhawan,  
Dehradun – 248003.

..... Respondent

Date of Hearing : 18.07.2016, 03.08.2016

Present :

18.07.2016

1. Complainant absent.
2. Capt. S.K. Sangwan, Manager (HR) and Shri T.N. Durga Prasad, Advocate, on behalf of the Respondent.

03.08.2016

1. Complainant absent.
2. Shri T.N. Durga Prasad, Advocate and Shri Shiv Kumar,, on behalf of the Respondent.

**ORDER**

The above named complainant, a person with 65% locomotor disability filed e-mail complaints dated 17.05.2015 and 26.05.2015 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 as the 'Act' regarding non-implementation of provisions of Persons with Disabilities Act by the Oil and Natural Gas Corporation Ltd. (ONGC).

2. The complainant submitted that ONGC advertisement was not showing reservation for persons with disabilities in the recruitment of Medical Officer. He had requested to direct the respondent to provide full exemption from the payment of application fee, 10 years age relaxation, extra time during examination, travel expenses to attend interview alongwith an escort, disabled friendly environment during the interview and to also conduct the Special Recruitment Drive for filling up the backlog vacancies for persons with disabilities.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 08.06.2015 followed by reminder dated 21.10.2015.

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Despite reminder dated 21.10.2015, no reply was received, therefore, a hearing was scheduled on 18.07.2016.

4. During the hearing on 18.07.2016, none appeared on behalf of the complainant. Nor any intimation has been received about his inability to attend the hearing on 18.07.2016 despite the fact that the copy of the Notice of Hearing was sent on 01.06.2016 by Speed post.

5. The Counsel appearing on behalf of the respondent filed his Vakalatnama, which was taken on record. The representative of the respondent sought apology for not filing the reply in time and submitted that the matter was dealt with by other officers who were transferred. However, the reply has been filed on 14.07.2016 in this Court.

6. As the complainant has not come for hearing today and the reply filed by the respondent is to be examined, the case is adjourned for hearing on 03.08.2016.

7. During the hearing on 03.08.2016, none appeared on behalf of the complainant. Nor any intimation has been received about his inability to attend the hearing despite the fact that the copy of the Record of Proceedings was sent on 20.07.2016 by Speed post. This Court noted with serious concern, the utter disregard shown by the complainant by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

8. The representative of the respondent submitted that in the reply submitted on 12.07.2016, it is pertinent to mention that there are total 3 reserved categories under the head VH, HH and OH, out of which 24 persons with disabilities candidates have already joined the service. Out of which, 4 are blind candidates. The reservation roster has been maintained as per DoP&T's instructions. The accommodation is provided to PwDs as per policy. A token amount of Rs.100/- was charged earlier from SC/ST/PwD candidates in order to discourage frivolous and non-serious candidates from applying. However, the same has now been dispensed with. Age relaxation as per Govt. guidelines to PwD candidates is being strictly followed. Extra time as per Govt. guidelines on the subject has been provided to PwD candidates in the examination held on 10.05.2015 against the said advertisement.

9. Upon examining the reply dated 12.07.2016 filed by the respondent, this Court observes that the respondent had filled 6573 vacancies since 1996. 3% of 6573 comes to 198 whereas the respondent had filled only 37 vacancies (18 OH, 09 VH and 10 HH) and thus there appears backlog. Section 33 of the Act mandates that every appropriate Government shall appoint in every

establishment such percentage of vacancies not less than three percent for persons or class of persons with disability of which one percent each shall be reserved for persons suffering from – (i) Blindness or low vision; (ii) Hearing impairment; (iii) Locomotor disability or cerebral palsy, in the posts identified for each disability; provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any as may be specified in such notification, exempt any establishment from the provisions of this section. As per the information provided by the respondent, there appears backlog of 161 vacancies. It is stringed that Liaison Officer without going into the facts has certified that Reservation Roster for the PwDs has been maintained as per DoP&T's instructions.

10. DoP&T's O.M. No.36012/24./2009-Estt(Res) dated 03.12.2013 provides as under:-

"Reservation for persons with disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in all the Group 'A' posts or Group 'B' posts respectively, in the cadre."

11. DoPT in para 15 of their O.M. No.36035/3/2004-Estt. (Res) dated 29.12.2005 has prescribed the procedure for effecting reservation – maintenance of roster. Further, DoP&T vide their O.M. No.36035/8/2003-Estt. (Res) dated 26.04.2006 had decided that all establishments should prepare the reservation roster registers as provided in their O.M. mentioned above starting from the year 1996 and reservation for persons with disabilities be earmarked as per instructions contained in the above mentioned O.M.

12. The case is disposed off with the following directions to the respondent:-

- (i) Prepare the Reservation Roster w.e.f. 01.01.1996 as per DoP&T's instructions.
- (ii) Compute the backlog of vacancies and fill the vacancies by conducting Special Recruitment Drive in a time framed manner.
- (iii) Advertisement should be made as per para 25 of DoP&T's O.M. No. 36035/3/2004-Estt. (Res) dated 29.12.2005 and subsequent O.Ms issued by DoP&T from time to time in this regard.
- (iv) The names of selected candidates with details alongwith their nature of disability and percentage of disability may be intimated to this Court within 15 days of their joining.
- (v) The whole exercise will be completed within 180 days from the date of receipt of this Order.

13.. The compliance of the Order may be sent to this Court by 20.04.2017.



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