



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.5308/1011/2015

Dated: 16.11.2016

In the matter of:

Shri Bunny Chugh, *DS14*
A-316, Sector - 2,
PKT-OO,
Rohini, Delhi-110085.

..... Complainant

Versus

Centre for Development of Telematics,
Through the Executive Director, *DS15*
C-DOT Campus, Mehrauli,
New Delhi-110030.

..... Respondent

Date of Hearing : 03.10.2016

Present :

1. Shri Bunny Chugh, Complainant.
2. Shwela Jha, Executive alongwith Balaparmeshwari, Advocate.

ORDER

The above named complainant, a person with 51 to 70 percent hearing impairment filed a complaint dated nil received in this Court on 12.10.2015, 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 appointment to the post of Research Engineer.

2. The complainant submitted that at the time of filing this complaint in this Court, he was pursuing B-Tech (Computer Engineering) from DTU, Delhi and in final year. His percentage is 65.71 and he is in top rank holder. C-DOT, a Government owned company visited their campus for interviewing the students for the post of Research Engineer from OBC/PD/SC/ST category. He applied for the post with a high hope. On 6th October, 2015, the company shortlisted candidates for interviews and about 20 candidates were shortlisted. His name was on the list amongst 3 PD candidates. On 07th October, 2015, the Company visited the campus. As per him though his interview went very well but the company finally shortlisted ST and OBC toppers for offer. He came to know that the company did not recruit a single PD candidate till date. He also submitted that his elder brother Hunny Chugh too was rejected 3 years ago in NSIT. The company is discriminating them as all other category candidates got their due. He has requested for taking action as early as possible.


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3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 14.10.2015 followed by reminder dated 16.12.2015.
4. Registrar, C-DOT vide letter dated 21.12.2015 has submitted that Shri Bunny Chugh could not get selected for the position of Research Engineer as his score in the interview was below the minimum cut off marks for selection. He was given a fair chance at the interview and was assessed by the panel of senior Staff Members from CDOT approved by C-DOT Board. He further submitted that it is incorrect that C-DOT does not hire PH category employees. The campus recruitment this year was conducted only for reserved categories (OBC/SC/ST/PwD). One PwD candidate has already been selected from another institute.
5. Complainant in his rejoinder dated 07.03.2016 submitted that he has found mistake in the recruitment process (a) marks error/adulteration; (b) Group 'B' no interview; (c) subcategory not a category; (d) cut off is for all in the last he has stated that he scored highest marks in PD category in interview and he fully deserve to be appointed for the post of Research Engineer at C-DOT.
6. Upon considering the respondent's reply dated 21.12.2015 and complainant's rejoinder dated 07.03.2016. a hearing was scheduled on 03.10.2016.
7. During the hearing on 03.10.2016, the complainant reiterated his written submissions and submitted that in the interview, marks out of 5 in personality were given to Shri Himanshu Saini who was selected. I was given 4 marks out of 10 in Academics same as Shri Alok Verma. I secured 65.22% while he hardly secured 60%. HH is a sub category and not a category as it is not a caste like SC/ST/OBC so they should not be compared with disabled person. As per last recruitment history, 32 posts for HH and 26 for OH are backlog in Group 'A' of Delhi Centre Branch alone. I have even qualified GATE Examination with score 338 and Rank 13686 and was topper in the College amongst persons with disabilities with 65.22% with first class. Therefore, I am eligible and qualified for the post as I have got highest marks in interview in PwD category. The respondent has not disclosed vacancies and posts filled in other branches of Kolkata, Bangalore etc. The respondent has not selected even a single hearing impaired person till date who are eligible for the post of Research Engineer in Group 'A'. My elder brother Hunny Chugh topper in PH(HH) , B.Tech (COE) from NSIT was also rejected 4 years ago.
8. The representative of the respondent submitted that all posts in Centre for Development of Telematics are for 5 years contract, which is renewable on performance. They have already recruited 4 physically handicapped persons against total vacancies of 53 for the year 2015-16. During the current year (2016-17), we have selected two persons with disability out of sanctioned manpower of

41 as on date. Hence They are complying with the Persons with Disabilities Act. In C-DOT, there is post based system and the recruitment is done only in Research Engineer entry level category. The complainant Bunny Chugh was considered for the post of Research Engineer and he was even called for interview. However, his score in the interview was below the minimum cut off and, therefore, he could not be selected. C-DOT, being a scientific R&D organization, has always complied with the guidelines of the DoP&T for the reservation of reserved categories and it has been their endeavour that there is no letup in meeting the same. Conscious effort for recruitment of persons with disability category candidates have been made in the last 5 years and, in fact, last year they had a Special Recruitment Drive exclusively for SC/ST/OBC and PH categories.

9. After hearing the parties, it is observed by the Court that although there is no violation of any of the provision of the Persons with Disabilities Act, however, since the respondent is implementing the various provisions of reservation like SC/ST/OBC etc., they are advised to implement Section 33 of PwD Act in its true spirits in future. The respondent is also directed to furnish the detail of the vacancies filled up and filled by PwD category to this Court within one month from the receipt of this order.

10. The case is disposed off accordingly.


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