



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.5444/1024/2015

Dated:- 28.11.2016

In the matter of:

Shri K. Gopi,
2/66, South Street,
Kuvathur & Post, ^{D539}
Cheyyur Taluk,
Kanchipuram District,
Tamil Nadu
Email-p13gopi@iindir.ac.in

..... Complainant

Versus

Hindustan Aeronautics Limited, ^{D540}
Corporate Office,
(Thru Chairman and Managing Director),
15/1, Cubbon Road,
Bangalore-560001.

..... Respondent

Date of Hearing : 07.09.2016

Present:

1. Shri K. Gopi, Complainant

2. S/Shri Rajat Prabhat, Addl. General Manager(HR), Anant Yadav, Manager(Legal), HAL, on behalf of the Respondent.

ORDER

The above named complainant, a person with more than 53% locomotor disability filed E-mail complaint dated 07.11.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding discrimination attitude of HAL Management against him.

2. The complainant submitted that he served satisfactorily 9 years in Hindustan Aeronautics Limited's Research & Designer Centre. He also mentioned about the HAL's discrimination activities towards him even after submission of the resignation. As per him, now a days more job opportunities for disabled through Special Recruitment Drive are in full swing, but he is unable to apply because he has not yet been relieved from HAL and he is not having the experience/service certificate of HAL. The discrimination activities are :-

- i) Denial of Sponsorship to pursue MBA from IIM, Indore.
- ii) Denial of permission to carry out the summer internship.
- iii) Creating financial burden.
- iv) Submission of resignation because of issues related to promotion, denial of transfer and other issues.

.....2/-

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 07.12.2015.

4. The Senior Manager (HR), Corporate Office, HAL, 15/1, Cubbon Road, Bangalore vide letter No.HAL/HR/31(1)/2015 dated 18.01.2016 stated therein that the complainant owes Rs.2,36,059/- to HAL which is still pending. The complainant has been informed by HAL that the Relieving letter/Service Certificate would be issued to him after the clearance of dues to the company.

5. A copy of the reply dated 18.0.2016 of HAL has been sent to the complainant for his comments vide letter dated 25.01.2016.

6. The complainant vide his rejoinder dated 26.01.2016 has submitted that HAL did not communicate the reason for rejecting his sponsorship; to IMI, MDI and IIM at Ahmedabad, Bangalore and Kolkata and Lucknow. The complainant's contention is that if HAL can sponsor for private institutions not at par with IIM, Indore then why he has been denied his sponsorship to IIM, Indore, which is one of the prestigious Government institutions. He attended the telephonic interview with Airbus on 08.04.2014 and also received the offer letter on the same day. At the time of joining as design trainee, HAL did not insisted for bond paper. HAL did not intimated him about the bond and its value. He further submitted that HAL deducted the house rent from him even after vacating the quarters during the year 2013. He submitted his surety bond on 20.02.2014 but HAL paid him four months basic ask per bond only on 15.05.204 that too with repeated requests. He further submitted that he was not getting the Income Tax benefits as applicable to a PwD. Till now few people got sponsorship to IIMs, but none with the status of physically challenged got a chance. The complainant wants HAL look into the bond liability amount once again or review his calculation to arrive at the final and correct figure.

7. The Senior Manager (HR), HAL vide letter no. HAL/HR/31(1)/2016 dated 22.04.2016 has further stated that the complainant had requested for Study Leave for pursuing the PG Programme at IIM, Indore and the same was considered and approved by the competent authority in relaxation of the Rules which necessitated execution of Bond/Agreement to serve the Company for a period of 3 years post completion of the Course. The complainant submitted the Bond Agreement on 20.02.2014. Regarding denial of permission to carry out Summer internship at ARDC from 01.04.2014 to 10.06.2014, it is stated that the complainant vide letter dated 15.04.2014 had intimated the HAL that he would be doing the Project work in another organization. Thus there was no denial on the part of HAL to do the internship in HAL. HAL admits that the delay on the part of FMD in intimating ARDC, the parent Division of Shri Gopi regarding vacating of company quarters by the complainant. Regarding promotion to the post of Manager (Grade-IV), it is stated that all eligible Officers including the complainant were informed about the tentative date of interview which was scheduled from 09.07.2013 to 10.07.2013 but the complainant did not attend the interview since he was absent w.e.f. 29.06.2013. Regarding problem of the complainant after his resignation, HAL had requested the

complainant to be relieved from 15.06.2015 and he was informed of clearance for acceptance of his resignation after depositing Rs.2,36,059/- to the company. The complainant was then advised vide letter dated 27.08.2015 to pay Rs.1,21,546/- only after adjusting his salary which was withheld against his dues and he was advised vide letters dated 11.09.2015 and 28.10.2015 to clear his dues to the Company. It is further stated that the complainant will be issued Relieving Letter on receipt of all dues from him by HAL

8. A copy of HAL's reply was sent to the complainant for his comments vide this Court's letter dated 29.04.2016.

9. The complainant vide his e-mail dated 26.04.2016 has submitted that he could not appear for the interview for the post of Technical Officer D (TOD) in NPCL on 25.04.2016 for want of relieving letter and thus lost a golden job opportunity. The complainant vide his rejoinder dated 05.02.2016 has submitted that he lost couple of opportunities under PwD special recruitment drive due to want to Relieving letter from HAL. HAL has rejected his sponsorship to IMI, MDI and IIM but it has sponsored sponsorships to IIM, Kozhikode. He submitted that some sections of employees got sponsorship to pursue higher studies at IIMs, but HAL rejected his sponsorship. HAL has been continuously creating financial trouble during study leave. He further submitted that HAL has not given equal opportunity to him being a person with disability to appear; in IMS interview by purposefully not communicating the details. Even after resignation, forcing him with huge financial liability to pay extra amount arisen due to the mistake of HAL. The complainant was compelled to travel to HAL multiple times in regards to executing bond, to seek summer internship, to seek quarter's vacation details from FMD, to receive his four months basis pay and finally to clarify about mistake in bond liability even after resignation from HAL.

10. The complainant vide his e-mail dated 19.07.2016 enclosing his rejoinder dated 18.07.2015 submitted therein that HAL is providing false data to nullify his claims and is providing false reasons to justify their stand. The complainant requested to arrange for a hearing as he would like to give a detailed explanation to this Court.

11. Upon considering respondent's reply dated 18.01.2016, 22.04.2016, 14.06.2016 and complainant's rejoinder dated 26.01.2016, 02.05.2016 and 18.07.201, a hearing was scheduled on dated 07.09.2016.

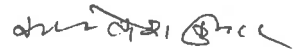
12. During the hearing on 07.09.2016, the complainant reiterated the written submissions and submitted that sponsorship denial is proved that HAL provide sponsorship to other IIMs not listed in HAL rules. In that matter, HAL provided sponsorship to normal person and rejected my request. HAL till now not submitted any proof for repeated follow up as mentioned in their reply. HAL not submitted any proof for taking NOC for CAT and study leave request taken 6 months prior before start of the

course. I submitted my letter which clearly states that I have provided contact details before joining my course at IIM, Indore. HAL not ready with summer internship letter on 15.04.2014. HAL not communicated the details of requirement of project details because as per HAL reply, this is one of the reason for delay. Discrimination arises because of denial of summer internship to a disabled person by purposefully delaying the process to make him incomplete his course. Quarters vacated not communicated by HAL properly. Mistake in perquisites calculation. I have lost institute scholarship due to HAL mistakes. HAL states that there is delay in receiving the details from HAL FMD Division but 2015-16 financial year also shows perquisites after two years of vacation. HAL gave false statement about salary cut. I had to pay more income tax because February, 2015 salary was paid in May, 2015. HAL hold the salary not as per HAL rules and norms. My service of other Division not taken into account for gratuity calculation. Equal opportunity is not given to disabled person to appear IMS interview. HAL is not listening to the grievances in calculation of bond liability even after approaching CCPD. After a year, HAL accepted some of the mistakes. I lost career opportunity with NPCIL due to HAL delay. Lost opportunity under Special Recruitment Drive. Past one month, I am not having a job and find it difficult to manage my family. Damages claimed 30 Lakhs.

13. The representative of the respondent submitted that regarding the point of discrimination in considering the sponsorship to IIM, Indore, the HAL, basically four IIMs i.e. Ahmedabad, Bangalore, Calcutta and Lucknow are considered for sponsorship and apart from that MDI, IMI and XIME are also considered in the normal course as per the rules of HAL. Very very exceptionally, some cases for other institutes are also examined and process for approval of the competent authority. Shri Gopi's case for sponsorship was also considered in exception to the rules and forwarded to the competent authority. However, the competent authority did not agree for the same. It is mentioned that Shri Gopi's case is not the only case which has been rejected, there are so many other cases which have been rejected by the HAL Management and during the period 2013 till date, 10 cases including Shri Gopi's case for sponsorship have been rejected. The other 9 persons did not belong to persons with disabilities category which makes it very clear that there is no discrimination in case of Shri K. Gopi. It was also pointed out by the representative of the respondent that Shri Gopi did not take prior permission of HAL Management for CAT examination, which is required as per rules and as per the undertaking given by him at the time of appointment. Even though, he did not meet the basis requirements of six months period prior to commencement of the course. His case was considered for grant of study leave and he was granted the same. Regarding summer training, Shri Gopi finally gave the name of the Project Guide and Project title etc. on 04.04.2014. His case was processed on 05.04.2014 itself. However, in the meantime, Shri K. Gopi gave a letter stating that he would be doing his internship in some other organization and he will not be available for internship at HAL. Regarding the point on dues, there has been corresponding between HAL and Shri K. Gopi, wherein the details have been clarified to him. He pointed out some anomalies like Rs.920/- and Rs.52520/-

which have been agreed. HAL's representative also stated that as an exception, Shri Gopi has been given the option for adjustment of gratuity which is payable to him and if he gives an undertaking for the same, alongwith the requisite Form under the Payment of Gratuity Act, the same would be agreed by the HAL Management. Once this is complied by Shri Gopi towards the settlement of his dues, HAL Management would be in a position to give him the Relieving Letter.

14. Upon hearing both the parties and after going through the record, the Court does not find any discrimination caused to the complainant by the respondent. However, Respondent and Complainant are directed to sit together and resolve their issues amicably within a time frame of 45 days from the date of receipt of this Order. A compliance report may be sent to this Court within 10 days thereafter.



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