



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.5882/1011/2016

Dated:08.09.2015

In the matter of:

Shri Pratik Hanmant Nikam,
C5, Premraj Residency,
Anand Nagar, Old Sangvi,
Pune (Maharashtra)-411027
<nikamph@gmail.com>

..... Complainant

Versus

National Fertilizers Ltd.
Through the Chairman & Managing Director,
A-11, Sector-24, Noida-201301
Distt. Gautam Budh Nagar (U.P.)

..... Respondent

Date of Hearing : 05.08.2016

Present :

1. Complainant absent.
- 2.S/Shri Y.K. Bhatt, Manager(HR), ARPIT Rohatgi, AM (HRD) & R.L. Meena, Sr. Manager (HR) on behalf of the Respondent.

ORDER

The above named complainant, a person with 40% visually impaired filed a complaint dated 21.01.2016 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 identify the post in Materials Discipline for visually impaired person (LV).

2. The complainant has submitted that after going through National Fertilizers Ltd. (NFL) advertisement, he found that VH candidates were not suitable to apply for post in Material Discipline as the post was not identified for VH candidates by them. He further submitted that as per Ministry of Social Justice and Empowerment, Department of Disability Affairs (now Department of Empowerment of Persons with Disabilities) Notification No. 16-15/2010-DD-III dated 29.07.2013, the post of Material Officer is identified for Low Vision. He has requested to identify the post of Management Trainee in Material Discipline in NFL to be suitable to be held by VH candidates (LV) against their advertisement. Such posts should be reserved for VH candidates (LV) in advertisement. Since this post will be identified for first time for recruitment in NFL, hence there will be previous backlog vacancies in prior recruitment drives for this post which shall be considered for recruitment in current advertisement. To allow him & similar other eligible visually challenged candidates (LV) to apply for post of Management Trainee in Material Discipline against their advertisement.

.....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)

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 16.02.2016 directing the respondent to intimate action taken in the matter.
4. Deputy General Manager (HR), National Fertilizers Ltd. Vide letter dated 21.03.2016 submitted that the job profile in Materials Department in NFL relates to Directing, Organizing and Controlling Materials Management activities, such as purchasing, inventory control, materials inspection, store keeping, material handling, transportation, packing, import, management, import substitution, value engineering, spare parts control etc. The job profile of executives working in Materials Department interalia includes lot of travelling for collection, follow up, liaising job etc. and as such, recruitment of PH person with low vision may not be fruitful for such jobs.
5. The complainant vide rejoinder dated 24.05.2016 has submitted that according to the Expert Committee report on 29.07.2013, the Ministry of Social Justice & Empowerment notified the gist of report in Annexure-B wherein the point 2(i) which states that "Great caution should be exercised while excluding a post from list of identified posts." (2) It is observed that NFL has not taken due care while identifying this post for "LV" candidates. Hence NFL should judiciously identify the post of Dy. Manager (C&MM) for "LV" candidates which is in executive level post and has similar nature of jobs as that of Executive (Material Management), Dy. Manager (Procurement), Assistant Material Officer/Material Officer, (3) According to DOPT's O.M. No.36035/3/2004-Estt. (Res) dated 29.12.2005 point 3 states that if any Department/Ministry considers it necessary to exempt any establishment partly or fully from the provision of reservation for persons with disabilities, it may make a reference to the Ministry of Social Justice and Empowerment giving full justification for the proposal. The grant of exemption shall be considered by an Inter-Departmental Committee set up by the Ministry of Social Justice and Empowerment; (4) It is observed that NFL on its own discretion has tried to exclude "LV" candidates from the purview of identifying the post of Materials which is not acceptable. Therefore, it is requested before this Court that since there are very less opportunities identified for "LV" candidates in technical field, hence NFL shall not be granted exemption for "LV" candidates for this post.
6. Upon considering the reply dated 21.03.2016 of the respondent and complainant's rejoinder dated 24.05.2016, a hearing was scheduled on 05.08.2016.
7. During the hearing on 05.08.2016, none appeared on behalf of the complainant. Nor any intimation has been received about his inability to attend the hearing on 05.08.2016 despite the fact that the copy of the Notice of Hearing was sent on 14.07.2016 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 representatives of the respondent submitted that the reasons for not identifying the post of Management Trainee (Materials) for low vision have already been conveyed to the Hon'ble Court

vide letter dated 21.03.2016. Further, vide letter dated 03.08.2016, they assured this Court that in future recruitments, the post of Material Officer or Management Trainee (Materials) which have been identified suitable to be held by VH (low vision) candidates by the Government, will be advertised accordingly.

9. After hearing the parties and perusal of records and looking forward the positive attitude of the respondent, the case is disposed of without any direction to respondent.

10. Ordered accordingly.



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