



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. 5885/1014/2016

Dated: 09.11.2017

Shri Arindam Sen,
30/A, Exjibishan Road, R842
Berhanpore,
Murshidabad-742101
Kolkata

... Complainant

Versus

Ministry of Defence, R843
(Through: Joint General Manager),
Gun & Shell Factory, Cossipore,
Kolkata-700002.

... Respondent

Date of hearing: 25.11.2016, 27.01.2017 and 20.03.2017

Present:

25.11.2016

1. Complainant absent
2. Shri Rajinder Nischal, Advocate on behalf of the Respondent.

27.01.2017

1. Complainant absent
2. Shri Rajinder Nischal, Advocate on behalf of the Respondent.

20.03.2017

1. Complainant absent
2. Shri Rajinder Nischal, Advocate on behalf of the Respondent.

ORDER

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Shri Arindam Sen, a person with 45% HH category filed a complaint dated 02.01.2016 before the Court of the Chief Commissioner for Persons with Disabilities Act, 1995 regarding non-selection to the post of Examiner (Engg.) in Gun & Shell Factory, Cossipore, Kolkata under Ministry of Defence. Under Section 59 of the Persons with Disabilities Act, 1995, the matter was taken up with the Gun & Shell Factory, Kolkata vide this Court's letter No. 5885/1014/2016 dated 07.03.2016 to submit their comments in the matter along with the details of the posts filled since 01.01.1996 in Group 'A' & 'B' as per the proforma sent to them along with the letter.

2. On the basis of replies of the complainant and the respondent, a hearing was fixed in the matter on 25.11.2016. On the date of the hearing, the complainant was absent and the Court noted with serious concern the utter disregard show by the complainant as he neither intimated about his inability to attend the hearing nor cared to send his version of the case.

3. During the hearing on 25.11.2016, the Counsel appearing on behalf of the respondent filed a copy of consolidated Counter Affidavit which was taken on record. He submitted that as per Section 40 of the Administrative Tribunal Act, 1985, the Court of CCPD does not have the

jurisdiction to entertain the complaint. After hearing the Counsel of the respondent, the Court categorically stated that Section 59 of the Persons with Disabilities Act, 1995 mandates the CCPD on his own motion or on application of any aggrieved person or otherwise to look into the complaints inter-alia, with respect to matters relating to deprivation of rights of persons with disabilities. Further, on a query raised by the Court regarding cut-off marks in the written examination, the Counsel sought time to submit a detailed reply before the next date of hearing i.e. 27.01.2017.

4. During the next date of hearing on 27.01.2017, the complainant again did not appear before the Court which the Court noted with serious concern. The Counsel on behalf of the respondent raised objection with regard to Section 14 of the Administrative Tribunal Act, 1985 that the Court has no jurisdiction to entertain the present complaint and the jurisdiction lies with the Central Administrative Tribunal only. The Court again intimated the Counsel that Section 59 of the Persons with Disabilities Act, 1995 mandates the CCPD to look into the complaint. Further, Section 72 of the Persons with Disabilities Act, 1995 provides that the provisions of this Act, or the rules made thereunder shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted or issued for the benefit of persons with disabilities. The respondent was directed to file the reply on the query raised by this Court vide Record of Proceedings dated 05.12.2016 for which the Counsel sought time which was granted and the matter was adjourned to hearing on 06.03.2017.

5. Due to unavoidable circumstances, the hearing in the matter was re-scheduled to 20.03.2017.

6. During the hearing on 20.03.2017, the complainant was again absent nor any intimation was received about his inability to attend the hearing, despite the fact that the Notice of Hearing was sent on 22.02.2017 by Speed Post. The Counsel for the respondent submitted a Consolidated Additional Affidavit on behalf of the respondent which was taken on record.

7. In the light of Rule 42(4) of the Persons with Disabilities Rules, 1996, the complaint is dismissed in default as devoid of merits.



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

