



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.6391/1011/2016

Dated: 09.01.2017

In the matter of:

Shri Deepak Kumar Pathak, *0665*
Principal,
Nowgong Engineering College,
Nowgong, District – Chhatapur (M.P.)

..... Complainant

Versus

Department of Personnel and Training, *0666*
Through the Deputy Secretary,
Ministry of Personnel, Public Grievances and Pensions,
North Block, New Delhi.

..... Respondent

Date of Hearing : 16.11.2016

Present :

1. Complainant absent.
- 2 Shri Pankaj Gangwar, Under Secretary, on behalf of the Respondent.

ORDER

The above named complainant, a person with 40% visually impaired filed a complaint dated nil 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-State Civil Service Officers eligible for appointment to the IAS under Persons with Disabilities Act, 1995 with 3% reservation.

2. The complainant has submitted that as per Section 36 of Disability Act, 1995, if vacancies are not being filled up, they will have to be carried forward. Department of Personnel & Training has been following Section 33 and 36 of Disability Act, 1995 for Civil Services Examination since 2000. But vacancies for Non-State Civil Service Officers eligible for appointment to the IAS have not been filled up under Disability Act, 1995 with 3% reservation.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 12.07.2016 followed by reminder dated 18.08.2016.

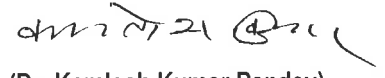
4. Despite reminder dated 18.08.2016, on not receiving any reply, a hearing was scheduled on 16.11.2016.

5. During the hearing on 16.11.2016, 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 Notice of Hearing was sent on 05.10.2016 by Speed Post. The Court noted with serious concern, the utter disregard shown by the Complainant by neither intimating his inability to attend the hearing nor caring to send his versions of the case.

.....2/-

6. The representative of the respondent submitted that there are three modes of recruitment to the Indian Administrative Service, namely, Mode-1 through direct recruitment (through Civil Service Examination), Mode-2 recruitment by promotion from State Civil Service and Mode-3 recruitment by selection again from Non-State Civil Service. A copy of the regulation governing the above modes of recruitment is being submitted. As far as reservation of PH in non-SCS as prayed by the complainant is concerned, it is stated that the issue has already been clarified by the Apex Court vide its judgment dated 01.09.2015 and which has been further clarified by the Hon'ble Bombay High Court in Contempt Petition No. 2 of 2015 dated 22.06.2016. In view of the above, there is no ground for giving reservation in selection to Non SCS as the same benefit is already available for such officers at the time of their initial recruitment in State Governments.

7. After hearing the representative of the Respondent, going through the record available on the file and also on perusing the Order dated 22.06.2016 of the Hon'ble Bombay High Court, there does not appear any violation of any provision of the PwD Act or Government instructions in this case and the same is closed without giving any direction to the respondent,


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