

Case No: 11084/1022/2019

Dated : 06.03.2020

Dispatch No.

Shri Indrajit Anil Bagal,
Assistant Director (Programme),
All India Radio Sangli,
Sai Darshan,
Near District Court,
A/P : Vaduj,
Tal : Khatav,
Dist : Satara,
Maharashtra - 415506

.....Complainant

Versus

Prasar Bharati,
(Thru the Chief Executive Officer),
Prasar Bharati Secretariat,
Prasar Bharati House,
Copernicus Marg,
New Delhi – 110 001

.....Respondent

Date of Hearing : 31.01.2020

Present :

1. Shri Indrajit Anil Bagal, complainant.
2. Col V.K. Shad, DDG (A), DG AIR, Shri Kanwarjeet Singh, DDA (P), DG,AIR, on behalf of Respondent.

ORDER

The above named complainant, a person with 40% visual impairment filed a complaint dated 08.04.2019 under the Rights of Persons with Disabilities Act, 2016 regarding his transfer from AIR Sangli to AIR Satara on the basis of his disability.

2. Shri Indrajit Anil Bagal submitted that he is working as Assistant Director (Programme) in All India Radio, Sangli. His grievance is regarding unjustified non - periodic transfers by AIR, Prasar Bharati. Initially after selection under Special Recruitment Drive by Prasar Bharati in 2016, he was offered to join as AD(P) at AIR, Satara (his home town) which he joined on 01.06.2016. On 15.05.2018, i.e. within two years of his joining, he was transferred from AIR Satara to AIR Sangli which is 125 Km away from his home town. He made representations to his establishment against

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his transfer order, but received no reply. On 18.02.2019 he was relieved from AIR Satara and he was forced to join AIR Sangli under mental trauma, pain and agony. He joined AIR Sangli on 19.02.2019. After joining Sangli he submitted a fresh application to DG, AIR for his transfer near to his place of residence. He submitted that AIR had still not appointed Nodal Officer or Liaison Officer for persons with disabilities. He had been staying with his father, mother and wife at Satara. Due to old age, his parents could not accompany him to Sangli. His wife is working in a private job in Pune. She is doing daily up and down from Satara to Pune. It takes her about 3.30 to 4 hours to reach from Satara to Pune, a distance of 105 Kms. Being a person with disability he needs an attendant preferably a family member to do routine household work during evening and night and therefore, he is finding it difficult to stay alone at Sangli.

3. The matter was taken up under Section 75 (1) under Rights of Persons with Disabilities Act, 2016 vide letter dated 13.05.2019.

4. The Deputy Director (Admn.), Prasar Bharati vide letter no. 08/01/2016-S1(A)/456 dated 18.06.2019 submitted that posting of Shri Indrajit Anil Bagal, Assistant Director (Prog) (Group A of IBPS) was done due to official constraints and for smooth functioning of work in AIR Sangli. He submitted that AIR Sangli is only about one hour away from AIR Satara. He is the only higher officer available. The Respondent submitted that the complainant's request for his transfer from AIR Sangli to AIR Satara had been considered by the duly constituted Transfer Committee of their Directorate in their meeting held on 14.06.2019 and found that the request cannot be acceded to due to administrative exigencies.

5. The complainant vide his rejoinder dated 17.07.2019 submitted that the submission of the respondent that the time taken between AIR Sangli and AIR Satara is one hour is not true. It takes minimum 3 hrs time to reach office from his home. In a similar case, in the case of Shri Abhishek Tiwari AD(P) vs CEO, Prasar Bharati, Shri Tiwari was arbitrarily transferred to DDK Mumbai even before completing his normal tenure. After the intervention of this Court, Shri Tiwari was transferred to his home town, i.e. Allahabad. He submitted that there are number of AD(P)s who had completed their tenure and are available for transfer, but an employee with disability was transferred even before completing his normal tenure.

6. After considering complainant's reply dated 17.07.2019 and Respondent's reply dated 29.07.2019, a personal hearing was scheduled for 30.10.2019. Due to administrative exigencies the hearing was re-scheduled for 06.12.2019. Finally it was fixed for 31.01.2020.

7. During the hearing the Complainant reiterated that his native place is Satara. Complainant's wife is working in a Private Company in Pune. He was transferred from AIR Satara to AIR Sangli which is more than 100 Km away from his home town. He needs an attendant, a family member, to do the routine household work and he is finding it difficult to stay alone at Sangli. The complainant has requested that he be transferred either to Pune, Kolhapur or Satara.

8. After hearing both the complainant and the Respondent, the Court recommends the Respondent to explore options to post the complainant either in Pune, Kolhapur or Satara so that he can live with his family and take their help in day-to-day living. The Court further advises the Respondent to be more sensitive towards persons with disabilities and ensure that the Rights of Persons with Disabilities are not infringed.

(Shakuntala Doley Gamlin)
Chief Commissioner
for Persons with Disabilities

Case No: 10500/1021/2018

Dated : 06.03.2020
Dispatch No.

In the matter of :

Shri Anirban Pal,
S/o Shri Narendranath Pal,
Vill. + P.O.: Domjur (Near B.D.O.),
Howrah – 711 405

.....Complainant

Versus

Punjab National Bank,
(Thru the Chairman & Managing Director),
Plot No.4, Sector-10,
Dwarka,
New Delhi – 110 075

.....Respondent

Date of Hearing : 04.12.2019

Present :

1. Shri Anirban Pal, complainant.
2. Shri SanjayGupta, DGM , on behalf of Respondent.

ORDER

The above named complainant, a person with 70% locomotor disability filed a complaint dated 26.10.2018 under the Rights of Persons with Disabilities Act, 2016, against his transfer to ZO Patna, Bihar from his native place, i.e. Kolkata and denial of promotion by Punjab National Bank.

2. Mr. Anirban Pal submitted that he was working as a Senior Manager in Punjab National Bank, Kolkata. He submitted that he would be transferred to ZO Patna (at least 600 Km away from his residence) and it would take place in December 2018. He was eligible for promotion to scale IV in 2016 but did not apply for the same. He appeared for promotion in 2017 and 2018 (after getting OH certificate). He was disappointed to find himself transferred to a distant place when vacancies existed at several branches in Kolkata and adjoining areas. He submitted that his father was suffering from cancer and his mother was also a person with disability. He had appealed to the Authorities of the Bank (New Delhi) to reconsider his posting to a branch near his residence or if it was not possible then allow him to withdraw from the promotion process. The authorities declined to reconsider his transfer vide email dated 15.10.2018 and were silent on the plea for withdrawing himself from the promotion process.

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3. The matter was taken up with the Respondent under Section 75 (1) of the Rights of Persons with Disabilities Act, 2016 vide letter dated 06.12.2018.

4. The General Manager, PNB vide letter no. HRD:SMR:97363 dated 29.12.2018 submitted that the request of the complainant for reversion had been acceded to and accordingly the complainant was allocated to Kolkata Zone.

5. The Complainant vide his rejoinder dated 05.02.2019 submitted that he had sought redressal for his transfer to a distant place on promotional grounds. He submitted that if the Bank was not ready to reconsider his transfer on promotional grounds, he be allowed to withdraw himself from the promotion process and return to his old posting at CO Kolkata because his physical condition would not permit him to go far away from his native place. He had been on continuous leave since 08.10.2018 because it was not possible for him to stay alone at such a distant place. The Bank authorities did not reconsider his posting on promotional grounds and literally forced him to appeal for foregoing the promotion for returning to Kolkata. He submitted that he had joined ZO Patna on 12.11.2018 as his leave count was decreasing and had suffered from back sprain in the evening of 12.11.2018. He underwent MRI on 14.11.2018 in Kolkata and the report reflected that his spinal condition had worsened since his last MRI report of 23.01.2017. But ZO Patna did not sanction him sick leave. In his service, he served the Bank in Delhi for 2 years and 3 months when he was not having any severe health problem.

6. After considering Respondent's reply dated 29.12.2018 and Complainant's rejoinder dated 05.02.2019, a personal hearing was scheduled on 04.12.2019.

7. During the hearing the complainant vide his written submission submitted that many normal officers were given home postings after they complete one outstation posting before getting elevated to Scale-IV. He submitted that two of his batchmates who had locomotor disability were retained in the same State of Uttar Pradesh on promotion but he was denied the same. Now with the merger of UBI and OBC with PNB, there are more than 1100 branches in West Bengal and accommodating him near to his native place should not be a problem for the Bank. He submitted that the negative attitude of the management towards the persons with disabilities has resulted in promotion of 7-8 employees Junior to him who are now working as superiors.

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8. The representative of the Respondent submitted that the complainant was recruited in October 2005. He was posted in HO Delhi from 2005 to 2008. During July 2007 he requested for his transfer to West Bengal. He was transferred to ZO Kolkata in January 2008. In the year 2009, he was promoted to Scale II Officer. Presently he is working as Senior Manager and is posted in Kolkata since 2017. He was promoted to the post of Chief Manager and transferred to ZO Patna in October 2018. The Respondent submitted that the complainant was not discriminated against in the matter of his promotion and other benefits on the basis of his disability.

9. The Court noted that DoP&T has issued a Circular No. 36035/3/2013-Esst.(Res) on 31.03.2014 regarding facilities to be provided for employees with disabilities which inter-alia deals with the provision of posting of employees with disabilities. Para 'H' of this Circular is reproduced below;-

“As far as possible, the persons with disabilities may be exempted from the rotational transfer policy/transfer and be allowed to continue in the same job, where they would have achieved the desired performance. Further, preference in place of posting at the time of transfer/promotion may be given to the persons with disability subject to the administrative constraints.

The practice of considering choice of place of posting in case of persons with disabilities may be continued. To the extent feasible, they may be retained in the same job, where their services could be optimally utilized.”

10. Keeping in view the above Circular of Dop&T the Court recommend that the Bank may consider to retain Shri Anirban Pal at Kolkata so that he can take care of himself, his mother, a person with disability and his ailing father, who is suffering from Cancer.

11. The case is disposed of.

(Shakuntala Doley Gamlin)
Chief Commissioner
for Persons with Disabilities

Case No: 11177/1023/2019

Dated : 06.03.2020
Dispatch No.

In the matter of :

Shri Parikshit Malik,
Chief Manager,
Bank of Baroda,
City Back Office,
3rd Floor, Golden Triangle Building,
Navrangpura,
Ahmedabad – 380 014

.....Complainant

Versus

Bank of Baroda,
(Thru the General Manager (HRM)),
6th Floor, Baroda Bhawan,
R.C. Dutt Road,
Alkapuri,
Varodara,
Gujarat – 390 007

.....Respondent

Date of Hearing : 04.12.2019

Present :

1. Shri Parikshit Satishkumar Malik, Complainant
2. Dr. Dinesh Kumar and Ms. Priyanka Mehta, Sr. Manager, Bank of Baroda, Zonal Office Delhi, on behalf of Respondent.

ORDER

The above named complainant, a person with 75% locomotor disability had filed a complaint dated 20.05.2019 under the Rights of Persons with Disabilities Act, 2016, against posting of his wife at Anand region from Ahmedabad.

2. Shri Parikshit Satishkumar Malik submitted that he and his wife Smt. Sugandha are working in Bank of Baroda and posted at Ahmedabad branch. They have a child aged 6 years. On 30.04.2019, his wife received a transfer order to Anand Region in Gujarat. Her transfer adversely affected him and his family. Due to his disability, he has developed deformities in his limbs and stiffness of joints. Due to prolonged arthritis and lack of mobility, he has developed

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varicose veins in his lower limbs. During 2008, he met with an accident while on duty. The compression in Spinal Cord and due to neurogenic claudication in lower limbs resulted in numbness in lower body. During March 2013, he had a severe heart attack and had undergone angioplasty. He submitted that due to the transfer of his wife, he is unable to take care of his

family alone. He made representations to the HRM Zonal Office, Ahmedabad Zone and Zonal Head, Ahmedabad Zone on 30.04.2019. Now Bank of Baroda, Vijaya Bank and Dena Bank have merged w.e.f. 01.04.2019.

3. The matter was taken up with the Respondent under Section 75 (1) of the Rights of Persons with Disabilities Act, 2016 vide letter dated 14.06.2019.

4. The Head-HR Operations, Bank of Baroda vide his letter no. HO:HRM:111/7703 dated 15.07.2019 has submitted that Ms. Sugandha, wife of the complainant, had joined the Bank on 22.05.2009 in Ahmedabad city and since then she had been posted in the same city. Ms. Sugandha was transferred from Ahmedabad Region to Anand Region in terms of Transfer Policy considering administrative requirements by defining 'Longest Stay' criteria along with other equally placed officers. She reported at Bhalej Road Branch, Anand on 15.06.2019. The Respondent submitted that in the above circumstances the cancellation of transfer of Ms. Sugandha would result in discontentment among many other similarly placed officers and may evoke requests from many such officers, which will pose administrative constraints and may espouse IR issues for the Bank. The Respondent further submitted that her husband Mr. Malik was recently promoted to the post of Chief Managers' cadre w.e.f. 01.04.2019. He admitted that Mr. Malik is a person with disability. Therefore, the Bank is open to transfer Mr. Malik to Anand region provided he submits his request accordingly, which shall be placed before the Competent Authority for favourable consideration on humanitarian grounds.

5. The complainant vide his rejoinder dated 26.08.2019 has submitted that he is suffering from Rheumatoid Arthritis which is progressive in nature. Due to Arthritis he has developed deformities in all the limbs and stiffness in other joints. He has to depend on his wife for daily chores. He is also a patient of Hyper-tension and in March 2013, he had a severe heart attack and has undergone angioplasty and he requires continuous care and observation. During the

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year 2008, he met with an accident while on duty by which he has developed compression in Spinal Cord and suffering from neurogenic claudication and was advised to undergo surgery for his spinal cord which was very risky for him. All the above medical conditions are life threatening in

nature and require continuous observation and care and could not be ignored. In the above circumstances and disabilities, he cannot take care of himself and his son alone. The transfer of his wife adversely affected him and his family. He remains in stress to maintain himself which has further deteriorated his condition. Further, it has created panic situation for him, which proves every day that he is a person with disability who cannot take care of himself and his family. His wife is a junior most cadre of officers and she has avoided promotions to avoid transfers and also she does not possess specialized skills which warrants her to transfer to Anand Region whereas he is in the Senior Management cadre.

6. After considering Respondent's reply dated 15.07.2019 and Complainant's rejoinder dated 26.08.2019, a personal hearing was scheduled for 04.12.2019.

7. During the hearing the Complainant reiterated the submissions made by him in his rejoinder dated 26.08.2019.

8. During the hearing the representatives of Respondent submitted that since 2009, the complainant's wife had been posted in Ahmedabad. The complainant is also posted in Ahmedabad. The Bank has offered to post the complainant in Anand where his wife is transferred.

9. After hearing both the complainant and Respondent and after considering the disability of the Complainant, the Court recommends the Respondent Bank to consider posting the wife of the complainant to a Branch near to their residence in Ahmedabad so that being a care-giver she can look after the medical needs of her husband and also his daily needs. The Respondent is further advised to ensure that the rights of the persons with disabilities are not infringed.

10. The case is disposed of.

(Shakuntala Doley Gamlin)
Chief Commissioner
for Persons with Disabilities

Case No: 6389/1023/2016

Dated : 06.03.2020

Dispatch No.

In the matter of :

Shri Tanuj Kumar,
Plot No.E, 1614,
EWS, Ratanpur Extension Plot,
Ratanpur,
Panki,
Kanpur - 208020
Email<tanujkumartanuj.tk@gmail.com>

.....Complainant

Versus

Bank of Baroda,
(Thru the General Manager-
Disciplinary Proceedings)
Baroda Corporate Centre,
C-26, G-Block,
Bandra Kurla Complex,
Mumbai – 400 051

.....Respondent

Date of Hearing : 03.01.2020 and 13.11.2019

03.01.2020

Present :

1. Shri Tanuj Kumar, Complainant, Present
2. Dr. Dinesh Kumar, Asst. General Manager (HRM), Bank of Baroda, Zonal Office, Delhi, on behalf of Respondent

13.11.2019

Present :

1. Shri Tanuj Kumar, Complainant, Present
2. Respondent – Not present.

ORDER

Shri Tanuj Kumar, a person with 100% visual impairment has filed complaints dated 23.04.2016, 19.06.2017 and 14.06.2017 under Rights of Persons with Disabilities Act, 2016 against harassment at the workplace.

2. The complainant submitted that he had been victimised and harassed by Bank of Baroda since his joining the Bank. In order to achieve Bank's targets, the Bank had forced him to work

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on such jobs which were not suitable for a person like him. Some lapses occurred while working on this job due to his disability and lack of experience. This resulted in his suspension for more than 20 months. The reason given for his suspension was that his acts would likely cause substantial financial loss to the Bank. The complainant submitted that during his tenure as Branch Head, he sanctioned over 5.5 Crores of advance accounts. The Appellate Authority had concluded that the transactions made by him in Jagaiपुरwa Branch was unauthorized and intentional. The complainant agreed that these were intentional but not unauthorized as proper debit authority was obtained by him which was not provided to him during the inquiry. He submitted that he is not only blind but suffering from many diseases and also had surgery five times.

3. The matter was taken up under Section 75(1) of the Rights of Persons with Disabilities Act, 2016 vide letter dated 22.12.2017.

4. The General Manager, Disciplinary Proceedings, Bank of Baroda vide letter no. BCC:DP:110:247 dated 06.01.2018 has submitted that Shri Tanuj Kumar committed several lapses while working as Branch Officer/Manager at Jaghaipurwa Branch & Singhpur Branch, Kanpur. He was Officer during the period from 21.08.2012 to 13.10.2013 at Jaghaipurwa Branch and from 14.10.2013 to 15.01.2014 as Branch Head at Singhpur Branch, Kanpur. He was issued a Chargesheet on 28.04.2015 after conducting staff accountability. On receipt of his Written Statement of Defence, departmental inquiry was conducted. Inquiry Report dated 15.01.2016 was submitted by the Inquiring Authority. The Disciplinary Authority imposed the penalty of 'Reduction to a lower Grade, i.e. from MMG/S-II to JMG/S-I and be placed at the Basic Pay of Rs.23,700/- Scale in JMG/S-I' and the 'The period of suspension shall be treated as period not spent on duty', vide Order dated 14.03.2016. The complainant's appeal was rejected by the Executive Director & Appellate Authority vide Order dated 08.06.2017. The Review application of the complainant 19.06.2017 was also rejected by the management vide Order dated 05.10.2017. After perusal of various documents, produced during the course of enquiry and kept on Enquiry Record, the written briefs submitted by both the sides and the IA's findings, they observed that several of the entries had indeed been made without obtaining any permission/mandate from the respective account holders/s.

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5. The complainant vide his rejoinder dated 29.01.2018 submitted that the total number of NPA in Singhpur branch amounts to Rs.3.37 Crores with number of accounts to 207 and the NPA cited by bank by he being the sanctioning authority amounts to Rs.1.07 Crores with number of accounts as 41. The contention raised by the Respondent that debit authorities were not obtained by him while passing the entries is not true. He submitted that the debit authorities were very well available in banks records but due to connivance, it was not produced before the enquiry. The then branch manager was instructed to give a certificate citing non availability of debit authorities. He submitted that even on his severe disability, he was dragged in marketing which culminated into an accident.

6. After considering Respondent's reply dated 06.01.2018 and complainant's rejoinder dated 29.01.2018, a personal hearing was scheduled on 20.09.2019.

7. The complainant was present for the hearing on 20.09.2019. The Respondent was absent. The hearing could not be held on 20.09.2019 due to unavoidable circumstances. However, the parties were informed of the next date of hearing as on 16.10.2019 which was further postponed to 25.10.2019 on the written request of the Complainant. The said hearing was again rescheduled to 13.11.2019 due to administrative exigencies.

8. During the hearing, the complainant submitted that he is posted at Regional Office of Bank of Baroda in Kanpur. He submitted that there is no guidelines to maintain account with Gumti Branch. He has taken staff loan from Gumti Branch No.5 in Kanpur. The Branch Manager had been harassing him for documentation. He had requested the Branch Manager to transfer his loan account to other branch but the Chief Manager of the Branch did not transfer his account and was harassing him. False cases were being filed by the management of the bank against the complainant.

9. The Respondent was not present during the hearing. However, the Court has given one more chance for the Respondent to plead their case.

10. The Court scheduled the next hearing on 03.01.2020.

11. During the hearing, the Complainant reiterated the submissions made by him as in para (2) of this Order. He further submitted that being a visually impaired person he should have been posted in the Administrative Branch as per para (2) of letter dated 01.10.2013 of CGM (HRM), Bank of Baroda, Mumbai.

12. The Learned Counsel for the Respondent reiterated the submissions as mentioned in para (4) above.

13. Considering the disability of the Complainant, the Court recommended the Respondent to ensure that the Complainant is given a suitable administrative work so that he can discharge his duties without any difficulty. As regards the alleged discrimination and humiliation on Shri Tanuj Kumar, as stated by the complainant, this Court within its ambit and scope of jurisdiction exercisable under the Rights of Persons with Disabilities Act, 2016 and relevant rules, advises the Respondent to be more sensitive towards persons with disabilities and to ensure a conducive and accessible work environment for the complainant in specific and for the persons with disabilities in general and provide him a level playing field, so that no rights, as provided under the Rights of Persons with Disabilities, Act, 2016, are infringed.

14. The case is disposed of.

(Shakuntala Doley Gamlin)
Chief Commissioner
for Persons with Disabilities

Case No: 10631/1022/2018

Dated : 06.03.2020

Dispatch No.

In the matter of :

Shri S. Siba Narayana Subudhi,
Gandhi Nagar, 6th Line,
Sub Dist.: Berhampur Sadar,
District : Ganjam,
Berhampur,
Odisha - 760001

.....Complainant

Versus

Central Railway,
(Thru General Manager),
Office of the General Manager,
2nd Floor, Chhatrapati Shivaji Terminus,
Mumbai – 400 001

.....Respondent 1

East Coast Railways,
(Thru General Manager),
Rail Kund,
Chandrasekharpur,
Bhubaneswar,
Odisha – 751 017

.....Respondent 2

Dates of Hearing : 22.11.2019 & 16.08.2019

22.11.2019

1. Shri S. Siba Narayana Subudhi, Complainant, Shri S. Gurumurthy Subudh, Complainant's father and Shri Subrat Kumar Rath and
2. Respondent No. 1 – Absent.
3. Shri Ramakant Kashyap, Advocate on behalf of Respondent No. 2.

16.08.2019

Present :

1. Shri S. Siba Narayana Subudhi, Complainant.
2. Respondent No. 1 – Absent.
3. Shri Ramakant Kashyap, Advocate on behalf of Respondent No. 2.

ORDER

The above named complainant, a person with 100% visual impairment, has filed a complaint under the Rights of Persons with Disabilities Act, 2016 regarding transfer to his native place, i.e. Berhampur nearest to Khurdha Road Division of East Coast Railways from Central Railways, Mumbai;

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2. Shri S. Siba Narayana Subudhi submitted that he is working as a Junior Clerk in Matunga Mechanical workshop under Central Railway. His home town is Berhampur which is nearest to Khurda Road division of East Coast Railway. He had applied for his transfer to the Khurda Road division. His current workplace is inaccessible and it is more than 2000 kilometers away from his native place. He faces trouble while travelling in Mumbai local train. His parents are old and getting treatment and no one is there to look after them. The Sr. DPO of the Khurda Road division is intentionally delaying finalization of the case for the last 6 months. He had given representation to DRM grievance also but till now he has not got any positive response.

3. The matter was taken up under Section 75(1) of the Rights of Persons with Disabilities Act, 2016 vide letter dated 21.12.2018.

4. The Senior Personnel Officer, Personnel Department, CWM's Office, Mumbai vide letter no. MTN/EM/E6/14/IRT (Own. Req.) dated 20.02.2019 has submitted that the transfer application of the complainant was sent to DRM/P, Khurda Road Division, East Coast Railway vide letter no. MTN/EM/E6/14/IRT dated 23.05.2018. In reply DRM/P, Khurda Road had advised that there is no vacancy to accommodate the complainant at Khurda Road division. However, the Respondent submitted that the letter dated 21.12.2018 of this Court was forwarded to DRM/P, Khurda Road for sympathetic consideration as and when a vacancy arises.

5. The complainant vide his rejoinder submitted that he is a completely blind person working as Junior Clerk at CWM/Matunga. He submitted that he has given an application for his request transfer to DRM Khurda Road Division vide letter dated 23.05.2018. But after about nine months, the DRM Khurda intimated to CWM Matunga that there is no vacancy in any department to accommodate him. From RTI sources, he knew that there are five vacancies in several departments at Khurda Road Division. He has requested to accommodate him at Khurda Road Division as his family position is not at all good.

6. After considering Respondent's reply dated 20.02.2019 and complainant's rejoinder, a personal hearing was scheduled on 16.08.2019.

7. During the hearing the complainant reiterated his grievance as submitted in the original application which are mentioned in para 2 above .

8. The representative of Respondent No.2 informed the Court that the Complainant has been promoted recently to the post of Sr. Clerk and requested for one month time for the next hearing so that the Respondent can file a detailed reply.

9. The next date of hearing was fixed on 04.10.2019. The said hearing was rescheduled for 25.10.2019 and again postponed to 22.11.2019 due to some unavoidable administrative exigencies.

10. During the hearing the complainant reiterated that he is presently working as Sr. Clerk at Central Railway, Matunga Workshop, Mumbai and his wife Smt. Sujata Nayak is presently working as a Government Primary Teacher at Lakhamanpalli in Dist. Ganjam, Odisha. Both of them are working at far off place from each other. It is very inconvenient to him to reach Matunga, Mumbai office by travelling in two local trans from his residence in Mumbai.

11. The Respondent No.2 vide his written reply dated 21.11.2019 has submitted that Complainant's request application received through CWM(P), Central Railway, Matunga Workshop's letter dated 23.05.2018 was under consideration. The cadre position of Junior Clerk-Cum-Typist in Khurda Road Division of East Coast Railway was verified and found that no vacancy was available in any Department of Khurda Road Division to accommodate the Complainant in the post of Junior Clerk-cum-Typist against Direct Recruitment Quota (DRQ). As a result Complainant's own request application for one way transfer on bottom seniority could not be acceded to due to non-availability of vacancy and accordingly, CWM(P), Central Railway, Matunga Workshop was informed under Divisional Railway Manager (Personnel), East Coast Railway, Khurda Road's letter No. P3/20/Pers/IROT/SNS/KUR dated 08.02.2019. On the date of hearing on 16.08.2019, the Complainant did not disclose before the Hon'ble Court of Chief Commissioner for Persons with Disabilities about his promotion to the post of Senior Clerk. The representative of Respondent No.2 has submitted before the Chief Commissioner for Persons with Disabilities that the Complainant has been promoted recently to the post of Senior Clerk. The Complainant while working as Junior Clerk-Cum-Typist under CWM(P), Matunga had applied for his one way request transfer application to Khurda Road Division of East Coast Railway. Due to non-availability of vacancy, his request for transfer could not be considered. The complainant is not entitled for consideration of his one way request transfer to the post of Senior Clerk as he did not possess the requisite educational qualification which is mandatory as per rule.

12. Since the complainant is already promoted to the post of Senior Clerk, therefore, the reasons attributed by the Respondent for not considering the request transfer to non-possession of requisite qualification by the complainant is not convincing.

13. Considering the disability of the complainant and the difficulties being faced by him at the present place of posting, the Court recommends the Respondent to consider posting the complainant to Khurdha Road Division of East Coast Railways, which is nearest to his native place i.e. Berhampur and to submit the compliance report to this Court within 60 days of date of issuance of this Order.

14. The case is disposed of.

(Shakuntala Doley Gamlin)
Chief Commissioner
for Persons with Disabilities

Case No: 3373/1022/2015

Dated: 06.03.2020
Dispatch No.

In the matter of :

Shri Dayanand Kumar,
AAA,
Military Engineer Services – 510928,
HQ Chief Engineer (AF) Zone,
Udhampur Zone,
Jammu & Kashmir – 182 101

.....Complainant

Versus

Military Engineer Service,
(Thru Director General (Personnel))
Integrated HQ of MoD (Army),
Engineer-in-Chief's Branch,
Kashmir House,
New Delhi

.....Respondent

Date of Hearing : 11.12.2019

Present :

1. Shri Dayanand Kumar, Complainant.
2. Brig N.M. Chandarana, on behalf of Respondent

ORDER

The above named complainant, a person with 40% locomotor disability had filed a complaint dated 12.12.2014 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 regarding his posting to his native place.

2. Shri Dayanand Kumar submitted that he was appointed as LDC under PH category on 10.03.2010 and was posted at GE Satwari Jammu. He made many requests with his establishment for his posting to or nearby Patna (Bihar).

3. The matter was taken up with the Respondent under Section 59 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 vide letter dated 05.02.2015.

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4. The SO-I (Pers), Chief Engineer, Northern Command vide his letter No.41623/LDC/153/EIC-1 dated 18.02.2015 has submitted that the case for posting of the complainant to his native place, i.e. Danapur/Gaya has been approved with replacement by the Board of Officers held during Q/E Dec.2014 vide their HQ letter No. 41625/Sub/Gen/109/EIC-1 dated 23.01.2015 and as and when replacement is provided by the Central Command, the complainant will be released. The SO-I (Pers), Chief Engineer, Northern Command vide letter no. 41623/JAA/Gen/134/EIC (1) dated 27.04.2019 submitted that Shri Dayanand Kumar was requested to forward complete documents along with recommendations of Chief Engineer (Air Force), Udhampur where he is posted. The complainant's documents have been received by them. Their office is bound to follow the laid down departmental procedure to implement the directions of the Hon'ble Court. The complainant's request is being considered for posting to Chief Engineer Central Command subject to the acceptance by Chief Engineer Central Command.

5. The complainant vide his rejoinder dated 14.06.2019 has submitted that he was asked by HQ CE NC to forward one more copy of the application dated 17.07.2017 along with connected documents vide HQ CE NC letter No. 41623/JAA/Gen/05/EIC (1) DATED 10.05.2019 and HQ CE (AF) Zone Udhampur letter No. 10010/AF/Dis/198/E10 (Est) dated 24.05.2019 and the same had already been forwarded. However he forwarded the same through proper channel. The complainant vide his another letter dated 17.09.2019 has submitted that the HQ CE NC, Udhampur asked him to submit the documents as mentioned in their letter dated 03.07.2019 and he has submitted the documents as asked for with undertaking to count his present seniority.

6. After considering Respondent's reply dated 27.04.2019 and Complainant's rejoinder dated 14.06.2019, a personal hearing was scheduled for 11.12.2019.

7. During the hearing the complainant reiterated the submission made by him in para (5) above.

8. During the hearing the representatives of Respondent submitted that initially the complainant was posted in Jammu. The complainant has to accept that seniority will be lost on his transfer to his native place. The compassionate posting is only for two years.

9. The complainant is asking for his transfer on the ground of his disability. There should not be any restriction in inter-command transfer of Group 'C' and 'D' employees. The Court recommends the Respondent to consider posting of the employees to their native place on case to case basis after taking it up with the Army Head Quarters. Accordingly, the complainant may be considered for posting at his native place. The compliance report shall be sent to this Court within 90 days of issuance of this Order. The Respondent is further advised to ensure that the rights of the persons with disabilities are not infringed.

10. The case is disposed of.

(Shakuntala Doley Gamlin)
Chief Commissioner
for Persons with Disabilities

Case No: 2144/1024/2014

Dated : 06. 03.2020
Dispatch No.

In the matter of :

Smt. Kamlesh Sharma,
W/o Shri R.P. Sharma,
H.No. 411, Sector 53,
Phase 3A,
Mohali,
Chandigarh – 160 059

.....Complainant

Versus

Bharat Heavy Electricals Limited,
(Through General Manager)
Regional Operations Division,
Integrated Office Complex,
6th Floor,
Lodhi Road,
New Delhi – 110 003

.....Respondent

Dates of Hearing:

18.10.2019

Present :

1. Shri R.P. Sharma, husband of complainant and Shri M.S. Rana.
2. Shri A.K. Ray, Advocate and Ms. Sunita Arora, Sr. Manager (HR), on behalf of Respondent.

17.06.2019

Present

1. Shri R.P. Sharma, husband of complainant and Shri M.S. Rana.
2. Shri A.K. Ray, Advocate and Ms. Sunita Arora, Sr. Manager (HR), on behalf of Respondent.

ORDER

The above named complainant, a person with 80% multiple disability filed a complaint under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 regarding premature retirement of the complainant on the ground of disability occurred while in service.

....2/-

2. Smt. Kamlesh Sharma submitted that she joined the service as Clerk in Bharat Heavy Electricals Limited on 10.03.1980 and was promoted to the post of Sr. Assistant Grade-1 on 25.06.2009. She had to undergo brain surgery twice during her service. The complainant was directed by BHEL vide their letter dated 23.01.2014 to undergo medical tests at Max Hospital in Mohali. She submitted medical certificate issued to her by PGIMER, Chandigarh on 07.02.2014. The complainant submitted that she was compulsorily retired from service in the afternoon of 24.05.2014 by the respondent vide letter no. 1031:HR:3355454 dated 22.05.2014. She was handed over a cheque for Rs.87,465/- as one and a half months salary in lieu of notice period which she did not accept. She was compelled to retire at the age of 55 years, 5 years before the retirement age, i.e. 60 years. She requested for her reinstatement with full wages with retrospective effect.

3. The matter was taken up with the Respondent under Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 vide letters dated 15.07.2014 and 19.12.2014.

4. The Respondent vide their letter dated 04.09.2014 submitted that the complainant failed to get herself examined by a qualified doctor as prescribed under the present Act or produce the certificate of disability. The Respondent submitted that the complainant's submission that she joined back her normal duties after her recovery was a complete lie. The complainant had practically been unable to perform any of her official duties even after her re-joining service, post her surgery in July 2001. The complainant never submitted any application for leave in relation to her ailment and brain surgery in the year 2001 instead submitted an application for sanction of availed leave from 18.07.2001 to 31.10.2001 together with a Medical Certificate dated 15.10.2001 issued by PGI, Chandigarh.

5. The complainant vide her rejoinders dated 09.10.2014 and 25.07.2016 requested to create a supernumerary post for her. The complainant vide her another letter dated 12.10.2018 submitted that she had refused to accept all the financial benefits prematurely offered by the respondent at the time of unjustified, involuntary and illegal retirement and the hard earned money of the complainant in the form of General Provident Fund, Gratuity etc is lying with the Respondent. The complainant submitted that she was entitled to receive all the monetary dues from the respondent till the ordinary date of her superannuation.

6. After considering Respondent's reply dated 04.09.2014 and complainant's rejoinders dated 09.10.2014 and 25.07.2016, a personal hearing was scheduled for 17.06.2019 but could not be held due to administrative exigencies. However, the next hearing which was postponed to 06.09.2019 was finally heard on 18.10.2019.

7. During the hearing the representatives of the Complainant reiterated the submissions by the complainant in her original complaint and prayed to reinstate her with full wages with retrospective effect

8. The representative of the Respondent submitted that the Complainant had failed to get herself examined by a qualified doctor or produce a certificate of disability. She never submitted any leave application for her ailment and brain surgery in the year 2001 but instead submitted an application for sanctioning availed leave from 18.07.2001 to 31.10.2001 together with a Medical Certificate dated 15.10.2001 issued by PGI, Chandigarh.

9. The Court fixed the next hearing for 04.12.2019.

10. During the hearing the complainant vide her written reply dated 04.12.2019 had submitted that all the documents related to her treatment were submitted to the Respondent and on that basis only she was sanctioned medical leave. The complainant was never told the reasons for terminating her services. She submitted that she was entitled to all the benefits and further promotions from the post of Sr. Assistant to that of Superintendent/Supervisor with the benefit of annual increments till the date of her actual superannuation.

11. During the hearing the Respondent reiterated that the complainant failed to get herself examined by a qualified authorized doctor and produce the certificate of disability for availing reliefs. The complainant's Disability Certificate was made after she left the Government service. She was not capable of doing any official duties even after her re-joining the service after her surgery in July 2001. Respondent submitted that the complainant never submitted any application for leave for her ailment and brain surgery.

12. The Court recommended the Respondent to conduct the medical examination of the complainant to ascertain her disability and suitability to do work with respect to any post in light of the requirement under Section 47 of the Persons with Disabilities Act, 1995 within 45 days of receipt of this Order and compliance report to be submitted to this Court within 90 days of receipt of this Order.

13. The case is disposed of.

(Shakuntala Doley Gamlin)
Chief Commissioner
for Persons with Disabilities

Case No: 9466/1022/2018

Dated : 06.03.2020
Dispatch No.

In the matter of :

Shri Om Prakash,
H. No.357,
Sector 5,
Karnal,
Haryana – 132 001

.....Complainant

Versus

Prasar Bharati,
(Thru the Chief Executive Officer),
Prasar Bharati Secretariat,
Prasar Bharati House,
Copernicus Marg,
New Delhi – 110 001

.....Respondent

Date of Hearing : 30.01.2020

Present :

1. Shri Om Prakash, complainant.
2. Col V.K. Shad, DDG (A), DG AIR, Shri Kanwarjeet Singh, DDA (P), DG,AIR and Shri Kuldip Singh, SO, On behalf of Respondent.

ORDER

The above named complainant, has filed a complaint dated 02.03.2018 under the Rights of Persons with Disabilities Act, 2016 against physical attack on his son Shri Deepak Prakash, a person suffering from 40% visual impairment and his wife by Shri Rajat Kumar, an employee of AIR, Kurukshetra and issuance of six memorandums to his son.

2. Shri Om Prakash submitted that his son Shri Deepak Parkash is working as Transmission Executive in All India Radio, Kurukshetra, Haryana. He joined Prasar Bharati on 24.06.2016 under special recruitment drive for visually/blind. One Shri Rajat Kumar, a senior employee, had been harassing his son in the name of blindness. He reported this matter to the Head of Office many a time. On 07.12.2017, Shri Rajat Kumar attacked and beat his son in his office, which was reported by him to his Head of Office, but no action was taken on it. Again on 28.02.2018,

....2/-

Shri Rajat Kumar along with his wife beat the wife of Shri Deepak in a government quarter where he stays. At that time his son was on his way to Delhi to meet the Nodal Officer for persons with disabilities. On hearing this incident, his son returned to his home from Delhi. His son was threatened by his seniors and he was told that if he make any complaint about these incidents, he would be transferred to Leh and Ladkhak. Shri Deepak Prakash was issued six memorandums by his establishment with no fault of his. His son is now feeling dejected.

3. The matter was taken up under Section 75 (1) under Rights of Persons with Disabilities Act, 2016 vide letter dated 05.03.2019.

4. The Deputy Director (Pers.), Prasar Bharati vide letter no. Misc-1/51/2015-PPC(Vo.-I) dated 20.03.2019 submitted that the controlling office of the alleged culprit (Shri Rajat Kumar) in the ibid complaint, is DG, All India Radio and thorough investigation in the matter comes under the purview of DG, AIR. As such, the concerned office had been asked to investigate the matter and take disciplinary action against the culprit vide their O.M. of even number dated 19.03.2019 as per applicable Rules.

5. The complainant vide his email dated 31.05.2019 submitted that despite his son's request to AIR, no action had been taken against Shri Rajat Kumar, who had thrashed and beaten his son in the office on 07.12.2017. He submitted that Shri Rajat Kumar had conveyed wrong message to Shri R.K. Nagpal who was holding additional charge of AIR, Kurukshetra. He submitted that Shri R.K. Nagpal had issued six memorandums malafide in nature without any valid reasons to his son between February 2018 to July 2018. When his son approached AIR authorities regarding the issue of Memorandums, he was taken lightly, but however, a clean chit was given to Shri Rajat Kumar and Shri R.K. Nagpal by Dr. Shailendra Kumar, ADG. As AIR did not take any action against Shri Rajat Kumar and due to fear of Shri Rajat Kumar, his son had to shift his family from Radio Colony, Kurukshetra.

6. After considering Respondent's reply dated 20.03.2019 and complainant's rejoinder dated 31.05.2019, a personal hearing was scheduled for 30.10.2019 which was re-scheduled for 06.12.2019 and later on for 31.01.2020.

7. During the hearing, the complainant submitted that his son had been issued six memoranda between 07.03.2018 to 24.07.2018 by Shri R.K. Nagpal, the then Station Director (Additional Charge) of All India Radio Kurukshetra with bad and malafide intentions. His son Shri Deepak Prakash had requested several times to AIR to investigate these six memoranda but AIR authority did not listen to his son's request. He submitted that these memorandums will hamper his son's future promotions in his career. Shri Rajat Kumar Trex and Shri Akash Bhardwaj, Engg. Assistant both have not mended their ways and are still harassing his son indirectly.

8. During the hearing, the representatives for Respondent submitted that Shri R.K. Nagpal had since retired from the service and Shri Rajat Kumar would be transferred to some other Departments. They further stated that the ACR of Shri Deepak Prakash had been corrected and upgraded by ADG and the memorandums issued to Shri Deepk Prakash would be withdrawn if he makes a representation to AIR. The necessary instruction had been issued to the concerned officials to give only day duties to Shri Deepak Prakash.

9. This Court appreciated the steps taken by the ADG, AIR to resolve the grievance of the complainant. Since all corrective steps have been taken by AIR, this Court does not find it necessary to pursue it further at this stage. Accordingly, the case is disposed of.

(Shakuntala Doley Gamlin)
Chief Commissioner
for Persons with Disabilities

Case No: 10174/1022/2018

Dated : 06.03.2020

Dispatch No.

In the matter of :

Shri Amit Kumar,
C-3, Delhi Fire Station,
Headquarter,
Connaught Place,
New Delhi – 110 001

.....Complainant

Versus

Steel Authority of India Limited,
(Thru Chairman and Managing Director),
ISPAT Bhawan,
Lodhi Road,
New Delhi – 110 003

.....Respondent

Dates of Hearing : 27.11.2019 and 18.10.2019

27.11.2019

Present :

1. Complainant – Not present.
2. Shri Neeraj Seth, SM and Shri Ashish Rana, Advocate.

18.10.2019

Present :

1. Shri Jitendra Kumar, father of the Complainant.
2. Shri Anurag Kumar Singh Advocate and Shri Ankit Paushyayan, Advocate.

20.09.2019

Present :

1. Shri Amit Kumar, Complainant.
2. Shri Anurag Kumar Singh, Advocate and Shri Ashish Rana, Advocate.

ORDER

The above named complainant, a person suffering from 50% locomotor disability has filed a complaint dated 17.07.2018 under the Rights of Persons with Disabilities Act, 2016 regarding his transfer from Bhilai Steel Plant to any office of SAIL in Delhi.

....2/-

2. Shri Amit Kumar has submitted that he joined Steel Authority of India (SAIL) on 30.09.2014 and is currently posted at Bhilai Steel Plant in Chhattisgarh. He has recently undergone a total hip joint replacement surgery on 10.03.2018. Since then he has been on extraordinary leaves. His wife Smt. Deepti Rana is working under Directorate of Education, Govt. of NCT of Delhi and her job is not transferable. He had applied for his transfer to the CEO, Bhilai Steel Plant during the months of April and May 2018, but he has not received any satisfactory reply from his establishment. He has requested for his transfer from BSPC Bhilai Steel Plant to any suitable place in Delhi where SAIL office is situated.

3. The matter was taken up under Section 75(1) of the Rights of Persons with Disabilities Act, 2016 vide letter dated 17.09.2018.

4. The DGM(Personnel), SAIL vide letter no. PER/IR&W/A-206/18 dated 07.12.2018 informed the Court that the request for transfer of Shri Amit Kumar has been noted by them and may be considered in due course of time when vacancy arises in Delhi.

5. The complainant vide his vide emails dated 04.02.2019 & 30.05.2019 has submitted that the respondent has not taken any action on his transfer to any SAIL office in Delhi inspite of their assurance.

6. After considering Respondent's reply dated 07.12.2018 and complainant's rejoinder dated 04.02.2019, a personal hearing was scheduled for 20.09.2019 but it was rescheduled for 18.10.2019 due to administrative exigencies.

7. During the hearing the Complainant reiterated that he is presently posted in SAIL at its Bhilai Steel Plant, Chhattisgarh and his wife is working under Directorate of Education, Govt. of NCT of Delhi.

8. During the hearing the representatives of the Respondent submitted a written reply on behalf of SAIL stating that Respondent offered an appointment to the Complainant as Management Trainee (Technical) in the Pay Scale of Rs.20600-3%-46500 (E-1) at the minimum basic of Rs.20,600/- vide offer of Appointment dated 04.09.2014. The said Appointment clearly states that the Complainant has been posted to Bhilai Steel Plant. Respondents submitted that the recruitment was done by the Respondent to meet the requirement of front line Executives in plants/units of SAIL. The complainant accepted the said offer of appointment with open eyes and clear

understanding that he has been recruited for the post of Management Trainee (Technical) for working at the plant location. That the Complainant was aware of the challenges faced by him due to his physical disabilities. However, the Complainant chose to not only apply but upon selection chose to join Bhilai Steel Plant, Bhilai. The Complainant had applied for transfer to Delhi on the ground of his disability and his wife's non-transferable job with Delhi Government. Respondent submitted that they are unable to accept the request of the Complainant as there is no vacancy/opening in offices of SAIL in Delhi to accommodate the complainant. The Respondent submitted that the complainant is qualified and trained in a skill set which is best utilized at the plant location. The Bhilai Steel Plant is a 860 bed Multi-Speciality Hospital which offers one of the best medical facilities to its employees at free of cost. The complainant is better placed to receive treatment at the Bhilai Steel Plant.

9. The Court fixed the next hearing for 27.11.2019 at 11:00 Hrs.

10. The complainant was not present during the hearing on 27.11.2019.

11. During the hearing, the representatives of Respondent reiterated that they are unable to accept the request of the complainant as there is no vacancy in the offices of SAIL at Delhi. The Respondent submitted that the complainant is qualified and trained in a skill set which is best utilized at their Plant.

12. After hearing the versions of both the complainant and Respondent, the Court observed that the Complainant has served at the Bhilai Steel Plant for more than 5 years alone. Considering his disability and the difficulties being faced by the complainant at the present place of posting, the Court recommends the Respondent to reconsider the request of the complainant for posting at any of their Offices in Delhi, being the native place of the complainant. The Respondent is advised to be more sensitive towards persons with disabilities and to ensure that no rights as provided under the Rights of Persons with Disabilities, Act, 2016 are infringed.

(Shakuntala Doley Gamlin)
Chief Commissioner
for Persons with Disabilities

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4- Dy. Regional Manager, Syndicate Bank vide letter dated 19.03.2019 has submitted that Ms. Mamta was appointed as Temporary Attender and was working in their Delhi Corporate Finance Branch and she was not attending her duties since 15.07.2017. He further submitted that notices dated 02.04.2018, 10.04.2018 & 19.04.2018 were issued to her to join, but she neither joined her duties nor responded to the notices and no information regarding her whereabouts was available from any sources. After third reminder her name from the panel of Temporary Attenders was deleted as per the policy and employment was offered to next candidate in the panel.

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fj i kVZ 1/2 PAR 2015 1/2 ea i kFkZ dh l okvka dh l jguk djrs gq 0; fDrRo] dk; &"kSyh rFkk drD; fu'Bk dh iz'kd k dhA i jUrq dfri; dkj.kka l s fnRrh; , oa rrrh; in"ku eW; kadu fj i kVZ 1/2 PAR 2016 & 2017 1/2 ea i kFkZ }kj k cd dks nh x; h l okvka dk l gh , oa mfpr eW; kadu ugha fd; k x; kA i kFkZ dk vkxs dguk gS fd l keW; r% okYVka ea pOku@e 0; oLFkk ea 06 eghus ds fy; s rskrh dh tkrh jgh gS fdUrqi kFkZ ds i dj.k ea "kkjhfd v{kerk ds cktm dfri; dkj.kka l s i kFkZ dks 24 ekg rd okYV ea gh rskr j[kk tgl; vf/kdrj l e; [kM+ gkdj rFkk , d ry l s nll js ry rd vkokxeu nkf; Ro fuokgu dk vfuok; l vak gS QJ Hkh dfri; dkj.kka l s fnukad 22-06-2018 dks fcuk fdl h l quokbz rFkk fcuk dkj.k crk; s mlga l okvka l s inP; q dj fn; k x; kA

3- ekeys dks fn0; kxtu vf/kdkj vf/kfu; e] 2016 dh /kkj 75 ds vlxr i = fnukad 11-10-2018 }kj k ifroknh ds l kFk mBk; k x; kA

4- egki zkd] Hkkjrh; fj t@z cd] efcbl dk vius i = fnukad 11-01-2019 dks dguk gS fd Jh vdr f=i kBh dh Hkkjrh; fj t@z cd ea fu; fDr fnukad 25-08-2014 dks izl/kd 1/4 h/kh HkrhZ 1/4 fjoh{kk/khu 1/2 ds rks ij y[kuA ea gpl rFkk Hkkjrh; fj t@z cd LVkQ fofu; eu 1948 fd /kkj 20 ds vlxr l h/kh HkrhZ vf/kdkfj; ka dk ifjoh{kk/khu vof/k nks l ky gA Jh vdr f=i kBh dk cd dh l ok ea LFkk; hdj.k vf/kdkfjd dRrD; ka dk ikyu djrs l e; ykijokgh] vukf/kNr vodk" k rFkk dbz dnkpjka ds ekeyka ds dkj.k fu; r rkjh[k 25-08-2016 l s vks vkxs rhu kj LFkfxr gvk Fkka mlga dbz ekdka ij vius vodk" k fj dkmZ@in"ku dks l qkkjus ds fy, vkxkg fd; k x; k Fkka yfdu , s k djus ds fy, i; klr l e; inku fd, tkus ds cktm Jh f=i kBh ds in"ku@vodk" k fj dkmZ ea dkbz l qkj ugha gvkA vr% LFkk; hdj.k l eh{kk l febr usmijDr ds ennu t j] Jh vdr f=i kBh dh l okvka dks l ekdr djus dh fl Qkfj" k dhA Hkkjrh; fj t@z cd ds fofu; e 1948 ds fofu; eu 22 1/2 ds l nHkZ e] depkh dh ifjoh{kk/khu vof/k ds igys eghus ds nsk ku ml dks , d fnu ds ukSVI ij vks ml ds ckn , d eghus ds ukSVI ij ; k tS k Hkh ekeyk gks , d fnu ; k , d eghus ds fy, ey oru dj Hkqrku djds l okl ekflr dh@NpVh nh tk l drh gA pid Jh f=i kBh us nks l s vf/kd ifjoh{kk ij dh dj yh Fkh bl fy, mlga , d eghus ds i; klr oru ds l kFk fnukad 22-06-2018 cd dh l ok l s eDr dj fn; k x; kA

5- ifroknh ds i = fnukad 11-01-2019 , oa f"kd; rdrkZ ds i = ka ds ennu t j] l quokbz fnukad 17-06-2019 dks j[kh xbA i jUrq vi fjgk; l dkj.kka l s i qfu/kkZj r fnukad 06-12-2019 ckn ea 22-01-2020 dks fu/kkZj r dh xbA

6- I þokbzl fnukad 22-01-2020 ds fnu f"kd; rdrkz us vi uh fyf[kr f"kd; r dks nksj;k; k , oa i froknh dh vksj I s mi fLFkr i fruf/k us Hkh vi us fyf[kr dFkuka dks nksj;k; kA dk; bkfg; ka ds fj dKWLZ fnukad 26-06-2019 }kj; i frokfn; ka dks fuEufyf[kr funz'k fn; s x; %

- of.kzr HkrhZ i f0; k }kj; dgy fdrus vH; FkhZ HkrhZ fd, x,
- muea I s dgy fn0; kax vH; FkhZ dh I d; k fdruh FkhA
- oknh dks futh I fpo ds in ij D; ka fu; qDr fd; k x; kA
- dSk foHkx ea fdrus depkjh@vf/kdkjh dk; jr gksr gA
- fdrus vf/kdkfj; ka dh , i h, vkj oknh ds I eku i k; h x; hA
- oknh ds fu; qDr ds fu; e , oa "kra bR; kfn

7- egki cdkd] Hkjr;h; fj t0z cd us vi us i= fnukad 19-07-2019 }kj; elax x; h I puk, j Hkst h%

- of.kzr HkrhZ i f0; k }kj; dgy 97 vH; FkhZ HkrhZ fd, x, A
- dgy fn0; kax vH; fFkz ka dh I d; k 06 FkhA
- oknh ds fu; qDr i Lrko fnukad 29-05-2014 ds ijk 1/2v1/2 , oa i'kkl fud I fo/kk ds vuq kj mlga futh I fpo ds in ij fu; qDr fd; k x; k FkhA
- Hkjr;h; fj t0z cd] y[kuA dk; ky; ea fuxE@uxnh foHkx dh dgy I lohN'r dkfeZd I d; k 69 vf/kdkjh] 60 Dykl AAA , oa Dykl Av dh I d; k i'kkl fud I fo/kk ds vuq kj gA orEku ea 41 vf/kdkjh] 23 Dykl AAA oa 41 Dykl Av okLrfod : lk I s dk; jr gA
- oknh ds fu; qDr ds fu; e , oa "kra bR; kfn Hkst hA

8- mijDr tokc fnukad 19-07-2019 dks /; ku ea j [krs gq , oa i kFkhZ ds i= fnukad 01-07-2019 dks n[krs gq fnukad 30-10-2019 dks I þokbzl j [kh xbA i jUrq vi fjgk; Z dkj . kka I s fnukad 06-12-2019 , oa 22-01-2020 dks i þufu/kkzjr dh xbA

9- I þokbzl fnukad ds nksj ku] f"kd; rdrkz us vi us fyf[kr dFkuka dks nksj;k; k , oa i froknh dh vksj I s vk, i fruf/k; ka us vi us fyf[kr dFkuka , oa vfrfjDr nLrkost ka dk voyksdu yrs gq vi uk i {k j [kka

10- nksuka i {kka dks I þus ds i "pkr~, oa mi yC/k nLrkost ka dh voyksdu mijkar] ekeys ea fn0; kax tu vf/kdkj vf/kfu; e] 2016 fd fdl h /kkj k] fu; e ; k I jdkjh fn"kk funz'kka dk mYyzku i rhr ugha gksr kA f"kd; rdrkz dh fn0; kaxrk , oa i fjokfjd I eL; kvka dks /; ku ea

j [krs gq] ; g vuqka k dh tkrh gsfid i froknh f"kdik; drkZ ds vuqko i ek.ki = tkjh dja
, oa 90 fnuka ds Hkhrj vuqkyu fji kZ na

11- rnuq kj mijDr ekeyk cn fd; k tkrk ga

¼kdþryk Mh- xkefyu½
ed; vk; Dr ¼fn0; ka tu½

Case No: 11432/1023/2019

Dated: 06.03.2020

In the matter of:-
Shri Umanath Thakur
<umanath1977@gmail.com>

Complainant

Versus

HDB Financial Services Ltd
Through the Principal Nodel Officer
Corporate Office, Ground Floor, Zenith House
K.K. Marg, Mahalaxmi, Mumbai - 400034

Respondent No. 01

HDB Financial Services Ltd
Through the Reional Operations Manager
781, 2nd Floor, DB Gupta Road
Karol Bagh, New Delhi

Respondent No. 02

HDB Financial Services Ltd
Through the Zonal Sale Manager
6th Floor, Ansal Classic Tower
J Block, Rajori Garden, Delhi - 110027

Respondent No. 03

I quokbz dh frffk % 27-12-2020

mi fLFkr fnukd %

§ Jh mek ukFk & ikFkhz

§ Jh v"kkd dckj] mi icdkd] Jh euh'k] {ks= ied[k , oa Jh jkgr feJk] {ks= ied[k ifroknh dh vkj] l A

vkns'k

Jh mekukFk Bkdj] 85 ifr"kr vLFk ckr/kr us dia uh ds vf/kdkfj; ka }kjk ijs'kku djus l s l ckr f"kd; r fnukd 16-08-2019 dks fn0; ka tu vf/kdkj vf/kfu; e] 2016 ds vlrxr bl U; k; ky; ea iLrq dhA

2- f"kd; rdkz dk viuh f"kd; r ea dguk gSfd og vxLr 2005 l s , p-ch, y-dEiuh eadk; jr gsrFkk vc ; g dEiuh dk uke , p-Mh-ch Qkbuil ; y l fol d gkpph gA ikFkhz dk vkxs dguk gSfd igys og ckp psy eadke djrs Fks yfdu yxHkx , d l ky l s mlga ekdVd psy ea Hkst fn; k x; k tgg; mlga cgr fnDdr vk jgh Fkh] ftl ds fy, mlgkus vius mPp vf/kdkfj; ka l s vug'k fd; k ijUrq mPp vf/kdkfj; ka }kjk mudh fn0; kar k dks yd] mudk etd mMe; k x; k rFkk bLrhQs dh ekax dhA ikFkhz dk vkxs dguk gSfd nks eghus l s mlga dkbz dke ugha fn; k x; k vkj gj eghus oru dkV dj fn; k tkrk gA ikFkhz us fuonu fd; k gSfd mlga ckp psy tgg; og 14 l ky dke fd; k ogh djus fn; k tk, A

3- ekeys dks fn0; kaktu vf/kdkj vf/kfu; e] 2016 dh /kkjk 75 ds vllrxz i=kad fnukad 29-08-2019 }kjk ifroknh u% 03 ds l fKk mBk; k x; kA ijUrq nks eghus rd dkbZ tokc ugha vk; kA f"kdK; rdrkZ ds vujkK ij ekeys dh l ukokbZ fnukad 27-12-2019 dks j [kh xBA dkkkj v/ dk; kZy;] , p-Mh-ch- QkbuSUl ; y l foZ d] efbZ , oa {ks-h; dk; kZy;] ubZ fnYyh dks ifroknh u% 01 , oa ifroknh u% 02 ds : lk ea "kfey fd; k x; kA

4- l ukokbZ fnukad 27-12-2019 ds fnu f"kdK; rdrkZ us vius fyf[kr dFkuk dks nkkjk; kA ifroknh ds mifLFkr ifrfuf/k us U; k; ky; ea crk; k fd "complainant joined the employment HBL Global Pvt. Ltd vide appointment letter dated 04.08.2005. Later, erstwhile HBL Global Pvt. Ltd merged into the present company i.e. HDB Financial Services Ltd. The previous employment records and overall performance of the complainant is disappointing and not satisfactory. During his tenure, the complainant has been issued multiple warnings and memos and the complainant indulged into serious violation of business process. During the course of inquiry, the complainant admitted his misdeed and delinquencies on his part. However, the management took lenient view considering his vintage, physical conditions, overall background and his written request for lenience and granting another opportunity to improve. Considering the nature of violations/delinquencies on the part of the complainant, it was not advisable for the company to retain him in the same profile. Hence, the complainant was assigned alternate employment of similar in nature without any change in his terms and conditions of employment. He further informed that company has once again explained the facts of the case to the complainant and has been given a final opportunity to perform his duties diligently and in line with prescribed guidelines.

5- nksuka i {kka dks l ukus ds i "pkr- , oa miyc/k nLrkostka dh voyksdu mijkr rFkk f"kdK; rdrkZ dh fn0; kark dks /; ku ea j [krs gq] ; g vuqkd k dh tkrh gS fd ifroknh f"kdK; drkZ ds ekeys ij l gkukfirindZ fopkj dja rFkk l quf"pr dja fd fn0; kaktu vius oSj vf/kdkjka l sofpr u jg tk; A

6- rnuq kj mijkDr ekeyk can fd; k tkrk gA

1/2 kdtiryk Mh- xkfyu1/2
ed; vk; Dr 1/2 fn0; kaktu1/2

Case No: 10864/1014/2019

Dated: 06.03.2020

In the matter of:-

Shri K. Arunugam

S/o N. Kathan

No. 15/3, Neivanej, Koovadu Post

Ulundurpet Taluk

Villupuram, District – 607201

Complainant

Versus

Integral Coach Factory, Indian Railway

Through the General Manager

Chennai – 600038

Respondent No. 01

South Central Railway, Headquarters Office

Personnel Branch

Through the General Manager

4th Floor, Rail Nilayam

Secunderabad – 500071

Respondent No. 02

Date of Hearing: 29.01.2020

Present:

1. Shri K. Arunugam - Complainant
2. Shri S. Anandhan, Dy. CPO/ICF on behalf of respondent.

ORDER

Shri K. Arumugam, a person with 75% hearing impairment and belonging to SC community filed a complaint dated 17.01.2019 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the RPwD Act, 2016 regarding appointment to the post of Helper;

2. The complainant in his complaint inter-alia submitted that he had completed one year Apprenticeship Training (Welder) under Apprentices Act, 1961 from 04.01.2006 to 03.01.2007 in ICF/Perambur and after successfully passing ITI (Welder), the CPO/SC, Rly forwarded his papers to DRM/BZA for engagement as Helper. He further submitted that before the engagement as Helper, he was subjected to Medical examination under General Standard without consideration of

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his disability of HH and medical authorities declared him unfit. He further submitted that other course completed Act Apprentices of ICF who have reported to CPO/SC Rly/Secunderabad were engaged as substitutes and also got regularization and further promotions.

3. The matter was taken up with the Integral Coach Factory, Chennai & South Central Railway, Secudarabad as Respondent No. 01 and 02 vide letter dated 20.02.2019 under Section 75 of the RPwD Act, 2016.

4. Dy. Chief Personnel Officer, Integral Coach Factory vide letter dated 03.04.2019 inter-alia submitted that training under Apprentice Act, 1961 was merely a training programme and did not guarantee a right of employment in Railways. Candidates, whoever passed 10th standard or ITI, can apply for getting training under Apprentices Act and they are given practical training in certain designated Trades. Finally, on successfully completing the training and passing the prescribed exam, they get National Apprenticeship Certificate. He further submitted that during the year 2010, South Central Railway had requested for supply of 300 Course completed Act Apprentices trained in ICF to be considered for engagement as substitutes in South Central Railway and based on the willingness obtained from the Course completed Act Apprentices, 300 applications were forwarded to South Central Railway. Shri Arumugam's application was one of these 300. However, no feedback had been received regarding the number of persons engaged and the reasons for rejections, if any, from South Central Railway.

5. In response, Dy. Chief Personnel Officer/Admn & Rectt., South Central Railway vide letter dated 03.04.2019 had inter-alia stated that Shri K. Arumugam (SC), S/o N. Kathan was one of the 300 candidates and the Screening was conducted from 13th to 16th December 2010 by the constituted Screening committee and he was recommended for the engagement as Substitute Helper-II in C & W/BZA division of Mechanical Department vide office letter dated 24.12.2010 but Shri K. Arumugam was found unfit in medical for the post of Helper, therefore, the case papers of Shri K. Arumugam were returned from BZA division and the same was returned to ICF/Perambur vide letter dated 17.07.2011 for further action at their end.

6. Complainant vide rejoinder dated 09.07.2019 inter-alia submitted that both respondents had not informed him from 2011 to 2019 about rejection of his candidacy for engagement as Substitute on medical grounds and requested to consider his case for appointment as Helper.

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7. After considering the respondent's letters and the complainant's letter dated 06.08.2019, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on 29.01.2020. During the hearing, complainant reiterated his earlier written submissions and the representatives of the respondents also reiterated their earlier written submissions.

8. After hearing the parties and perusing the documents made available to this Court, the respondent is advised to revisit the matter as the post of Helper is an identified for the OL, LV & HH category as per the Ministry of Social Justice & Empowerment's Notification No. 16-15/2010-DD-III dated 29.07.2013. Persons with disabilities cannot be denied the benefit of appointment/reservation/relaxation against advertised posts.

9. Case is disposed of.

(Shakuntala D. Gamlin)
Chief Commissioner for
Persons with Disabilities

Case No: 10624/1014/2018

Dated: 06.03.2020

In the matter of:-

Shri Somnath Mishra
23, Shree Ramnagar Sector -14
Near Capital Tower, Chaudhary Dental
Clinic ki Gali, Udaipur, Rajasthan

Complainant

Versus

Railway Board
Through the Secretary
Ministry of Railways, Rail Bhawan
Raisina Road, New Delhi - 110001

Respondent

Date of Hearing: 13.12.2019

Present on 13.12.2019:

1. Complainant – absent
2. Shri M.M. Rai, JDE (N) II and Shri Vivek Pandey, ASO on behalf of respondent.

ORDER

Shri Somnath Mishra, father of Shri Aditya Vardhan Mishra, who is a person with Specific Learning Disabilities filed a complaint dated 04.12.2018 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the RPwD Act, 2016 regarding Specific Learning Disability not listed in online Registration Portal for CEN No. 02/2018;

2. Complainant in his complaint submitted that at the time of submitting of application to the Railway for Group "D" posts vide Employment Notice (CEN) No. 02/2018 corrigendum including Specific Learning Disabilities as per the RPwD Act, 2016, however, while filling the form ONLINE the dropdown menu did not include the same. Therefore, his son had to fill the form in General Category as in ONLINE form the dropdown menu did not include the Specific Learning Disability. He further submitted that he has already written to the Railway Board in this regard but till date no reply has been received.

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3. The matter was taken up with the respondent vide letter dated 11.12.2018 under Section 75 of the RPwD Act, 2016 but despite reminders dated 07.02.2019, 12.03.2019 and 31.07.2019 respondent had not submitted any reply; therefore, the hearing was scheduled for 13.12.2019.

4. During the hearing on 13.12.2019, the complainant was absent and representative of the respondent has informed that in the corrigendum they had included Specific Learning Disability as per the RPwD Act, 2016 but the Group 'D' posts were not identified for persons with Specific Learning Disability, therefore they had not included them in the online form.

5. As per the OM of DOP&T dated 15.01.2018, person with a particular category of benchmark disability can be considered for applying for reservation in respect of the post identified suitable for that category. In this case, the post was not identified suitable for specific learning disability by Ministry of Railway.

6. In the light of the above and material available on record, therefore, case is disposed of without any recommendations as there is no violation of the circular in this regard.

(Shakuntala D. Gamlin)
Chief Commissioner for
Persons with Disabilities