



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No.10559/1031/2018**

**Complainant:** Shri Manghe Ram, a person with 45% locomotor disability, House No.459/1, Mohalla-Sarvat (Basant Vihar), Muzaffarnagar-251001 (UP),  
Email: [kashyapmangeram@gmail.com](mailto:kashyapmangeram@gmail.com)

**Date of Complaint:** 03.10.2018

**Respondent:** Hemwati Nandan Bahuguna Garhwal University, Srinagar, District-Garhwal-246174 (Uttarakhand)  
Email: [registrar.hnbhu@gmail.com](mailto:registrar.hnbhu@gmail.com);  
[registrar@hnbgu.ac.in](mailto:registrar@hnbgu.ac.in)

### Gist of Complaint

The complainant completed his B.Ed. Degree from the respondent university with CGPA 6/6/10 and appeared in the Entrance Examination of M.Ed. under disability quota in 2018 conducted by the respondent University. He passed the entrance test and secured 47 marks. He alleged that the respondent university was not filling the seats reserved for students with disability. He also submitted that there were total 50 seats in M.Ed. course, out of which admission had been given in respect of 30 seats only and 20 seats were lying vacant.

The respondent in their reply dated 23.01.2019 affirmed that the complainant had successfully completed his B.Ed. Degree and had qualified the entrance test for admission to M.Ed., but he failed to submit the result/certificate of passing the B.Ed. course. The admission committee of the M.Ed. course considered his candidature under ineligible category since he had not passed his B.Ed. course which was a mandatory qualification for admission to M.Ed. The respondent further

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submitted that the University had admitted all the eligible students to the M.Ed. course till the last date of admission. So there was no question of depriving persons with disabilities of reservation in any category.

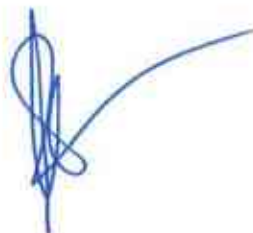
**Hearing:** The case was heard via Video Conferencing by the Commissioner for Persons with Disabilities on 07.07.2020. The following were present:

1. Shri Manghe Ram, the complainant
2. Prof. D.K. Joshi, Head, Department of Education; and Shri Tungesh Pandey, Advocate for the respondent

**Observation/Recommendations:** Both the parties were heard. HoD, Prof. D.K. Joshi stated that in the year 2018, not a single student of their University who passed the entrance test was given admission due to the late declaration of results of B.Ed. course and consequently non-availability of Mark Sheets with the students which were to be submitted at the time of admission to M.Ed. as per the conditions defined in the Admission Brochure.

2. It was noted that there was a very unsatisfactory situation in the University that all internal students were denied admission including the complainant despite clearing the entrance examination. It was also noted that the seats reserved for the students with benchmark disabilities were kept vacant in 2018.

3. The complainant stated that he had again appeared for the entrance exam in the year 2019 and again qualified the examination. There were 55 seats in the year 2019 and the number of candidates who passed the examination was 57 and the complainant's number was 50 in the General List.



4. On questioning, as to why the complainant/student was not admitted in 2019, the respondent stated that the complainant had failed to mention in his Application Form, the choice of Centre at which he wanted to pursue the course. It has been seen that the respondent have not filed any documents in support of this statement. The respondent went on to say that the complainant had not filed any complaint in the year 2019 and hence the same was not taken into cognizance.

5. In view of the above submissions, this Court recommends that it is the bounden duty of any organisation to fill the seats reserved for the persons with benchmark disabilities on priority. All efforts should be made to consider the candidature of a person with benchmark disability and provide him the opportunity for further study.

6. The complainant is directed to make a formal complaint for the year 2019 to the University with a copy of the same to this Court; and the respondent University is advised to consider giving admission of the complainant to M.Ed. course in the current academic year.

7. The case is disposed of.

8. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 16.07.2020

  
(Upma Srivastava)  
Commissioner  
For Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No.10936/1024/2019**

**Complainant:** Shri Shamsuddin, a person with 80% locomotor disability, S/o Shri Kalamat Khan, No.118, Block No.13, Kamptee, Colliery No.6, At & Post – Kamptee, Tehsil – Parsioni, District – Nagpur – 441102 (Maharashtra), Through Counsel, Adv. D.S. Thakur, Email: [devendra\\_Thakur46@yahoo.com](mailto:devendra_Thakur46@yahoo.com)

**Date of Complaint:** 06.02.2019

**Respondent:** **Western Coalfields Limited**, Through its General Manager, Inder Open Cast Mine, Mine No.6, At & Post – Kamptee, Tehsil – Parsioni, District – Nagpur – 441102 (Maharashtra), **a subsidiary of Coal India Limited**, Through its Chairman & Managing Director, Premises No.04, MAR Plot No.AF-III, Action Area-1A, New Town, Rajarhat, Kolkata – 700156 (West Bengal) Email: [cmd.wcl.cil@coalindia.in](mailto:cmd.wcl.cil@coalindia.in); [cmd@westerncoal.gov.in](mailto:cmd@westerncoal.gov.in)

### Gist of Complaint

The complainant is a permanent workman since 1982 at Western Coalfields Limited (WCL), Nagpur, a subsidiary of Coal India Limited. On 23.02.2017, he suffered from attack of paralysis and acquired 80% locomotor disability, vide Disability Certificate No.395331 dated 11.04.2017 issued by IGMCH Hospital, Nagpur, Govt. of Maharashtra. Due to his disability, he was not able to perform his duties. The complainant requested WCL to provide employment to one of his dependents as envisaged in Clause

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9.3.1 and Clause 9.4.0 in terms of the Clause 9.4.0 of NCWA (National Coal Wage Agreement) settlement before the Hon'ble Assistant Labour Commissioner (Central) Nagpur. WCL provided two months Special Leave with Half Wages from 03.04.2017 to 02.06.2017 to the complainant. However, WCL did not provide employment to one of his dependents. The complainant then requested the WCL to pay full salary since 02.06.2017 as per the provision of Section 20(4) of the RPwD Act, 2016; and again requested to provide employment to one of his dependents in terms of Clause 9.4.0. But no action was taken by the respondent.

The respondent filed their reply dated 10.12.2019 and stated that since 2017 the complainant had not joined duty till date on the ground of ailment. However, since 23.02.2017, the complainant had been granted special leave with half wages till 02.08.2018 in terms of NCWA. After 02.08.2018, the complainant neither submitted application for extension of special leave to enable the respondent to grant benefit of special leave nor did he join his duties after completion of his special leave.

**Hearing:** The case was heard via Video Conferencing by the Commissioner for Persons with Disabilities on 07.07.2020. The following were present:

1. Advocate D.S. Thakur, Counsel for the complainant
2. Shri Iqbal Singh, GM, WCL; Shri A.K. Sinha, Area Personnel Manager, Nagpur Area; and Shri B.P. Jobi, Sr. Manager (Personnel/Legal) - for the respondent



## **Observation/Recommendations**

The learned counsel for the complainant reiterated the complaint and stated that the complainant is entitled for the salary from June, 2017 on the ground that he got disabled during service and that he was not in a position to join duty being a person with 80% disability. The complainant sought relief under Section 20(4) of the RPWD Act, 2016, which reads as under:

“20 (4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.”

2. The representatives of the respondent submitted that Section 20(4) of the Act though provides protection for the employment, yet there is no provision for payment of salary. They further stated that the complainant had been given Half Pay Leave till 23.02.2017 on the basis of Special Leave granted to him as per the rules of WCL.


3. This Court, after having heard both the parties, has noted that the complainant is suffering from 80% permanent disability as confirmed from his certificate of disability No.395331 dated 11.04.2017 issued by I.G.G.M.C & Hospital, Nagpur. The Court observed that as per first proviso to Section 20(4) of the Rights of Persons with Disabilities Act, 2016, if any employee after acquiring disability is not suitable for the post he was holding,

shall be shifted to some other post with the same pay scale and service benefits. It appears that the respondent organisation has not taken any step for assessing the case of the complainant with respect to his suitability for holding any other post in the organisation, keeping in view the nature of his disability. This Court, therefore, recommends that the respondent organisation assess the case of the complainant for placing him against some other post, by constituting a Committee of Experts. Based on the finding of the Expert Committee, the respondent organisation may take step to place the complainant against that post. In case the Expert Committee found the complainant not suitable for any other post, he may be kept against a supernumerary post till his superannuation. His salary and other perks during the period may be paid as per rule in consultation with Ministry of Finance, Department of Expenditure.

4. The case is disposed of.

5. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 16.07.2020

  
(Upma Srivastava)  
Commissioner  
For Persons with Disabilities



## सामाजिक न्याय और अधिकारिता विभाग सामाजिक न्याय और अधिकारिता विभाग

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)  
विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)  
सामाजिक न्याय और अधिकारिता विभाग/Ministry of Social Justice and Empowerment  
भारत सरकार/Government of India

Case Number No. 11139/1023/2019

**Complainant:** Shri Rakesh Taneja, H. No.18, Block No.6, Spring Field Colony, Sector 31, Faridabad, Haryana.

**Respondent :** Managing Director, National Co-operative Consumers' Federation of India Ltd, 3, Siri Institutional Area, August Kranti Marg, New Delhi – 110016

**Complainant : Shri Rakesh Taneja**, 100% visually impaired.

**Date of Complaint :07.05.2019**

**Gist of Complaint:**

Complainant vide email dated 07.05.2019 has submitted that he joined the National Cooperative Consumers' Federation of India Ltd., as Jr. Accounts Clerk on 15.01.1982. In 2009, while going from Sub Office to attend to some office work from Sector 12-22, Noida to the main office at Sector 4, Noida, he met with a major accident. The accident affected the vision in his eyes and it started deteriorating.

2. As per the rules of the Federation, he was to be superannuated in June, 2018 after attaining the age of 58 years. In the meantime, the management stopped his salary for the month of August & September, 2016 but after vigorous follow up, his salary for the above two months was released. Then he was forced by the management to submit his resignation. He requested the management during January 2016 to give him voluntary retirement, but instead of accepting his request, he was compulsorily retired from the service w.e.f. 02.06.2017.

3. He further submitted that he was not paid the remuneration of his one year remaining service, i.e. from 03.06.2017 to the date of his actual retirement, i.e. 30.06.2018 and loyalty Bonus of Rs.50000/- as per rules of the Federation. Also he was not given the designation of the post of Dy. Manager (A/c) at the time of his compulsory retirement.

4. Matter was taken up with the Respondent on 30.05.2019.

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5. Managing Director, NCCF vide letter dated 05.07.2019 has submitted that they have made compulsory retirement of the complainant as per clause 17 (d) of Staff Regulation Recruitment & Promotion Rules provided as under:

*"The appointing authority shall if it is of the opinion that it is in the interest of the organisation so as to have the absolute right to retire any employee of the federation by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice, after the employee concerned has attained the age of 50 years with a view to weed out the inefficient, corrupt and medically unfit employees".*

6. The Respondent further submitted that as regards the Loyalty Bonus of Rs.50,000/- and promotion to the next post i.e. Dy. Manager (A/c) at the time of compulsory retirement, Shri Taneja was compulsorily retired from the services of the federation on 03.06.2017, which was prior to the decision taken by the Board of Directors in its meeting held on 28.08.2017.

#### Hearing:

7. The case was heard via Video Conferencing by the Commissioner for Persons with Disabilities on 07.07.2020. The following persons were present:

1. Shri Rakesh Taneja, Complainant himself.
2. Ms. Anshu Bhattacharya, Legal Advisor, NCCF.

#### Observation/Recommendations:

8. During the hearing both the parties were heard.

9. The Court observed that the complainant was compulsorily retired by NCCF as per their regulations for being medically unfit. Accordingly salary from the period of 02.06.2017 till the superannuation of the complainant in June 2018 was not paid by NCCF. It is noted that the complainant became 100% visually impaired due to an accident while on duty. As such the complainant became disabled but not medically unfit. In terms of provisions of Section 20(4) of the Rights of Persons with Disabilities Act, 2016, "No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service". Since the complainant got disability during his service period, which is confirmed by the Disability Certificate issued by the Office of Civil Surgeon, Faridabad on 13.01.2016, therefore, Shri Taneja cannot be considered as medically unfit rather he is a person with disability which was not considered by the respondent organisation in this case. The complainant cannot be compulsorily

retired from service by the management on the ground of disability. The provisions of the Rights of Persons with Disabilities Act, 2016 shall prevail over the regulation of NCCF. The Court noted that as per the first proviso to the Section 20(4) of the RPWD Act, the respondent organization has not taken any step for considering the complainant for placing him against some other post based on his disability. The Court noted that there are number of posts which are suitable for persons with blindness. Therefore, compulsory retirement of the complainant from the service is arbitrary and against the spirit of the RPWD Act. Since the complainant has superannuated in June, 2018, it is recommended that the payment of salary to the complainant from June, 2017 to this date of superannuation may be done immediately. The complainant should also be paid loyalty bonus as per rule.

10. The case is disposed of.

11. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 16.07.2020

(Upma Srivastava)  
Commissioner  
for Persons with Disabilities.



## न्यायालय मुख्य अधिकारी दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)  
दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)  
सामाजिक न्याय और अधिकारिता विभाग/Ministry of Social Justice and Empowerment  
भारत सरकार/Government of India

Case Number No. 11276/1022/2019

Complainant: Shri Narsi Lal Meena, Flat No. 3B, Hans Vihar Apts., Plot No.35, Sector 13, Rohini, Delhi – 110 085

Respondent : The General Manager, Bank of India, Star House, C-5, G- Block, Bandra Kurla Complex, Bandra (East), Mumbai – 400 051.

Complainant : Shri Narsi Lal Meena, 40% locomotor disability.

Date of Complaint : 24.06.2019

Gist of Complaint:

Shri Narsi Lal Meena vide his complaint dated 24.06.2019 has submitted that he has been working as an Officer in Bank of India and is posted in Jaipur Service Branch, Jaipur since nine years. He is 50 years of age. He submitted that his son has completed B. Tech from IIT Delhi and is doing his further studies. His daughter is also studying in IIT Delhi. She got admission in IIT Delhi in July 2018 for 4 years. His family has shifted to Delhi. Therefore he wants to be shifted to Delhi to look after his family. He is finding it difficult to travel every now and then from Jaipur to Delhi to meet his family members. He is also suffering from diabetes, blood pressure and Asthma. He is having his own house in Rohini, Delhi.

2. Matter was taken up with the Respondent on 24.07.2019.

3. The Deputy General Manager-HR, Bank of India, Mumbai vide letter no. HO:HR:TR:SM:1152 dated 20.11.2019 has submitted that the complainant Shri Narsi Lal Meena joined the Bank on 26.02.1991 and has been posted in Rajasthan throughout his entire career. Shri Meena has been posted in Jaipur as per Bank's administrative requirements. The Respondent submitted that they are unable to accede to the request of the complainant at present. However, they would do the needful at appropriate time in future.

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4. The complainant vide his rejoinder dated 15.01.2020 has submitted that he joined the Bank of India as a Clerk in February 1991 in Kota, Rajasthan. At that time his home town was Jaipur. He was posted at Banskh Branch, Delhi, Ratanagarh and Jaipur city during his tenure. As per HRMS/Bank records, his hometown is New Delhi. He and his family have been suffering a lot due to his posting away from home. He further submitted that he cleared Scale-II promotion examination many times but the higher authorities denied him promotion.

#### Hearing:

5. The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 07.07.2020. The following persons were present:

1. Shri Narsi Lal Meena, Complainant himself.
2. Shri Bali Rupa Dutta Choudhary, Chief Manager, Industrial Relations Deptt., on behalf of respondent.

#### Observation/Recommendations:

6. Both the parties were heard.

7. The respondent stated that the complainant could not be considered for transfer from Jaipur to Delhi due to pending conclusion of a Disciplinary action case against the complainant. Now that the case has been closed, the transfer of Shri Narsi Lal Meena to Delhi would be considered favourably and would be effected as soon as a suitable vacancy arises.

8. The Court recommends to the respondent that a sympathetic and humanitarian view may be taken and the complainant may be transferred to Delhi as per his request as early as possible.

9. The case is disposed of.

10. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 16.07.2020

(Upma Srivastava)  
Commissioner  
for Persons with Disabilities.



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 8519/1012/2017**

Complainant: Shri Akash S, # 213/A, M.G. Railway Colony, Bangalore – 560023,  
Karnataka  
E-mail: <sakashmedico@gmail.com>

Respondent: (1) The Dy. Secretary (AIS), Ministry of Personnel, Public  
Grievance & Pensions, Department of Personnel and  
Training, North Block, New Delhi – 110001.  
E-mail: <secy\_mop@nic.in>

(2) The Secretary, Union Public Service Commission, Dholpur  
House, Shahjahan Road, New Delhi

Complainant: 40% locomotor disability

**Date of Complaint: 28.08.2017**

Shri Akash S vide complaint dated 28.08.2017 submitted that his name had been recommended by UPSC in Civil Service Examination on two occasions but he had been denied service allocation on both occasions saying that his allocation has been deferred due to limited preferences;

2. The matter was taken up with the Respondents vide letter dated 19.09.2017 under Section 75 of the RPwD Act, 2016.

3. UPSC, vide letter dated 13.10.2017 informed that the Commission did not have any role in the case of Shri Akash S as the subject matter did not fall in the domain of the Commission. Despite reminders dated **06.12.2017**, **07.05.2018** and **23.01.2019** DOP&T did not submit any reply; therefore, the hearing was scheduled for **10.07.2020**.

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4. DOP&T vide e-mail dated 09.07.2020 has inter-alia submitted that the name of Shri Akash S was recommended by the UPSC at Sl. No. 959 and Sl. No. 453 under Locomotor Disability and Cerebral Palsy (LDLP) sub category of Person with Disability (PwD) on the basis of Civil Services Examination (CSE)-2015 and Civil Services Examination – 2016 respectively and the medical examination was scheduled at RML, Hospital for CSE – 2016 on 21.04.2017 and he was declared a valid PwD candidate under LDLP sub-category with 42.5% disability as a BA (Both Arms) affected candidate.

5 DOP&T further submitted that a candidate with BA (Both Arms) disability could only be considered for allocation of service to IAS subject to availability of vacancies in his turn and meeting the Physical Requirements (PR) of IAS in his turn on the basis of Civil Services Examination Rules 2015 and Civil Services Examination Rules 2016. Subsequently, the name of Shri Akash S. (Rank 78, Cat: OBC) was recommended by UPSC on the basis of CSE – 2018 against Non-PwD vacancy. As per his rank, preferences expressed for various services, availability of vacancy in his turn in his category, medical status etc. he was allocated to IAS in the Civil Services Examination – 2018 as per Civil Services Examination Rules – 2018 and he joined the service.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 10.07.2020. The following was present:


1. Complainant – absent
2. Shri S.K. Verma, Under Secretary on behalf of DOP&T

**Observation/Recommendations:**

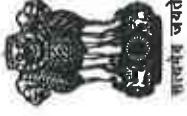
6. The complainant has sent an e-mail on 09.07.2020 and informed that he did not want to pursue the matter as the issue had been resolved. However, Shri Santosh Kumar Verma, Under Secretary, DOP&T, New Delhi was heard. He stated that Shri Akash S had qualified in the IAS in year 2018 as a General candidate and got the 78<sup>th</sup> position. The case is now no longer required to be pursued.



7. The Case is accordingly disposed of.
8. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Chief Commissioner for  
Persons with Disabilities

Dated: 16.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 9959/1021/2018

वादी

श्री सुनील कुमार झा, खलासी, वरिष्ठ सेक्शन इंजीनियर कार्य,  
पश्चिम रेलवे कॉलोनी क्वार्टर नं: ई/69-सी, द्वारका, गुजरात  
ई-मेल: <sk1038703@gmail.com>

प्रतिवादी नं: 01

महाप्रबन्धक, पश्चिम रेलवे, मुख्यालय, चर्च गेट, मुंबई।  
ई-मेल: <gm@wr.railnet.gov.in>

प्रतिवादी नं: 02

मंडल रेल प्रबन्धक, मंडल रेल प्रबंधक कार्यालय, पश्चिम रेलवे, राजकोट  
मंडल, राजकोट, गुजरात।  
ई-मेल: <drm.rjt@wr.railnet.gov.in>

वादी

100% श्रवण बाधित

Date of Complaint: 12-06-2018

शिकायतकर्ता का अपनी शिकायत दिनांक 12.06.2018 में कहना था कि वह दिनांक 02.04.2002 से ग्रुप 'डी' के अंतर्गत खलासी के पद पर पश्चिम रेलवे के अंतर्गत द्वारिका रेलवे स्टेशन में कार्यरत है। शिकायतकर्ता का कहना है कि उनके द्वारा कई बार पूर्व में मंडल रेल प्रबंधक कार्यालय (राजकोट) को आवेदन देकर कैटेगरी चेंज/ग्रुप-सी की श्रेणी में बहाल किये जाने का प्रार्थना पत्र दिया गया लेकिन अभी तक कोई कार्यवाही नहीं हुई।

2. मामले को दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 75 के अंतर्गत पत्र दिनांक 31.07.2018 द्वारा प्रतिवादियों के साथ उठाया गया। परन्तु स्मरण पत्र दिनांक 01.11.2018 एवं 16.05.2019 के बावजूद कोई जवाब न आने पर दिनांक 10.07.2020 को सुनवाई रखी गई।

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 10.07.2020. The following were present:

1. Shri Anil Kumar Jha, Brother of the complainant. (Through Telephone)
2. Mr. Unnat Kumar Parmar, Sr. Section Engineer, Western Railway, Rajkot Division on behalf of the Respondent.

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**Observation/Recommendations:**

3. Both the parties were heard.
4. Mr. Unnat Kumar Parmar stated that he had no knowledge of the subject matter and was not holding a position whereby he could comment on policy and administrative issues, which are the main points of the complainant. He further said that a representative from division level of Western Railways should have been present in the hearing.
5. From the side of the complainant, his brother Mr. Anil Kumar Jha stated over phone as he was not able to connect through Video Conferencing that his brother Mr. Sunil Kumar Jha has been working for more than 18 years as Khalasi and several times he has represented for category change in Group-C, but department has not given any consideration on the representation. So he requested the Court to issue orders to change the complainant's category from Group-D to Group-C.
6. It is noted that no reply from the respondent to the letter of this Court dated 31.07.2018 and reminder letters dated 01.11.2018 & 16.05.2019 has been received in this matter.
7. It is also noted that no reply has been given in response to the application submitted by the complainant to the management in June, 2018. As per Govt. of India rules, change in category for a qualified employee is admissible after six years of service.
8. In view of the above, this Court recommends that the respondent may examine the matter of change in category in respect of Mr. Sunil Kumar Jha urgently and furnish a compliance report in this matter to this Court within 90 days.
9. The Case is accordingly disposed of.
10. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 16.07.2020

  
(Upma Srivastava)  
Chief Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case Number No. 11013/1092/2019**

**Complainant:** Shri S. Namburajan, State General Secretary, Tamilnadu Association for the Rights of All Types of Differently Aabled and Caregivers- TARATDAC, New No.69, V.G.P Road, Saidapet, Chennai-600015, Email: [taratdac@gmail.com](mailto:taratdac@gmail.com); Phone:044-23713161

**Date of Complaint: 10.07.2020**

**Respondent:** The CEO (PM-KISAN), Department of Agriculture, Co-operation and Farmer's Welfare, Ministry of Agriculture and Farmer's Welfare, Krishi Bhawan, New Delhi-110001, Email: [jsit-agri@gov.in](mailto:jsit-agri@gov.in); Phone: (011) 23381176

### Gist of Complaint:

The complainant had alleged that the Department of Agriculture, Govt. of India had not implemented the provisions of Section 24(1) and Section 37(b) of the Rights of Persons with Disabilities Act, 2016 [RPwD Act, 2016], in PM-KISAN Scheme. The complainant demanded that the Department of Agriculture should make necessary amendments in the PM-KISAN Scheme to enable the disabled household farmer families to get 25% higher quantum of assistance i.e. Rs.7500/- p.a. instead of Rs.6000/-. In terms of Section 37, the complainant also demanded to ensure 5% reservation to the disabled household farmers' families, from the total beneficiaries of the scheme.

(Page 1 of 3)

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 ; Tel.: 23386054, 23386154 ; Telefax : 23386006

E-mail: [ccpd@nic.in](mailto:ccpd@nic.in) ; Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

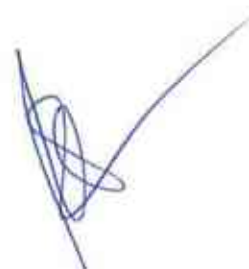
2. On taking up the matter, the respondent in their reply dated 05.04.2019 submitted that with a view to augment the income of all Small and Marginal landholder farmers' families across the country; to enable them to take care of expenses related to agriculture and allied activities as well as domestic needs, the Government started Pradhan Mantri Kisan Samman Nidhi (PM-KISAN). The Scheme aims to provide a payment of Rs.6000/- per year for the farmers' families with cultivable land holding upto 2 hectare, subject to certain exclusions. The Scheme is not a general social welfare scheme but is exclusively meant for farmers. There is no provision in the scheme for any vertical or horizontal reservation on the basis of religion, caste or disability. The scheme is only for income support to poor farmer families belonging to all religions and castes whether physically well or disabled.

**Hearing:** The case was heard via Video Conferencing by the Commissioner for Persons with Disabilities on 10.07.2020. The following were present:

1. Shri S. Namburajan, the complainant
2. No one was present from the respondent side.

**Observation/Recommendations:**

Shri Namburajan stated that PM-KISAN Scheme of the Department of Agriculture, Co-operation and Farmer's Welfare was violating Section 37(b) and Section 24(1) of the RPwD Act, 2016. A detailed reply dated 31.07.2019 has been found received from Dy. Secretary, Department of Agriculture, Co-operation and farmer's Welfare in this respect.

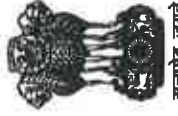


2. As far as Section 24(1) is concerned, it is noted that PM-KISAN Scheme is not a scheme specifically meant for all persons with disabilities. It is a scheme exclusively meant for farmers in the country. In the scheme, there is no vertical or horizontal reservation on the basis of religion, caste and disability. It covers all farmers including farmers with disabilities and provides income support to all. Hence this Court finds no merit in the contentions of the complainant. So far as Section 37 is concerned, the same is not applicable, as the scheme is for all farmers disabled or otherwise.

3. The case is accordingly disposed of. This has the approval of Chief Commissioner for Persons with Disabilities.

Dated: 24.07.2020

  
(Upma Srivastava)  
Commissioner  
For Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 11244/1023/2019

वादी

श्री सुखनंदन, 17/69, कल्याणपुरी, दिल्ली - 110091  
ई-मेल: <ndr.naren@gmail.com>

प्रतिवादी

सचिव, नई दिल्ली नगरपालिका परिषद्, पलिका केन्द्र, नई दिल्ली।  
ई-मेल: <secretary@ndmc.gov.in>

पीडित

कुमारी शीला, 71 - 95 प्रतिशत मानसिक दिव्यांग

#### Date of Complaint: Nil

शिकायतकर्ता का कहना है कि उनके पिताजी नई दिल्ली नगरपालिका परिषद् से पेंशनर थे और पिताजी एवं माताजी की मृत्यु के बाद उनकी बहन शीला, जो कि मानसिक दिव्यांग है उनको फैमिली पेंशन अक्टूबर 2011 को ड्रान्सफर हो गई थी। शिकायतकर्ता का आगे कहना है कि उन्होंने नई दिल्ली नगरपालिका परिषद् में पिताजी के चैक के विषय में दिनांक 13.02.2018 और दिनांक 28.03.2018 को आर.टी.आई. लगाई जिसके बाद कुमारी शीला की पेंशन रोक दी गई।

- मामले को दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 75 के अन्तर्गत पत्र दिनांक 01.07.2019 द्वारा प्रतिवादी के साथ उठाया गया। परन्तु स्मरण पत्र दिनांक 27.08.2019 के बावजूद कोई जवाब न आने पर दिनांक 10.07.2020 को सुनवाई रखी गई।

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 10.07.2020. The following were present:

- Shri Sukhnandan, Brother of the complainant.
- Ms Lata, Joint CAO (I) on behalf of the Respondent.

#### Observation/Recommendations:

- Both the parties were heard.

4. Shri Sukhnandan, the complainant, reiterated his points as stated in his written complaint. He emphasized that the NDMC stopped the family pension of his sister Ms. Sheela without any reason from May, 2018 and did not restore it till such time an RTI application was filed by the complainant. He also stated that the behaviour of the personnel of the Accounts Section of NDMC was far from satisfactory and repeated queries were made to harass the complainant.
5. Ms. Lata, on behalf of the respondent stated that the family pension was stopped in May, 2018, because the complainant did not submit the required Life Certificate. She further stated that the Life Certificate was received in December, 2018. She could not give any reason for continuing to stop the family pension from December, 2018 to March, 2019 despite the Life Certificate having been received.
6. It is also noted that no response from NDMC was received in this Court in response to letter dated 01.07.2019 and reminder dated 27.08.2019. It was also noted that no reply has been furnished to the complainant as well and no reason has been disclosed for stopping the family pension.
7. The response of the respondent was not satisfactory and she was not even fully conversant with the full facts of the matter. It appears that there is indeed some merit in the contention of the complainant regarding apathetic behaviour of the personnel in Accounts Division in NDMC. It is also confirmed that the family pension was resumed only after RTI application filed by the complainant.
8. In view of the above said, this Court recommends that NDMC may organize a training programme which leads to sensitization and empathetic behaviour of its personnel towards person with disabilities. Such instances should not be repeated in future.
9. The Case is accordingly disposed of.
10. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Shivastava)  
Chief Commissioner for  
Persons with Disabilities

Dated: 16.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)  
सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 7939/1011/2017

Complainant:

Shri Gautam Dhar, "Vinayak", GE – 89 B, Rajdanga Main Road  
(East), EKTP, Behind Lipline Dental Care, Kolkata - 700107  
e-mail: <gautamdhar13@gmail.com>

Respondent:

The Chairman, Central Board of Direct Taxes (CBDT), Department  
of Revenue, M/o Finance ARH Centre, E-2, Jhandeewalan  
Extension, New Delhi  
e-mail: <chairmancbdt@nic.in>

Affected  
person:

Shri Saikat Dhar, 80% Hearing Impairment

#### GIST of the Complaint:

Shri Gautam Dhar vide complaint dated 17.04.2017 had inter-alia submitted that Central Board of Direct Taxes was not providing 1% reservation to Hearing Impairment candidates for the post of Inspector.

2. The matter was taken up with the Respondent vide letter dated 10.08.2017 under Section 75 of the RPwD Act, 2016.
3. In response, Income Tax Officer (CMD-II), HRD, CBDT vide letter dated 30.05.2018 has submitted that the required information in respect of Group 'B' and Group 'C' employees of Income Tax Department is maintained by Cadre Controlling Authorities of 18 regions of the Country and they had forwarded the compiled report of 14 regions and remaining region's report is awaited.

4. Complainant vide rejoinder dated 24.04.2019 had informed that CBDT was providing maximum due weightage to persons with orthopaedic disability candidates than Hearing Handicapped candidates for the post of Inspector.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 14.07.2020. The following was present:

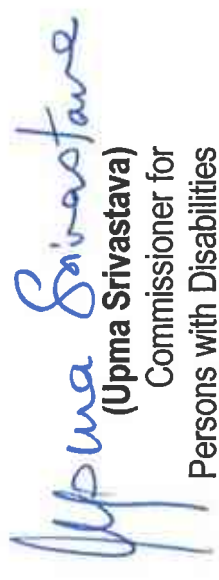
- Complainant - Shri Gautam Dhar, the complainant for his son Mr. Saikat Dhar
- Respondent - Shri Rajeev Ranjan, Dy. Director, DDIT, CBDT on behalf of respondent

**Observation/Recommendations:**

5. Both the parties were heard.
6. The complainant reiterated his grievance that the reservation for persons with disabilities candidates is not equally distributed between OH, HH and VH category. His grievance was that the CBDT was giving more weightage to OH in comparison to HH.
7. The respondent vide their letter dated 30.05.2018 sent information in respect of 14 regions out of 18 regions in the Income Tax Department. He further stated that the remaining information was being compiled and will be sent shortly. However, no further response was received from them. The respondent stated that they were yet to compile the entire CBDT's data on vacancies of persons with disabilities and reservation of three categories of persons with disabilities. The respondent also stated that there have been deficiencies in filling the vacancies against the HH quota and efforts are being made to fill the same.



8. This Court recommends that CBDT shall take immediate action to examine the disparity in distribution of quota between three categories of persons with disabilities and remove the same so that persons with HH category are not deprived of their legitimate rights.
9. The case is disposed of.
10. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 20.07.2020



## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)  
सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 8825/1011/2017

Complainant: Dr. Nitesh Kumar Tripathi, H.No. B – 241, B Block, Sant Nagar  
Burari, Delhi – 110084  
e-mail: <[niteshtripathi85@gmail.com](mailto:niteshtripathi85@gmail.com)>

Respondent: The Chairman-cum-Managing Director, Uranium Corporation of  
India Ltd, Department of Atomic Energy, P.O. Jaduguda Mines,  
Dist-East Singhbhoom  
Jharkhand – 832102  
e-mail: <[sanjeev.ucil@gmail.com](mailto:sanjeev.ucil@gmail.com)> <[uranium@ucil.gov.in](mailto:uranium@ucil.gov.in)>

Complainant: 65% locomotor disability

#### GIST of the Complaint:

Dr. Nitesh Kumar Tripathi vide e-mail dated 10.04.2017 submitted that he had applied 03 times in Uranium Corporation of India Ltd. The organization has not reserved a single vacancy of General Duty Medical Officer for the PwD category. He was only one applicant with disabilities. He has requested to ask the respondent to maintain 100 point reservation roster, extra time during examination or interview, arrangement of WC toilet and pure drinking water, also provide travel expenses to attend interview alongwith an escort, disabled friendly environment during the interview and to also conduct the Special Recruitment Drive for filling up the backlog vacancies for PwDs.

- The matter was taken up with the Respondents vide letter dated 13.12.2017 under Section 75 of the RPwD Act, 2016.

3. Dy. Manager (Personnel), Uranium Corporation of India Ltd vide letter dated 04.01.2018 had inter-alia submitted that they are implementing all rules and directives issued by the Govt. of India time to time and all kinds of reservation and relaxation including admissible benefits/facilities to the extent possible are being provided to the Persons with Disabilities in their Company. They further submitted that their company is basically a mining industry where certain physical standard is required. Moreover, employees incapacitated while working in mines due to accident/physical inability etc. are retained in employment and posted on the light jobs considering as rehabilitated cases. However, recruitment process is going on for filling up of the vacancies identified for PwDs

4. After considering the respondent's reply and the complainant's letter, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on 21.08.2019. After hearing the both parties, information was sought from the respondent vide Record of proceedings dated 28.08.2019 and case adjourned on 11.10.2019.

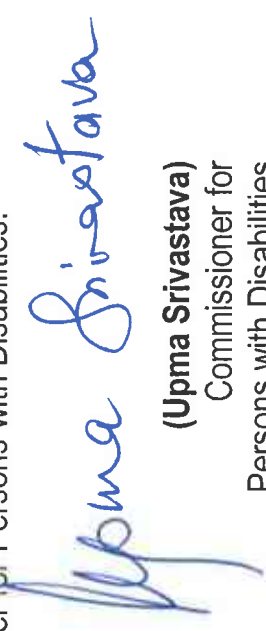
5. In response, Manager (Personnel), Uranium Corporation of India Ltd vide letter dated 13.01.2020 had informed that total number of posts of Medical Officer is 13 in UCIL and require certain Physical Standards to perform their duties as they has to visit underground Mine, Open Cast Mine and remote villages etc. As a part and parcel of their job. This is the reason that Medical Officer post is not filled up by PwD. However, other non-technical posts are filled up by PwD and at present, they have 05 backlog vacancies in Group 'A' and 02 vacancies in Group 'C' for PwDs.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 14.07.2020. The following were present:

- Complainant - Dr. Nitesh Kumar Tripathi
- Shri Sanjeev Ranjan, Manager (Personnel), on behalf of the respondent

**Observation/Recommendations:**

6. Both the parties were heard.
7. It was decided in the last hearing held on 17.01.2020 that the respondent will submit reservation roster for all Group i.e. 'A', 'B', 'C' & 'D' in the Uranium Corporation of India Ltd. Till date of hearing, no response was received from the respondent. In the hearing, the respondent stated that an e-mail was being sent to this Court immediately. No email was received.
8. The respondent is again directed to furnish the required information within two weeks to this Court. Further, respondent should take proper care of providing accessibility for persons with disabilities during examination as well as at the time of interview. The respondent shall also consider giving travel expenses as per the prevailing norms.
9. A compliance report may be sent within 90 days of receipt of this order.
10. The case is disposed of.
11. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 20.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case Number No. 9673/1143/2018

**Complainant:** Shri Vinay Bhatia, father of Shri Akshat Bhatia – a child with Mental Retardation with multiple disabilities by birth, R/o 1/11558, Street No.1, Subhash Park Extension, Naveen Shahdra, Delhi-110032, Email: [vinaybhatia2010@gmail.com](mailto:vinaybhatia2010@gmail.com), Mobile:9818164678

**Date of Complaint:** 16/04/2018

**Respondent:** The Oriental Insurance Company Limited, through: Chairman & Managing Director, Oriental House, A-25/27, Asaf Ali Road, New Delhi, Email: [meenakshi.sharma@orientalinsurance.co.in](mailto:meenakshi.sharma@orientalinsurance.co.in), [beena.dhawan@orientalinsurance.co.in](mailto:beena.dhawan@orientalinsurance.co.in), [csd@orientalinsurance.co.in](mailto:csd@orientalinsurance.co.in); Phone: 43659595

### Gist of Complaint

The complainant is a member of Nirmaya Scheme for 9 years. He submitted the medical claim for Rs.1,67,000/- and received only Rs.40,000/-. He alleged that the officers of the respondent had paid fewer amount than the entitlement. He also wanted to know what the limit was if a patient admits in a hospital and why he had received fewer amount.

2. The matter was taken up with the respondent and when no satisfactory reply was received, hearings were conducted. During the hearing on 26.02.2019, the respondent had submitted that under the Nirmaya Scheme the overall limit of coverage for a person is Rs.1.00 Lakh. Out of which over all limit of hospitalisation is Rs.70,000/-. Under the sub limit of hospitalisation at (A) Corrective Surgeries for existing Disability including congenital disability is Rs.40,000/- but the complainant had claimed Rs.1.67

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सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001; Tel.: 23386054, 23386154; Telefax : 23386006

E-mail: [ccpd@nic.in](mailto:ccpd@nic.in); Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

Lakh for reimbursement. Therefore, the complainant was reimbursed upto the maximum limit of Rs.40,000/-. The complainant submitted that in addition to the hospitalisation bills, he had also spent money on account of Out Patient Department (OPD) after that hospitalisation. After hearing, the complainant was advised to immediately submit the bills of hospitalisation on account of OPD and the respondent was advised to submit their written reply.

3. The matter was again heard on 20.11.2019, and the complainant alleged that the respondent was not paying the rest of the amount Rs.14,524/- as per the slabs issued by the National Trust despite submission of all the relevant documents. The respondent was advised to appear before the Court along with the relevant documents and details of payments made by them to the complainant till date against the bills submitted by the complainant.

4. Next hearing was held on 26.02.2020 and the complainant submitted 05 bills for the year 2018 total amounting to Rs.14,524/- and stated that he had already submitted those bills to the respondent for payment. As advised by this Court, the respondent could not submit the details of payment made to the complainant. The respondent was again advised to settle those bills of the complainant as per rules and submit their report/comment.


**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 14.07.2020. The following were present:

1. Shri Vinay Bhatia, the complainant.
2. Dr. Sheena, on behalf of the respondent.

**Observation/Recommendations:**

Both the parties were heard.

2. The complainant Shri Vinay Bhatia informed that Rs.5,184/- only had been deposited in his account by the respondent in the evening of 13.07.2020. He further submitted that now his grievance is limited to reimbursement of Rs.3,340/- only towards




X-Ray and Lab Test etc. conducted in January, 2018 by the complainant.

3. Dr. Sheena stated that with the transfer of Rs.5,184/- only to the complainant the ceiling amount of Rs.8,000/- on OPD treatment including the medicine, pathology diagnostic etc. has been reached. This amount of Rs.3,340/- is over and above the ceiling of Rs.8,000/-. Accordingly, the reimbursement on account of OPD treatment etc. has been completed by the respondent.

4. The complainant was satisfied with the reply. Accordingly the case is disposed of.

5. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 20.07.2020

  
(Upma Srivastava)  
Commissioner  
For Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 10613/1011/2018

Complainant: Shri Haradhan Maity  
e-mail: <hmaity.maths@gmail.com>

Respondent:

(1) The Secretary, Ministry of Statistics & Programme Implementation, 4<sup>th</sup> Floor, Sardar Patel Bhawan, Parliament Street, Sansad Marg, New Delhi - 110001  
e-mail: <capisi-mospi@gov.in>

(2) The Director, Indian Statistical Institute, 203, B.T. Road, Kolkata – 700108, West Bengal  
e-mail: <director@isical.ac.in> <ceaf@sical.ac.in>

Complainant 60% locomotor disability

#### GIST of the Complaint:

Complainant has submitted that he has completed Ph.D. in Applied Mathematics from Indian Statistical Institute (ISI), Kolkata in 2015 and he made an application through direct recruitment on 30.08.2016 to the authority concerned of ISI but he did not receive any response from the ISI, Kolkata. He made another application on 12/05/2017 for the post of Assistant Professor in Physics and Applied Mathematics Unit (PAMU) of ISI, Kolkata, under the Reserved Category of Persons with Disabilities (PWD) but he did not receive any response from the authority concerned of ISI. He further submitted that he has come to know from the ISI's website that one Dr. Sankar Sarkar of Civil Engineering background was appointed as an Assistant Professor in Physics and Applied Mathematics Unit (PAMU) of ISI, Kolkata.

- The matter was taken up with the Respondent vide letter dated 21.01.2019 under Section 75 of the RPwD Act, 2016.



*[Handwritten signature]*

3. In response, Chief Executive (Admn. & Finance), Indian Statistical Institute vide letter dated 08.03.2019 has inter-alia submitted that Dr. Maity submitted an application for the post of Assistant Professor but it is not a fact that the Institute did not reply to his letter. In response to his e-mail query dated 16.01.2018 Prof. in Charge of Physical & Earth Sciences Division of the Institute replied to him on 28.01.2018 stating that Dr. Maity was not eligible to be considered for the post of Assistant Professor in the Institute on the date of his application, as he did not have the requisite three years' Post-Doctoral research experience. He further submitted that Recently Dr. Maity applied for the post of Assistant Professor as PwD candidate and his application is under process. Respondent further submitted that it is a fact that Dr. Maity had been doing his Ph.D in the Laboratory under Calcutta University, where Dr. Sarkar had been working as the Visiting Assistant Professor. Dr. Sarkar was subsequently absorbed in the Institute following due procedure and also to fill up the backlog vacancies for the post of SC.
4. Complainant vide rejoinder dated 15.04.2019 has inter-alia submitted that he made an application for the post of Assistant Professor in ISI on 30.08.2016 as a general candidate. The said application was not considered because he did not have three years experience after completion of his Ph.D degree in 2015. Thereafter, he made two applications, one after another on 12.05.2017 and 19.11.2018 respectively as PwD candidate for the post of Assistant Professor in ISI. Those applications are lying pending. The authority concerned has not yet taken any step. He further submitted that ISI is trying to mislead by submitting untrue comments and falsely alleged to him.
5. After considering the respondent's reply and the complainant's letter, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on 20.09.2019 but due to administrative reasons hearing postponed. Vide Record of Proceedings dated 10.12.2019, respondents were directed to inform the status of complainant's application for three individual divisions on the basis of advertisement, applications received from the nation-wide advertisement for ISI in three divisions, total sanctioned posts for Assistant Professor, Associate Professor and Professor, posts reserved for PwDs

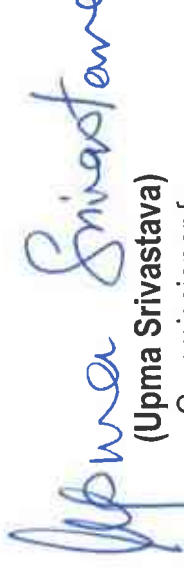
**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 14.07.2020. The following was present:

1. Dr. Haradhan Maity, the complainant alongwith Shri Dilip Kr. Maity, Advocate
2. Dr. Sanghmitra Bandyopadhyay, Director, ISI, Kolkata.

**Observation/Recommendations:**

6. Both the parties were heard.
7. In the last hearing held on 10.01.2020, the following two questions were raised for obtaining response from the respondent (ISI, Kolkata):-
  - (i) Why the complainant was not given permission to participate in a Conference in Switzerland in 2014 ?
  - (ii) Why his candidature was not considered for the post of Assistant Professor in Mathematics Division ?
8. The complainant, Dr. Maitry reiterated his complaint of not being considered for appointment in the ISI against the post of Assistant Professor as a person with disability candidate despite the fact that the vacancy was reserved.
9. The respondent explained in detail that as per rules of the Institute, the complainant was given permission to participate along with funding to China on 25<sup>th</sup> August, 2014. The complainant was also sent to NASA, USA with full funding in the year 2012. As he was supposed to travel to Switzerland in the same month in which he was given travel support to go to China, he was given only "No Objection" to go to Switzerland by using his own money. Therefore, the case of depriving the complainant from international travel was not legitimate.
10. The respondent further stated on the second point that the candidature of the complainant was considered in the Mathematics Division, but he was not found suitable for the division. She further stated that they had no adverse attitude towards persons with disabilities and the faculty recruitment in ISI is going to be opened again very shortly. The complainant is free to apply against the advertised faculty position as per his eligibility and his candidature will be duly considered.

11. The respondent ensured that the institute is committed to give full reservation as per Govt. of India rules to all categories including persons with disabilities.
12. The case is disposed of.
13. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 20.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 10629/1013/2018

Complainant: Shri Idrees Ayyub Khan, Flat No. D – 104, 1<sup>st</sup> Floor, Patel Pride  
Sadat Nagar, Aurangabad – 431001 (MS)  
e-mail: <idreeskhan\_advocate@rediffmail.com>

Respondent: The Chairman & Managing Director, Bharat Petroleum Corporation  
Ltd, Bharat Bhawan, 4 and 6 Currimbhoy Road, Ballard Estate,  
Mumbai – 400001  
e-mail: <ritumathur@bharatpetroleum.in>

Complainant 74% locomotor disability

#### GIST of the Complaint:

Shri Idrees Ayyubkhan vide complaint dated 26.11.2018 had submitted that he has been working as Law Officer with National Insurance Company Ltd since 17.08.2015 and he had applied online application for legal officer in BPCL and BPCL sent him mail/Hall Ticket for appearing online test at Pune. He further submitted that he was shortlisted for 1<sup>st</sup> Round of Selection process, containing Group Discussion and personal interview, based on his performance in online test, and 1<sup>st</sup> Round of selection process on 27 and 28 of September at Mumbai. On 10.10.2018, BPCL released list through mail of shortlisted candidates for second round of selection. But surprisingly BPCL did not shortlist him despite his good performance. He alleged that BPCL did not publish number of vacancies, which is also violation of fair and transparent recruitment. At the time of first round, he was the only candidate with disability among 56 candidates reported for interview out of 76 shortlisted candidates.

2. The matter was taken up with the Respondent vide letter dated 06.02.2019 under Section 75 of the RPwD Act, 2016.

3. In response, Chief General Manager (HRD), BPCCL vide letter dated 07.03.2019 has inter-alia submitted that since a relaxation of 10 marks was given to PwD candidates vis-à-vis 45 marks for General candidates in written test, Shri Idrees Ayyub was shortlisted based on his written test scores of 41 marks. He appeared for the technical case discussion on 27<sup>th</sup> Sep. 2019 at BPCCL Corporate Office, Mumbai. As this was not an elimination round, he appeared for the first interview on 27.09.2019 alongwith other candidates similarly shortlisted. His knowledge levels and experience was found inadequate and not suitable for the Legal Officer profile of BPCCL on relative merit with other candidates. He therefore, did not get shortlisted for subsequent selection processes.

4. Complainant vide rejoinder dated 25.06.2019 has inter-alia submitted that respondent's reply is completely silent about reservation, number of vacancies reserved for persons with disabilities, number of candidates selected as per Section 33 & 34 of the Rights of Persons with Disabilities Act, 2016.

5. After considering the respondent's reply and the complainant's letter, 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, representative of the respondent had sought time for filing of a detailed reply.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 14.07.2020. The following were present:

1. Mr. Idrees Ayyub Khan, the complainant.
2. Mr. Sameer Parekh and Mr. K.G. Verma, Advocates on behalf of the respondent.

**Observation/Recommendations:**

6. Both the parties were heard.

7. The complainant stated that his main grievance is about non-implementation of Section 33 & 34 of the Rights of Persons with Disabilities Act, 2016 in Bharat Petroleum Corporation Ltd. (BPCL). He further stated that BPCL did not shortlist him despite his good performance against the post of Legal Officer in BPCL.
8. The respondent submitted a written reply dated 7<sup>th</sup> March, 2019 and an addition reply dated 13<sup>th</sup> July, 2020. The respondent has clarified that the complainant was not selected as Legal Officer by BPCL despite the fact that he was given a relaxation of 10 marks as a person with disability candidate as his knowledge level and experience were found inadequate at the time of interview.
9. The efforts made by the organization in filling the vacancies reserved for persons with disabilities candidates have been substantiated in their letter dated 13<sup>th</sup> July, 2020, wherein vacancies and number of candidates appointed, number of reservation, special recruitment drive for the post of Legal Officer in PWD category and details of recruitment process for the year 2018 have been provided. The detailed reply of the respondent is being **enclosed with this order** for the information of the complainant.
10. The Court is satisfied with the reply of the respondent and the case is disposed of.
11. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Encl: As above

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 20.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

वाद संख्या 11508/1141/2019

परिवादी - श्री राकेश कुमार, 45% अस्थि दिव्यांग, पुत्र - श्री रामानुज राजक, नया टोला माधोपुर, वार्ड संख्या 16, बख्तियारपुर, पटना-803212, (बिहार),  
ईमेल [rakraj.kumar30@gmail.com](mailto:rakraj.kumar30@gmail.com); मोबाइल-9799933942

परिवाद की तिथि - 09.09.2019

प्रतिवादी - राष्ट्रीय कौशल विकास निगम, (द्वारा - प्रबन्ध निदेशक एवं मुख्य कार्यकारी अधिकारी), 301, तीसरी मंजिल, पश्चिमी विंग, वर्ल्ड मार्क-1, एसेट-11, एरोसिटी, नई दिल्ली-110037, ईमेल - [grievance@nsdcindia.org](mailto:grievance@nsdcindia.org);  
दूरभाष-(011) 47451600, फैक्स-(011) 46560417

### परिवाद का सार -

परिवादी ने प्रधानमंत्री कौशल विकास योजना (अनु.जाति/दिव्यांगजन) के अन्तर्गत रिटेल सेल्स एसोशिएट का 50 दिनों का प्रशिक्षण किया था। प्रशिक्षण के उपरान्त पूर्णोत्थान के लिए दी जाने वाली पुरस्कार (reward) परिवादी को नहीं दिया गया।

2. प्रतिवादी के साथ इस प्रकरण को दिनांक 15.10.2019 को उठाया गया। अनुस्मारक दिनांक 13.12.2019 और 07.02.2020 के उपरान्त भी प्रतिवादी से कोई उत्तर प्राप्त नहीं हुआ।

सुनवाई - इस परिवाद में विडियो कान्फ्रेंसिंग के माध्यम से आयुक्त दिव्यांगजन द्वारा दिनांक 14.07.2020 को सुनवाई की गई। सुनवाई में निम्नलिखित व्यक्ति उपस्थित हुए -

1. श्री राकेश कुमार, परिवादी
2. प्रतिवादी की ओर से कोई नहीं

3481

(Page 1 of 2)

## अवलोकन/अनुशंसाएँ -

परिवादी ने अपनी दो निम्नलिखित शिकायतें दोहराई -

- (1) प्रशिक्षण समाप्त होने के उपरान्त भी सहायता राशि मात्र 5000 रुपये का भुगतान न किया जाना; और
  - (2) नियुक्ति बाद की सहायता (Post Placement Support) राशि जो सेवायोजन प्रमाण-पत्र जमा करने के बाद स्वीकार्य होता है।
2. परिवादी का यह भी कहना था कि प्रशिक्षण साथी, "इंटेलिजेन्स मैनेजमेंट सर्विसेस प्राइवेट लिमिटेड" और राष्ट्रीय कौशल विकास निगम को परिवादी द्वारा अभ्यावेदन देने के बावजूद भी प्रतिवादी से कोई उत्तर प्राप्त नहीं हुआ। इस न्यायालय द्वारा भी प्रतिवादी को पत्र दिनांक 15.10.2019, 13.12.2019 और 07.02.2020 भेजे गए, परन्तु प्रतिवादी की ओर से सुनवाई की तिथि तक कोई उत्तर प्राप्त नहीं हुआ।
3. प्रतिवादी को यह सलाह दी जाती है कि परिवादी के परिवेदना की जाँच कराएँ और यह सुनिश्चित करें कि सहायता राशि (assistive aid) और नियुक्ति बाद की सहायता (Post Placement Support) राशि प्रशिक्षण साथी के माध्यम से या सीधे प्रतिवादी द्वारा परिवादी को उपलब्ध करा दिये गये हैं। इसका अनुपालन प्रतिवेदन 90 दिनों के भीतर इस न्यायालय में प्रस्तुत करें।
4. इस वाद का निपटारा किया जाता है।
5. मुख्य आयुक्त दिव्यांगजन के अनुमोदन से निर्गत।

दिनांक - 20.07.2020

उपमा श्रीवास्तव

(उपमा श्रीवास्तव)  
आयुक्त दिव्यांगजन



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 7677/1011/2017**

Complainant: Dr. Nitesh Kumar Tripathi, H.No. B – 241, B Block, Sant Nagar  
Burari, Delhi – 110084  
e-mail: < niteshtripathi85@gmail.com >

Respondent: The Director, National Institute of Technology, Kurukshetra –  
136119 (Haryana)  
e-mail: <registrar@nitkkr.ac.in>

Complainant: 65% locomotor disability

### **GIST of Complaint:**

The complainant vide e-mail dated 15.02.2017 had submitted that NIT, Kurukshetra had published an advertisement for the post of Doctors and the advertisement was not showing the exact number of seats reserved for PwDs. He has requested to ask the respondent to maintain 100 point reservation roster, extra time during examination or interview, arrangement of WC toilet and pure drinking water, also provide travel expenses to attend interview alongwith an escort, disabled friendly environment during the interview and to also conduct the Special Recruitment Drive for filling up the backlog vacancies for PwDs.

2. The matter was taken up with the Respondents vide letter dated **24.03.2017** under Section 75 of the RPwD Act, 2016. But despite reminders dated **09.08.2017**, **04.05.2018** and **28.05.2019** they did not submit any reply; therefore, the hearing was scheduled for **17.07.2020**.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **17.07.2020**. The following were present:

1. Dr. Nitesh Kumar Tripathi, the complainant.
2. Mr. G.R. Samantaray, Joint Registrar, (GA), NIT, Kurukshetra, on behalf of the respondent.

**Observation/Recommendations:**

3. Both the parties were heard.
4. The complainant's grievance was that the respondent should follow all the rules and regulations in recruitment for the post of doctors and provide all facilities as admissible to persons with disabilities.
5. The respondent stated that they are a Central Govt. Organisation and bound with the rules of the Govt. of India regarding reservation for persons with disabilities.
6. It was noted that despite so many reminders dated 09.08.2017, 04.05.2018 and 28.05.2019, no response from NIT, Kurukshetra was given to the Court.
7. The respondent stated that they had replied vide their letter dated 21.04.2017 and a copy of which was e-mailed to the Court. The reply of the respondent emphasize that the advertisements of the institute have been issued strictly in accordance with the Central Government reservation policy and roster. The respondent have further stated that they are following the system of exemption of application fees, extra time during the examination, WC toilet and pure drinking water etc.
8. The Court recommends to the respondent to provide such facilities to persons with disabilities and to be more sensitive towards persons with disabilities and ensure that the persons with disabilities shall not be deprived of their legitimate rights.
9. The case is disposed of.
10. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 29.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 8747/1024/2017

**Complainant :** Ms. Sharon B., TC 11/517, Sreelekshmi, NRA- 8, Nanthan Nagar, Nandancode, Kowdiar P.O., Thiruvananthapuram, Kerala – 695 003.

**Respondent :** Chairman, Vikram Sarabhai Space Centre, V.S.S.C. Road, Thumba, Thiruvananthapuram – 695 022.

**Date of Complaint : 05.10.2017**

#### Gist of Complaint:

The complainant submitted that she is a 60% mentally retarded person of 24 years of age. She is dependent on her mother for her livelihood. The complainant despite her disability completed Graduation. The complainant's father Late G. Bijumohan was an employee at Vikram Sarabhai Space Centre (V.S.S.C.) Thiruvananthapuram. He was working as a Senior Technician 'A' grade. He expired on 20.05.2010 while in service. She was denied the compassionate appointment in the year 2016 by the V.S.S.C on the ground of her mother's income.

2. The Sr. Administrative Officer, Vikram Sarabhai Space Centre vide letter no. VSSC/DLS/GEN/2018/285 dated 05.06.2018 has submitted that the complainant Kum. Sharon B, is the youngest daughter of late Bijumohan G, one of the employees of their Centre who died while in service. He was survived by his wife Smt. L. Beena and two daughters. Smt. L. Beena is a State Government employee of Ayurveda Directorate, Thiruvananthapuram and she was drawing Rs.10,790/- per month as salary at that time. Consequent on the death of Biju Mohan, his family was paid an amount of Rs.10,38,848/- towards death benefits (Gratuity – Rs.6,63,828/-, Provident Fund- Rs.30,026/-, Central Government Employees Group Insurance Scheme – Rs.84,044/-, Earned Leave Encashment – Rs.2,70,950) from VSSC/ISR. In addition to this, an amount of Rs.9,71,193/- was paid to the family from VISWAS, an insurance scheme exclusively prevailing in the DOS/ISRO. Apart from the above payment, the family is also eligible for family pension at the enhanced rate of Rs.10,035/- + Dearness Relief thereon upto 20.05.2020 and thereafter at ordinary rate of Rs.6,021/-+ Dearness Relief from 21.05.2020 onwards based on the orders issued for calculation of family pension. The family pension was subsequently revised w.e.f. 01.01.2016 as per 7<sup>th</sup> CPC and the family is now eligible for revised enhanced pension of Rs.26,000/- plus

...2/-

Dearness Relief thereon upto 20.05.2020 and thereafter at ordinary rate of Rs.15,600/- plus Dearness Relief from 21.05.2010 onwards. He submitted that the complainant had submitted her application for compassionate appointment on 09.12.2010. The Committee constituted for determining the financial position and assessing the eligibility of the complainant for compassionate appointment considered her case at the meeting held on 22.02.2011 and on 01.01.2013. The Committee found that the PCI of the applicant was Rs.11,646/- as against the then prescribed PCI ceiling limit of Rs.6,850/- fixed by the department as on 01.01.2013 and therefore, the Committee has not recommended the case for compassionate appointment.

3. The complainant vide her rejoinder dated 21.06.2018 has submitted that she is eligible for employment under 4% quota. She submitted that if an opportunity is denied to a person with disability, then the whole purpose of social welfare legislation would be lost. Disabled persons must be provided with equal opportunity to participate in public employment otherwise it would amount to discrimination. The object of making special provision in the Act is for the integration of persons with disabilities into the social mainstream. Not giving preference to an ambitious girl of an under represented handicapped community is a clear cut violation of her fundamental rights.

**Hearings :** The online hearing fixed on 26.06.2020 could not be heard due to administrative exigencies.

4. The hearing was conducted through video conferencing by the Commissioner for Persons with Disabilities on 17.07.2020.

5. The following persons were present during the hearing:

- 1) Mr. Sanand Ramakrishnan, Advocate on behalf of the complainant.
- 2) Mr. Sudhakara Babu, Sr. Administrative Officer on behalf of the respondent.

Both the parties were heard.

6. The complainant stated that as she was suffering from 60% of intellectual disability, she is eligible for employment in Vikram Sarabhai Space Centre (VSSC) under the 4% quota of persons with disabilities prescribed under the Rights of Persons with Disabilities Act, 2016. The complainant further stated that she had already appeared for two written tests in May and November, 2019 against the vacancy of the Catering Attendant. On inquiring, the complainant stated that the grievance was not for compassionate appointment, but for finding an employment in VSSC.



7. The respondent reiterated the points as made out in their reply dated 05.06.2018 and 14.06.2019 regarding the matter of compassionate appointment. He also stated that the complainant did not qualify the above mentioned written test and hence was not selected for appointment.

**Observation/Recommendations:**

8. The Court is satisfied with the reply of the respondent so far as the non- admissibility of compassionate appointment is concerned. However, the Court recommends that the VSSC may consider the candidature of the complainant against any suitable vacancy in VSSC.

9. The case is disposed of.

10. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 29.07.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 8913/1024/2017

Complainant : Shri Chandra Prakash Gupta, C-2420, Sushant Lok Phase-1, Gurugram, Haryana.

Respondent : Chairman, DLF Limited, DLF Gateway Tower, R-Block, DLF City, Phase-III, Gurugram, Haryana – 122 002

**Date of Complaint : 28.11.2017**

### **Gist of Complaint:**

Shri Chandra Prakash Gupta, a person with 40% visual impairment vide his complaint dated 28.11.2017 has submitted that he has been working with DLF Home Developers Ltd, Gurugram since 24.05.1993. He is being harassed at work place and is being threatened with termination by the management.

2. The DLF Limited vide letter dated 25.04.2019 has submitted that the complainant is in the services of the company from 24.05.1995 and he was awarded with promotion from time to time during his tenure. He has been promoted to the post of Assistant General Manager (Projects). Therefore, it is patently vague and false alleging any threat and / or discrimination to him rather the complainant is guilty of concealment of facts because he never informed the company that he is suffering from low vision at any stage till date and is trying to take shelter of the Act to cover up his misdeeds. On 20.12.2017, the complainant was asked to relocate to another place from his existing place of work and upon hearing this, he started misbehaving with the seniors and blatantly refused to accept any such relocation.

3. The complainant vide his rejoinder dated 13.09.2019 has submitted that the management is fully aware of his permanent disability (low vision). The company has started harassing, threatening and discrimination to him since 01.04.2017. He submitted that he has submitted the Disability Certificate for records to the company. He started working with the Company since 24.05.1993 till dated. He is not getting increment for the financial year 2017 to 2018. He has been denied promotion since last 6 years and ex-gratia projects. He had written to the management regarding air pollution, flying dust, direct sun light, heat waves at the project where he is presently working and requested to relocate him to some other place.

...2/-

**Hearings :** The case was heard through video conferencing by the Commissioner for Persons with Disabilities on 17.07.2020.


4. The following persons were present during the hearing ;

- 1) Mr. Chandra Prakash Gupta, the complainant.
- 2) Mr. Varun Kumar & Mr. Sumit Malhotra, Advocates & Ms. Anjana Bali, representative of DLF, on behalf of the respondent.

Both the parties were heard.

5. The complainant reiterated his complaint of harassment and discrimination at the work place. On inquiring as to what constituted such harassment and discrimination, the complainant explained that he did not have proper place to sit in office; his official mail ID has been cut; his disability certificate has not been accepted; he is sitting idle and he is being threatened for a salary cut; he has been transferred to Road Project Office, where because of sunlight, it is difficult to operate. He further stated that he wanted to be retained in service till the age of 62 years and that he wanted a Three Bed-Room Flat on concessional basis from the organization.

6. The respondent stated that there was no merit in the assertions made by the complainant. He has been working in the organization for last 31 years and has been given eight promotions since 1993 from the post of Assistant Engineer to Assistant General Manager despite the fact that he holds only a Diploma in Engineering. The respondent further stated that vide their letter dated 21.06.2019, an appreciation was conveyed to Mr. Gupta alongwith increase in his salary. The documentary evidence to this statement was also made available to the Court. The respondent further explained that it is only because of Covid-19 that business in DLF came to a standstill and due to that reason a 20% cut in salary was imposed across the organization and the employees were asked not to attend office in Road Project Office situated in Sector-42, Gurgaon. The complainant lives in Gurgaon and he is posted in Gurgaon only and very shortly alongwith other employees of the Road Project Office he will be getting seating space in the new office namely Gateway Tower. He has been given due increments each year and that the organization is committed to protecting the rights of persons with disabilities. The respondent also stated that the complainant was in the habit of writing unpleasant mails to very senior officers including the Chairman.



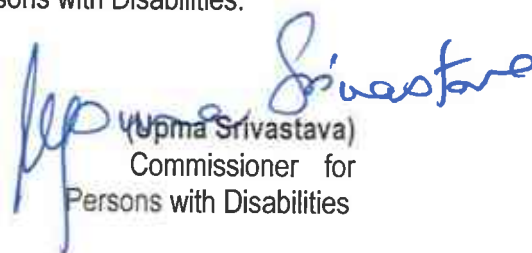
**Observation/Recommendations:**

7. The Court recommends that the disability certificate of Mr. Gupta shall be taken on record by the respondent. The organisation shall take care of the rights of persons with disabilities as per the Rights of Persons with Disabilities Act, 2016. The complainant is also advised to be devoted to his duties alongwith enjoying the rights meant for persons with disabilities as per the Rights of Persons with Disabilities Act, 2016.

8. The case is disposed of.

9. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 29.07.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 9630/1023/2018**

**Complainant :** Shri Shamsher Singh, Office Superintendent (G), Office of SDE (Group), Bharat Sanchar Nigam Limited, Punjab Circle, Nabha, Distt. Patiala, Punjab – 147.201.

**Respondent :** Chairman and Managing Director), Bharat Sanchar Nigam Limited, Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi – 110001.

**Date of Complaint :** 14.03.2018

### **Gist of Complaint :**

Shri Shamsher Singh, a person with 45% locomotor disability vide his complaint dated 14.03.2018 has submitted that he appeared in J.T.O. Competitive Examination in May 1999 in BSNL. He submitted that he was considered as S.C. candidate instead of a person with disability. He was the only PH candidate who appeared in J.T.O examination. He submitted that five vacancies under PH quota were remaining unfilled. He further submitted that he was recruited as TOA (G) in the year 1984-85 for under PH quota in Patiala SSA. No promotion under PH category was given to him so far in between his whole service ( i.e. 1985 to 2017) by the Deptt. of BSNL as well as Deptt. of Telecom.

2. No reply received from the respondent to the complainant's grievance. The first hearing of the case was held on 30.08.2019.

3. During the hearing on 30.08.2019, the Complainant vide his written submission submitted that he was recruited as R.T.P. T.O.A (G) in Feb. 1984 through Employment Exchange, Ludhiana to work in the Reserve Trained Pool vide Order D.E.T. PA Memo No. Q.3166/2 dated 20.02.1984. He is a Scheduled Caste and also a person with locomotor disability to the tune of 45%. He appeared in the competitive examination in the year 1999 for the post of JTO from the Punjab Circle against the post of Scheduled Caste persons with disabilities Quota. In the said examination held in the year 1999 the complainant passed two papers and failed in two papers. Therefore, he made a representation to review his result being a Scheduled Caste as has been done in case of other candidates. In this regard the complainant has referred to a judgment in Civil Appeal No. 6046-6047 of 2004 titled as Rohtak Bhankhar and Others vs. Union of India and Others wherein the respondents are directed to modify the results in the Section Officers/Stenographers (Grade B/Grade-I) Limited Departmental Competitive Examination, 1996 by providing for reservation and extend all consequential reliefs to the appellants, if not granted so far. The respondent has evoked from their slumber in the year 2018 stating therein that the

...2/-

complainant was recruited from Scheduled Caste reserve category and not from persons with disability category. For arguments sake, if it is true then the result of the complainant has to be reviewed from SC Category quota as complainant is a person with disability and at this stage the respondent cannot say that there is no notification for reviewing the result of the complainant from the persons with disabilities quota. He is a person with disability and is getting transport allowance from the date of this joining. In his case he is not only a Scheduled Caste candidate but also a person with disability. The Respondent has come with new pleas that the result of the complainant cannot be reviewed as there is no notification for reviewing the result from persons with disabilities category. The complainant is being harassed and humiliated by the respondent on one pretext or the other and is not providing entire record to the complainant inspite of demand under Right to Information Act, 2005. The Complainant has requested the Court to direct the Respondent to review the result of the complainant from the Scheduled Caste persons with disabilities category and to promote him to the post of JTO as the complainant is fully eligible for the promotion from the Scheduled caste persons with disabilities category.

4. The representatives of Respondent submitted that the notification for Departmental Competitive Examination for promotion to the cadre of Junior Telecom Officer (under 15% quota) was issued on 27.11.1998 to fill the vacancies for the year 1995 to 1998 as per JTO (T) Recruitment Rules. The complainant OS(G) appeared in the Departmental Competitive Examination for promotion to the cadre of JTO under 15% quota held on 15.05.1999 & 16.05.1999 with Roll No. PBT/JTO/C/99/556. The result of the aforesaid examination was declared on 15.12.1999 and he secured marks as per detail below :

Name of paper	Total Marks	Marks obtained
Paper I	100	15
Paper II	100	8
Paper III	100	40
Paper IV	100	14
<b>Total</b>	<b>400</b>	<b>77</b>

The Respondent submitted that the result of the said exam was declared by adopting uniform passing criteria, i.e. securing 40% in individual subjects as well as in aggregate to qualify the aforesaid examination for all the categories (OC, SC and ST candidates). For passing the said examination, the official required 40 marks in each paper as well as in aggregate but the complainant did not score the requisite marks in each paper and in aggregate as detailed in the

....3/-



Table above, as such the complainant was not declared successful. The results of JTO Competitive examinations held in 1996 & 1999 had been reviewed as per directions received from DoT/BSNL Hq from time to time. The Respondent further submitted that the aforesaid examinations were held during the period when DoP&T O.M. No. 36012/23/96-Estt.(Res.) dated 22.07.1997 was not enforced, whereas the examination in which the applicant had appeared was held during the period when the aforesaid DoP&T O.M. was enforced.

5. The Court directed the Respondent to revisit the matter and examine it again in the light of Hon'ble Supreme Court's Judgement.

6. The second personal hearing was heard by the Chief Commissioner for Persons with Disabilities on 08.11.2019.

7. During the hearing the Complainant reiterated that the Respondent should review the result of the complainant under the Scheduled Caste persons with disabilities category and to promote him to the post of JTO as he is eligible for the promotion under SC persons with disabilities category. He also submitted that he is also being harassed and humiliated by the Respondent on one pretext or other.

8. During the hearing the representatives of Respondent submitted that they have forwarded the case to the BSNL Punjab Circle who has sought three months time to examine the case in the light of the Judgment of the Hon'ble Supreme Court.

9. The final hearing was heard via Video Conferencing by the Commissioner for Persons with Disabilities on 17.07.2020.

10. The following persons were present during the hearing;

- 1) Mr. Mandeep Singh, Son-in-Law of the complainant, on behalf of the complainant.
- 2) Mr. G.P. Vishnoi, AGM (Esstt.III), BSNL, on behalf of the respondent.

Both the parties were heard.

11. The complainant reiterated the points raised in his complaint.

12. The Court noted that in the last hearing, BSNL was ordered to examine the matter in the light of Hon'ble Supreme Court's Judgment of 2004, and furnish their findings within a period of three months. More than three months had passed and no reply had been received in this Court.



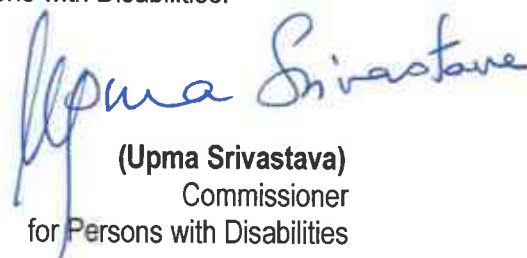
13. The respondent stated that they had indeed sent a reply on 28.02.2020 to the Court. The respondent was asked to read out their reply and they were further directed to e-mail a copy to the Court immediately. The respondent stated that the grievance of the complainant has been examined by the respondent in the light of Hon'ble Supreme Court's Judgment in Civil Appeal No. 6046-6047 of 2004 titled as Rohtak Bhankhar and Others vs. Union of India and Others and found that the judgment cannot be applied in the case of Mr. Shamsheer Singh. Moreover even if the relaxed standard of qualification was applied in the case of the complainant, then also the complainant will not become eligible for promotion as JTO due to not securing qualifying marks as per the criteria. The **reply of the respondent is enclosed** for information of the complainant.

**Observations / Recommendations :**

14. The respondent further stated that the complainant has superannuated on 31.12.2019. The Court is satisfied with the reply of the respondent and the case is dismissed.

15 This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated : 29.07.2020

  
(Upma Srivastava)  
Commissioner  
for Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case Number No. 10185/1021/2018**

**Complainant :** Shri Rakesh Kumar, Medical Record Assistant, Dr. Ram Mahohar Lohia Hospital, Baba Khark Singh Marg, Near Gurudwara Bangla Sahib, Connaught Place, New Delhi – 110 001

**Respondent :** Medical Superintendent Dr. Ram Manohar Lohia Hospital, Baba Khark Singh Marg, Near Gurudwara Bangla Sahib, Connaught Place, New Delhi – 110 001

**Date of Complaint : 09.08.2018**

### Gist of Complaint:

Shri Rakesh Kumar, the complainant, a person with 100% hearing impairment, submitted that he is working as Medical Record Assistant in Dr. Ram Manohar Lohia Hospital, New Delhi. He submitted that he has been denied promotion whereas employees with locomotor disabilities were given promotion under disability quota. He gave a representation on 29.07.2015 for seeking promotion benefit under disability quota but received no response. The complainant submitted that vide his RTI application dated 01.05.2017 he requested his establishment to provide him a copy of roster maintained in the Hospital as well as the name of officials who were promoted under disability quota.

2. No reply has been received from the respondent. The case was heard on 31.01.2020 and on 17.07.2020

3. During the personal hearing on 31.01.2020 the complainant reiterated that he is presently working in the post of Medical Assistant in Dr. Ram Manohar Lal Hospital. He had been denied promotion under PH quota. He submitted that only employees with locomotor disabilities were granted promotion under disability quota.

4. The representatives of Respondent submitted that they will submit a written submission to the Court. The respondent were advised to submit a written submission to the Court within 15 days.

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5. The hearing of the case was scheduled via Video Conferencing by Commissioner for Persons with Disabilities on 17.07.2020.

The following persons were present during the hearing:

- 1) Mr. Rakesh Kumar, the complainant.
- 2) Mr. Pankaj Kr. Sinha, Dy. Director, RMLH on behalf of the respondent.

Both the parties were heard.

6. The Court informed the respondent that as per the orders made in the last hearing held on 31.01.2020, they were supposed to file a written submission within 15 days of the hearing against the representation of the complainant. The written submission had not been received till the date of hearing today.

7. The respondent explained that the written submission could not be made because the records were lost and the management was extremely busy with Covid-19 activities. The respondent further stated that after this complaint and hearing on 31.01.2020, the hospital has been trying to maintain the roster as per rules of the DOP&T. They requested that three months time may be given to them to complete the formalities and preparation of roster and to submit the same to the Court. As regards, promotion of Mr. Rakesh Kumar, the respondent clarified that he was not eligible for promotion to the post of MRT, as the minimum qualifying service required for this promotion was eight years, whereas Mr. Rakesh Kumar has completed only five years.

**Observation / Recommendations :**

8. The Court is satisfied with the submission made by the respondent during the hearing and advised the respondent to submit their submission in writing immediately. The Court also advises the respondent to be more sensitive towards persons with disabilities and ensure that the persons with disabilities are not deprived of their legitimate rights. A compliance report regarding preparation of roster may be submitted within 90 days of receipt of this recommendation.

9. The case is disposed of.

10. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated : 29.07.2020



(Upma Srivastava)  
Commissioner  
for Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 10868/1014/2019

वादी श्री राहुल कुमार साहू, पुत्र — महेश चन्द्र, निवासी —  
132/434, बाबू पुरवा आजाद नगर, कानपुर, उत्तर प्रदेश।  
ई-मेल: <rahul.sahu084@gmail.com>

प्रतिवादी महाप्रबंधक, (प्रशासन), आई.बी.पी.एस. हाऊस, 90 फीट, डी.पी.रोड़,  
ठाकुर पॉलिटेक्निक के निकट, पश्चिमी एक्सप्रेस राजमार्ग,  
कंदिवाली (ई), मुम्बई  
ई-मेल: <director@ibps.in>

वादी 40 प्रतिशत दिव्यांग

### GIST of the complaint:

प्रार्थी का अपनी शिकायत में कहना था कि वह विगत 04 वर्षों से आई.बी.पी.एस. द्वारा आयोजित की जाने वाली विभिन्न परीक्षाओं में भाग ले रहे हैं किन्तु आई.बी.पी.एस. सेलेक्शन बोर्ड के सदस्य उनको दृष्टिबाधित होने के कारण, कभी सेशनल कट ऑफ से बाहर कर देते हैं या फिर कभी सेशनल कट आफ पास करने के बाद उनको ओवर आल कट आफ से बाहर कर देते हैं। प्रार्थी का आगे कहना है कि कभी उनको दिव्यांगजन की श्रेणी से हटाकर सामान्य श्रेणी की कट आफ में ले जाते हैं और कभी फेल कर देते हैं।

2. मामले को दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 75 के अन्तर्गत पत्र दिनांक 20.02.2019 द्वारा प्रतिवादी के साथ उठाया गया।

3. In response, Head Administration, IBPS vide letter dated 14.03.2019 has inter-alia submitted that the applicant had taken examination for CWE Clerk VI for the post of Clerk and CRP RRBs – VII for the post of Office Assistant but did not qualify. He had secured 40.75 on total Score against the cut off of Total Score 69.75 under VI category for the examination of CRP RRBs VII.

4. प्रति उत्तर में प्रार्थी का कहना है कि आई.बी.पी.एस. आर.आर.बी. 2018 के रिजल्ट में रीजनिंग और न्यूमेरिकल एबिलिटी का न्यूनतम अंक 12.50 और 10.50 है जिसमें अभ्यर्थी ने क्रमशः 14.25 और 26.25 अंक प्राप्त किये हैं जो कि न्यूनतम अंकों से अधिक है। आई.बी.पी.एस. बोर्ड ने आर.आर.बी.क्लर्क 2018 में न्यूनतम अंकों का योग (25 अंक) से बढ़ाकर टोटल न्यूनतम अंक 69.75 कर दिया जो कि न्यूनतम अंकों से दोगुने से भी ज्यादा है।

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सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 ; Tel.: 23386054, 23386154 ; Telefax : 23386006

E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

5. प्रतिवादी के पत्र एवं शिकायतकर्ता के टिप्पण के मद्देनज़र, सुनवाई दिनांक 17.07.2020 को रखी गई।

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 17.07.2020. The following were present:

1. Shri Rahul Kumar Sahu, the complainant.
2. Shri Rajat Arora, Advocate, on behalf of the respondent.

**Observation/Recommendations:**

6. Both the parties were heard.

7. The complainant stated that he had given two examinations, one in 2017 and the second in 2018 for the post of Clerk in RRB. He stated that his grievance was for his non-selection in the year 2018, because the IBPS increase the total cut-off while publishing the result, due to which he could not be selected.

8. The respondent stated that the criteria of selection was not only about score more than the minimum cut-off marks but total score and also scoring the minimum cut-off marks in each of the subject. The complainant was not selected because he scored only 3.5 against the cut-off of 3.75 in the General Awareness subject. The respondent stated that in the same exam in 2018, other persons with disabilities have been selected as per the IBPS norms.

9. The respondent was advised to send this Court as well as to the complainant a list of all persons with disabilities, who was selected in the IBPS, RRB Clerk examination of 2018 and their individual marks within a period of three weeks from the date of receipt of this order. A compliance report may be sent within 90 days of receipt of this order.

10. The Case is accordingly disposed of.

11. The issues with the approval of Chief Commissioner for Persons with Disabilities.

(Upma Srivastava)  
Chief Commissioner for  
Persons with Disabilities

Dated: 29.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 11435/1011/2019**

Complainant: Shri Satya Kumar Singh

e-mail: <[employment@nabindia.info](mailto:employment@nabindia.info)> <[advocacy@nabindia.info](mailto:advocacy@nabindia.info)>

Respondent: The Vice Chancellor, Aligarh Muslim University, Aligarh, Uttar Pradesh – 202001

e-mail: <[registrar.amu@amu.ac.in](mailto:registrar.amu@amu.ac.in)>

### GIST of Complaint:

The complainant vide complaint dated **16.08.2019** had submitted that Aligarh Muslim University had published three advertisements for various posts without providing 1% reservation to persons with visual impairment. He further submitted that PGT and TGT posts which were earlier reserved in 2016 advertisement have now been transferred to persons with locomotor disability.

2. The matter was taken up with the Respondent vide letter dated **19.09.2017** under Section 75 of the RPwD Act, 2016.

3. In response, Registrar AMU vide letter dated **16.11.2019** had informed that they had already sent a detailed reply to the complainant on **16.09.2019** vide which they informed the complainant that none of the post of Assistant Professor and Associate Professor category were suitable for Blind category and HH category of candidates as per manual of instructions and visually impaired implied minimum 40% eye disorder including low vision.

4. Complainant vide rejoinder dated **04.02.2020** submitted that he denied that the posts/s of Assistant Professor and Associate Professor are not suitable to persons with

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visual impairment for minimum 45% eye disorder including low vision. In several Colleges, totally blind persons are working as Assistant Professors and Associate Professors and even Head of the Departments including AMU also. He further submitted that AMU has reserved the post/s for the subjects to which visually impaired generally do not deal due to physical limitations. Reservation in teaching posts should be re-allocated as per the identifications of jobs done by the Central Government.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 17.07.2020. The following were present:

Present:

1. Shri Satya Kumar Singh, the complainant.
2. Prof. Khalid and Dr. Farooq Hafiz, on behalf of the respondent.

**Observation/Recommendations:**

5. Both the parties were heard, the Court recommends to Aligarh Muslim University the following:

- (i) Follow the definition of the visually impaired as per the schedule of the Rights of Persons with Disabilities Act, 2016.
- (ii) The provision of the Rights of Persons with Disabilities Act, 2016 supersedes any instruction manual so far as reservation of posts for persons with disabilities is concerned and should be strictly followed. The reply of the respondent that the posts under Assistant Professor and Associate Professor category are not suitable for visually impaired category of candidate is unacceptable and the respondent should strictly follow the roster for reservation and appoint persons in each category of disability in teaching and non-teaching cadre.
- (iii) The reservation roster maintained by the respondent sent to this Court within 30 days from the date of receipt of this order.

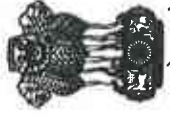


6. The case is disposed of.
7. This issues with the approval of Chief Commissioner for Persons with Disabilities.



**(Upma Srivastava)**  
Commissioner for  
Persons with Disabilities

Dated: 29.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 8125/1013/2017

Complainant:

Shri Gopal Kumar Gupta, Pulki Basti, Kusunda, Dist. – Dhanbad,  
Jharkhand – 828116

E-mail: <gopalguptadhn@gmail.com>

Respondent:

The Sr. Manager (HR), Numaligarh Refinery Ltd, 122A, G.S. Road,  
Christianbasti, Guwahati – 781005  
E-mail: <sk.barua@nrl.co.in>

Complainant:

55% Locomotor disability

#### GIST of the Complaint:

Complainant in his complaint dated nil submitted that he had appeared for Officer Grade 'A' Exam conducted by Numaligarh Refinery Ltd and scored 67marks out of 100 and then appeared for G.D. and P.I. process but finally not selected and selected candidate got 49 marks out of 100 in the written exam.

2. The matter was taken up with the Respondent vide letter dated **31.10.2017** under Section 75 of the RPwD Act, 2016. But despite reminders dated **27.02.2018**, **16.01.2019** and **06.05.2020** they did not submit any reply; therefore, the hearing was scheduled for **18.03.2020** but due to COVID-19 could not held.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **21.07.2020**. The following was present:

1. Mr. Gopal Kumar Gupta, the complainant.
2. Mr. Parijat Sinha, Advocate, on behalf of the respondent.

#### Observation/Recommendations:

3. Both the parties were heard.

4. The complainant reiterated his points as mentioned in his complaint, that though he had qualified the written examination for the post of Officer Grade 'A' examination conducted by the respondent as a Special Recruitment Drive for persons with disabilities, yet , he was not selected; that the advertisement mentioned only written examination and/or personal interview and did not clearly indicate the marks allocated to each; after qualifying in the written examination, another stage of selection i.e. Group Discussion was added and the candidate who was eleventh in the written examination result was finally selected. The segregation of marks for each stage of examination process was also not given.
5. The Court noted that the respondent did not choose to send even a single line reply either written or through e-mail, in response to letters of this Court vide 31.10.2017, 27.02.2018, 16.01.2019 and 06.05.2019. This is found to be extremely improper and lax on the part of the respondent.
6. The respondent stated that they did not reply to the letters of this Court as they had not received the copy of the complaint attached with any of these letters. Regarding the merits of the case, the respondent stated that in terms of Clause 10 and 12 of advertisement issued in this respect namely "*the respondent reserves the right to raise the minimum eligibility standards. The Management reserves the right to cancel / restrict / enlarge / modify / alter the recruitment / selection process, if need so arises, without issuing any further notice or assigning any reason thereafter*" the respondent was within its right to add any stage of selection process. As this was a case of Special Recruitment Drive of disabled persons, finally a disabled person was only selected and appointed against the post.
7. The Court noted the reply of the respondent and made the following recommendations:-
- (a) The reply of the respondent regarding not responding to the letters of this Court is unacceptable.
  - (b) The letters of this Court were not taken seriously and had the respondent wanted a copy of the complaint it could have been easily procured from this Court's office during three years between 2017 to 2020.

- (c) The system of recruitment as followed by the respondent does not appear to be a fully transparent system. The various stages of the examination should be announced in advance for the benefit of all applicants along with marks allocated for each of the stages of examination process. Not doing this gives rise to misgivings about the veracity of the entire process. Unless and until there is clear indication of marks for each stage of the examination and the total marks received by all the candidates are duly considered, the selection process cannot be set to be transparent and free from any manipulation. Though this was a Special Recruitment Drive and finally a disabled candidate was selected, yet strictly transparent criterion and procedure should be followed in such recruitments also.
- (d) The Court recommends that the respondent may revise their process of selection to make it fully transparent and objective for the larger interest of all applicants including persons with disabilities.
8. The case is disposed of.
9. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 27.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)  
सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 9529/1012/2018

Complainant:

Ms. Himanshu Verma

E-mail: <himanshu84verma@gmail.com>

Respondent:

The Principal, Shaheed Bhagat Singh College, Sheikh Sarai, Phase-II,  
New Delhi – 110017

E-mail: <sbseprincipal@gmail.com>

Complainant:

40% locomotor disability

#### GIST of the Complaint

Complainant vide e-mail dated 13.03.2018 submitted that she had applied for the post of Library Assistant in Shaheed Bhagat Singh College but her name was showing in the list of ineligible candidates due to overage.

2. The matter was taken up with the Respondent vide letter dated 19.07.2019 under Section 75 of the RPwD Act, 2016.
3. In response, Principal, Shaheed Bhagat Singh College vide 20.08.2018 submitted that College had received an application from Ms. Himanshu Verma for the post of Library Assistant under UR category and she belongs to PwD category with 40% disability. Since the post of Library Assistant was published under UR category therefore, she was not given relaxation in age.
4. Complainant vide rejoinder dated 10.07.2019 submitted that respondent had not mentioned in the advertisement that PwD cannot apply against UR category.
5. After considering the respondent's reply and the complainant's letter, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on 15.04.2020 but due to COVID-19 could not held.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **21.07.2020**. The following was present:

1. Ms. Himanshu Verma, the complainant.
2. None for the respondent.

**Observation/Recommendations:**

6. The complainant was heard and she reiterated that she was not considered for the post of Library Assistant as she was overage and was not given the relaxation as admissible to a person with disability. She further stated that as per DOP&T's O.M. No.15012/1/2003-Estt.(D) dated 29<sup>th</sup> June, 2015, "*age concession to the persons with disabilities shall be admissible irrespective of the fact whether the post is reserved for person with disabilities or not, provided the post is identified suitable for the relevant category of disability*". As such the complainant was to be given age relaxation even though the post of Library Assistant was a unreserved post.

7. The respondent vide their reply dated 20.08.2018 have stated that since the post of Library Assistant was published under UR category she was not given relaxation in age.

8. As per the latest DOP&T's O.M. No.36035/02/2017-Estt(Res) dated 15<sup>th</sup> January, 2018 on reservation for persons with benchmark disabilities in para 4.1, it is stated that "*...a person with benchmark disability cannot be denied the right to compete for appointment by direct recruitment against an unreserved vacancy. Thus a person with benchmark disability can be appointed by direct recruitment against vacancy not specifically reserved for the persons with benchmark disability, provided the post is identified suitable for persons with benchmark disability of the relevant category.*" As per this rule position, the complainant applied for the post of Library Assistant. However, in terms of the DOP&T O M as quoted above by the complainant in Para 6 of this order, she was also to be given age relaxation by 10 years which was not given by the respondent. Thus the respondent denied her the opportunity to be considered along with other candidates.

9. It is unfortunate that due to the matter being of the year 2018, this court cannot provide any further relief to the complainant. The court advises the respondent to note the above rule position and implement it in all future recruitments of persons with disabilities against unreserved posts.

10. The case is disposed of.

11. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 27.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 9930/1011/2018

Complainant:

Shri S.Gnanaseelam, Social Activist, 37, Ninth Cross Street,  
Ammayappa Nagar, Trichirappalli – 620017  
E-mail: <swamgnanaseelan@gmail.com>

Respondent:

Director, Indian Space Research Organization (ISRO), Antariksh  
Bhawan, ISRO Headquarters, New Bel Road, Bengaluru – 560094  
E-mail: <isrohq@isro.gov.in> <icrb@isro.gov.in>

#### GIST of the Complaint:

The complainant vide letter dated **01.06.2018** submitted that Indian Space Research Organization was not providing 4% reservation to PwDs as per Section 34 of the Rights of Persons with Disabilities Act, 2016. He had requested to direct the respondent to adhere all the provisions of Act/Rules meant for PwDs.

2. The matter was taken up with the Respondent vide letter dated **04.10.2018** under Section 75 of the RPwD Act, 2016.

3. In response, Sr. Head, Personnel & General Administration, ISRO vide letter dated 09.11.2018 submitted that ISRO Centralised Recruitment Board had released advertisement dated 10.04.2018 for recruitment to the post of Jr. Personal Assistants in ISRO and Stenographers in DOS in Level 04. Out of the 10 posts reserved for Persons with Bench Mark Disabilities, 02 were reserved for the category Blindness/Low vision, 02 for Deaf/Hard of Hearing and 06 for Loco motor disability/Cerebral Palsy. Out of these, one in each category was a backlog vacancy. In terms of the extant orders, in case candidates belonging to the identified categories are not available for filling up the backlog vacancies, inter-se exchange among the candidates of other categories of disabilities should be explored and if that too is not possible, they can be filled by able bodied persons. Keeping this in mind, it was indicated in the advertisement that if HH/VH/OH candidates were not available, UR/OBC and SC candidates would be considered against the vacancies and the reservation will be carried forward.

4. They further submitted that 20 minutes extra time per hour for all the disabled candidates was allowed in the examination and Assistance of scribe was provided to all PwBD candidates who had requested for one. They were also given the option to bring their own scribe.
5. Complainant vide rejoinder dated **13.03.2019** inter-alia submitted that ISRO had not provided reservation to (d) and (e) categories of disabilities from the Section of 34 of the RPwD Act, 2016.
6. After considering the respondent's reply and the complainant's letter, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **11.12.2019**. Record of Proceedings was issued on **01.01.2020** with the direction to the respondent and the case was adjourned to **04.03.2020** but due to COVID-19 could not held.

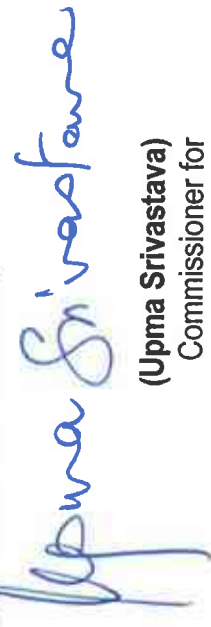
**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **21.07.2020**. The following was present:

1. Mr. S. Gnanaseelan, the complainant on telephone.
2. Mr. Ravi Kumar, Administrative Officer, ISRO, on behalf of the respondent.

**Observation/Recommendations:**

7. Both the parties were heard.
8. The complainant mentioned that he had nothing more to add to what he has submitted in his complaint vide letter dated **01.06.2018**. He also mentioned that his main grievance was as mentioned in his rejoinder dated **13.03.2019** as per which ISRO had not provided reservation to (d) and (e) categories of disabilities from the Section 34 of the Rights of Persons with Disabilities Act, 2016.
9. The Court noted that in the last hearing held on **11.12.2019**, the respondent was asked to furnish five documents as mentioned in Para 2 of the Record of Proceedings dated 01.01.2020.

10. The respondent stated that the aforesaid documents could not be sent because of lockdown, but have been prepared and will be sent tomorrow itself to the Court. The respondent further stated that vacancies being filled in 2018 were backlog vacancies, which had accumulated since the year 2012 because of want of suitable candidates with disabilities. Further, for the post in question, the candidate should have knowledge of stenography and the speed of 80 w.p.m. which is to be tested by a separate skill test.
11. It was observed by the Court that category (d) & category (e) of disabilities were defined only in RPwD Act, 2016 and hence could not have been added in the vacancies existing from 2011-2012 onwards. Moreover, till date suitable posts have not been identified against these two categories of disabilities. Hence, the reply of the respondent is satisfactory. The Court recommends that the documents sent by the respondent may be made available to the complainant.
12. The case is disposed of.
13. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 27.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 10438/1013/2018**

वादी

R-2244

श्री मिलींद यू. कटकर, गांव, पोस्ट – सीमेंट नगर, तहसील  
– चद्रापुर, महाराष्ट्र – 442502  
ई-मेल: <katkarmilind@gmail.com>

प्रतिवादी

R-2245

महाप्रबंधक, दक्षिण मध्य रेलवे, पहली मंजिल, प्रथम तल, सी  
ब्लॉक, रेल निलयम, सिंददराबाद – 71  
ई-मेल: <gm@scr.railnet.gov.in> <drm@sc.railnet.gov.in>

वादी

40 प्रतिशत दृष्टिबाधित

### Gist of the Complaint

प्रार्थी का अपने पत्र दिनांक 11.10.2018 में कहना था कि दक्षिण मध्य रेलवे की ग्रुप 'डी' की परीक्षा उत्तीर्ण करने के बाद उन्हें दिनांक 12.04.2014 को मेडिकल टेस्ट एवं दस्तावेज सत्यापन के लिए बुलाया गया था परन्तु पैसे न देने के कारण उन्हें दो बार मेडिकल टेस्ट में अनफिट कर दिया गया।

2. मामले को दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 75 के अन्तर्गत पत्र दिनांक 26.12.2018 द्वारा प्रतिवादी के साथ उठाया गया।

3. Chairman, Railway Recruitment Cell, Secunderabad vide letter dated 06.02.2019 submitted that Shri Milind Uddhao Katkar had applied for Group 'D' post of under VH quota. After qualifying the written examination, the candidate was called for the verification of his original documents by the Sr. Divisional Personnel Officer, Vijayawad. Thereafter, he was sent for Medical Examination where the Railway Medical Authority found him "Not fit in VH quota". Further, on request of the complainant, re-medical examination was conducted. Chief Medical Superintendent, Railway Hospital, Vijayawada found him unfit.

4. प्रति उत्तर में प्रार्थी का कहना था कि उन्हें फिर से उसी डॉक्टर और अस्पताल में दोबारा भेजा गया जहां उनको पहले अनफिट किया गया और पैसे न देने के कारण अनफिट किया गया है।

5. प्रतिवादी के पत्र एवं शिकायतकर्ता के टिप्पण के मद्देनज़र, सुनवाई दिनांक 11.12.2020 को रखी गई। जिसमें प्रतिवादी की ओर से कोई भी उपस्थित नहीं हुआ और न ही कोई सूचना प्राप्त हुई।

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 21.07.2020. The following were present:

1. Mr. Milind Uddhao Katkar, the complainant.
2. None for the respondent.

**Observation/Recommendations:**

6. The complainant was heard. He stated that he had appeared in the Group 'D' examination of South Central Railway in the year 2014. After having been selected in the examination, he was medically examined in Railway Hospital, Vijayawada, where he was declared unfit in VH quota. On appeal he was again given an opportunity to be medically examined in the same hospital by the same doctor and where again he was found unfit. The complainant made allegations that at the time of medical examination, there was demand of money from the candidates and all the VH category candidates were declared unfit. As the complainant was not aware of the existence of the Court of Chief Commissioner for Persons with Disabilities, so he could not make his appeal earlier than in 2018. The complainant further asserted that he had a valid disability certificate from O/o the Civil Surgeon, General Hospital, Chandrapur, which has certified 40% disability in Visually Handicapped category.

7. It is not possible for this Court to give any relief to the complainant at this stage, as the matter is of 2014. The respondent is directed to consider the candidature of the complainant against the Group 'D' vacancy occurring in near future. Further, the respondent is recommended to ensure that the provisions of the Rights of Persons with Disabilities Act, 2016 are followed strictly in letter and spirit and no persons with disabilities be denied their legitimate rights.

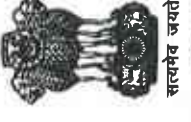
8. The case is disposed of.

9. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 27.07.2020



  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 10770/1014/2018

R-22220

Complainant:

Dr. Nitesh Kumar Tripathi, H.No. B 241, Sant Nagar, Burari  
Delhi – 110084

E-mail: <niteshtripathi85@gmail.com>

Respondent:

The Chairman-cum-Managing Director, Coal India Ltd, Head office, Coal  
Bhawan, Premise No. 04, Mar Plotr No. AF – III, Action Area -1 A  
New Town, Rajarhat, Kolkata  
E-mail: <gmrectt.cil@coalindia.in>

R-22221

Complainant:

65% locomotor disability

#### GIST of the Complaint:

Complainant vide e-mail dated **24.12.2018** submitted that his candidature for the post of Medical Executive had been rejected without giving him a single chance to present his version. He has requested to ask the respondent to maintain 100 point reservation roster and provide disabled friendly environment during the interview and to also conduct the Special Recruitment Drive for filling up the backlog vacancies for PwDs.

2. The matter was taken up with the Respondent vide letter dated **22.02.2018** under Section 75 of the RPwD Act, 2016.

3. In response, General Manager (Pers/Rectt), Coal India Ltd vide letter dated **18.03.2019** submitted that Shri N.K. Tripathi had applied for the post of Sr. Medical Officer through online mode on 28.07.2018. However, he had neither mentioned his MCI/SMC Registration number in the relevant column nor uploaded the requisite MCI/SMC Registration Certificate, the Screening Committee while scrutinizing his application had observed the non compliance of the terms as given in the advertisement under the heading 'How to Apply'. They further submitted that it was clearly mentioned in the advertisement that "*incomplete applications and non-attachment of required documents as per application format will be treated as incomplete and rejected forthright.*"

4. Complainant vide rejoinder dated **17.05.2019** had requested to issue summon for hearing without further loss of time.

5. After considering the respondent's reply and the complainant's letter, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **17.01.2020**. During the hearing, complainant was absent and respondent was directed to submit reservation roster for all Groups. The case was adjourned to **27.03.2020** but due to COVID-19 could not held.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **21.07.2020**. The following was present:

1. Dr. Nitesh Kumar Tripathi, the complainant.
2. Mr. Uddyam Mukherjee, Advocate & Mr. Chinmayananda Gupta, Chief Manager, Personnel (Recruitment), CIL, on behalf of the respondent.

**Observation/Recommendations:**

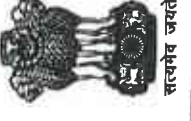
6. Both the parties were heard.
7. The complainant stated that his candidature for the post of Senior Medical Officer was rejected by the respondent as his application was incomplete as he failed to mention his MCI/SMC registration certificate number in the application and also failed to upload the same. The complainant stated that all persons should be given an opportunity to correct such mistakes by the respondent, so that candidates like him could be considered.
8. It was noted that the first hearing in the matter was held on 17.01.2020, where the complainant was absent and the respondent was asked to submit their reservation roster. It was also noted that the reservation roster was received one day before the hearing through e-mail.



9. The respondent reiterated their reply that since it is an online process of application, the incomplete applications are rejected automatically by the system for all categories of candidates. The respondent further submitted that the complainant has reached to the interview stage in CIL in examinations conducted in the year 2013, 2014, 2015 and 2017. Hence, the complainant was well versed with the procedure of online application in CIL. In the cadre scheme of recruitment as approved by CIL Board, there was no facility of correction window. Hence, there was no partiality towards any person let alone persons with disabilities.
10. The Court recommended to the respondent that as practiced in many other organizations, a time bound opportunity for rectifying the mistakes may be provided in their selection procedure through a correction window to all the applicants including persons with disabilities.
11. The case is disposed of.
12. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 27.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 11420/1014/2019

Complainant:

Dr. Anil Sahebrao Kuwar, Plot No. 41, Nagai Colony, Sakri Tal Sakri  
Dist. Dhule – 424204  
E-mail: <kuwaras@gmail.com>

Respondent:

The Director, S.V. National Institute of Technology, Lchchhanath, Surat –  
395007 (Gujarat)  
E-mail: <director@svnit.ac.in> <registrar@svnit.ac.in>

Complainant:

50% locomotor disability

#### GIST of the Complaint

Dr. Anil Sahebrao Kumar vide e-mail dated **14.08.2019** submitted that he is working as an Assistant Professor at Kaviyatri Bahinabai Chaudhari North Maharashtra University (KBC-NMU), Jalgaon and he had applied for the post of Assistant Professor in Chemistry under OBC with PwD categories in SV National Institute of Technology, Surat but his application was rejected on the ground that his degree is not from Institute funded from Central Government of India.

2. The matter was taken up with the Respondent vide letter dated **04.09.2019** under Section 75 of the RPwD Act, 2016.
3. Director, S.V.National Institute of Technology, Surat vide letter dated **04.10.2019** has forwarded the Recruitment Rules for Faculty of NITs and IEST circulated by Ministry of HRD, Department of Higher Education and Copies of the advertisements.
4. In response, the complainant inter-alia submitted that he had gone through NIT Council Guidelines which made by Parliament, Govt of India and Constitution of India which has not mentioned that all Degree needs from Central Funded Institute. The rejection of application stating degrees not from centrally funded Institute is baseless.

5. After considering the respondent's reply and the complainant's letter, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **17.04.2020** but due to COVID-19 could not held.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **21.07.2020**. The following was present:

Present:

1. Dr. Anil Sahebrao Kuwar, the complainant.
2. Mr. S.R. Gandhi, Director, SVNIT alongwith Registrar, SVNIT from the respondent.

#### **Observation/Recommendations:**

6. Both the parties were heard.
7. The complainant stated that though he fulfilled the eligibility criteria as mentioned in the advertisement of SVNIT, Surat dated 9<sup>th</sup> March 2019 and Addendum dated 3<sup>rd</sup> July 2019 for the post of Assistant Professor in Chemistry against code OBC (PwD) category, he was considered ineligible and not allowed to participate in the selection process.
8. The respondent stated that vide their advertisement dated 09.03.2019 in N.B. (4), it was categorically stated that "*mere fulfillment of minimum qualification and experience of requirements for the above post(s) does not entitle the candidate to be called for an interview. A short listing criterion may be set higher than the minimum and depending upon the number of application received against above posts*". The respondent stated that this change in criteria was being implemented as per the advice of MHRD. Hence though the candidate did fulfill the eligibility conditions as per the advertisement, he could not fulfill the revised higher criterion which was decided by the Advisory Committee on Faculty Recruitment on 06.06.2019, as per which at least one of the qualifying degree should be from a Centrally Funded Technical Institution (CFTI). Hence, the complainant's candidature was rejected on this ground.
9. The Court observed that the initial criterion stated in the advertisement was "*at least one of the degrees at UG/PG/Ph.D. level must have been obtained from CFTI/Central and State Universities/Top 100 NIRF ranking of MHRD*". The revision in criterion after the release of

advertisement, as mentioned by the respondent above, does not appear to be exactly a higher criterion but a manipulation with the eligibility criteria as mentioned in the advertisement. This unsatisfactory position becomes more significant when viewed against the candidature of persons with disabilities. If eligibility criteria will be changed subsequent to the advertisement, it may be difficult for such persons to be considered, selected and appointed against the reserved vacancies. The respondent is expected to be sensitive to the needs of persons with disabilities and make all possible efforts to fill the vacancies as per Section 34 of the Rights of Persons with Disabilities Act, 2016.

10. The Court recommends that the respondent may be completely transparent with their selection criteria, the terms & conditions and procedure of the selection process. The candidature of the complainant may be duly considered in the forthcoming recruitment process.

11. The case is disposed of.

12. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 27.07.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)  
सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 11440/1131/2019

बादी

श्री दलजीत सिंह, मकान नं: 1434, गली नं: 13, गोविंद  
पुरी, भूतल, दिल्ली - 110019

ई-मेल: <horeshwar.csc@gmail.com>

<vikrom.sinha@gmail.com>

<mailmesubha@gmail.com>

प्रतिवादी

शाखा प्रबंधक, आन्ध्रा बैंक, शाखा सेंट्रल मार्केट, लाजपत नगर-2,  
नई दिल्ली

ई-मेल: <bm0586@andhrabank.co.in>

पीडित

श्रीमती प्रविन्दर कौर 50 प्रतिशत मानसिक दिव्यांग एवं  
सुपुत्र काका, 50 प्रतिशत मानसिक दिव्यांग

### GIST of the Complaint:

प्रार्थी का कहना है कि उन्होंने आंध्रा बैंक, लाजपत नगर में मुदा लोन के लिए निवेदन किया था, परन्तु बार-बार बैंक जाने के बाद भी उन्हें लोन नहीं मिला। प्रार्थी का आगे कहना है कि उन्होंने पहले भी 10,000 रुपये का मुदा लोन बैंक से लिया था और भुगतान भी कर दिया था।

2. मामले को दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 75 के अन्तर्गत पत्र दिनांक 17.10.2019 द्वारा प्रतिवादी के साथ उठाया गया।

3. In response, Chief Manager, Andhra Bank vide letter dated 27.02.2020 submitted that Shri Daljit Singh had approached for Mudra Loan, but he was not clear that what he wanted to do with the help of Mudra Loan. Currently, he is not doing any business and also during unit inspection, it was found that he is a drunkard and has also visited branch in drunken condition. He further submitted that loan is not sanctioned to the party considering the lack of clarity in thoughts for utilization of mudra loan in business and non satisfactory conduct in the branch.

उपरी सिविल

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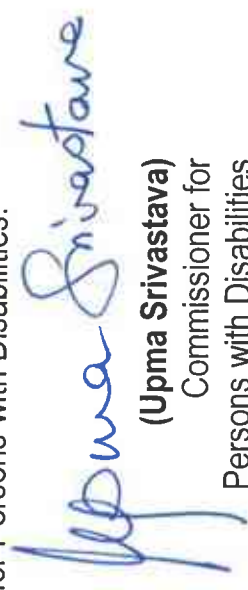
4. प्रतिवादी के पत्र एवं शिकायतकर्ता कि शिकायत के मद्देनज़र, सुनवाई दिनांक 21.07. 2020 को रखी गई।

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 21.07.2020. The following was present:

1. Mr. Daljeet Singh, Complainant was present on phone.
2. Mr. Rupesh Kumar, Chief Manager, Andhra Bank merged with Union Bank of India, on behalf of the respondent.

**Observation/Recommendations:**

5. Both the parties were heard.
6. The complainant's content of the complaint dated 21.08.2019 were taken on record.
7. The respondent stated that the case of the complainant was duly examined by the bank and it was found that the complainant does not have a clear cut plan for utilizing the Mudra Loan. He did not have suitable space and was also not undertaking any activity with this loan. The respondent further stated that the bank reserves the right to make full enquiry and evaluate the suitability of the candidate for grant of loan and accordingly representation of the complainant was assessed and not found suitable for being granted the loan.
8. The reply of the respondent is accepted and the case is disposed of.
9. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 27.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 6892/1023/2016

**Complainant :** Shri Kumaravelu Narayana, A-337, Ground Floor, Nehru Vihar, New Delhi-110054.

**Respondent :** Director General, Central Power Research Institute, Prof. Sir C.V. Raman Road, Post Box No.8066, SadaShiva Nagar (P.O.), Bengaluru – 560 080

**Date of Complaints :** 02.05.2016 and 28.09.2016

#### Gist of Complaint:

Shri Kumaravelu Narayana, a person claiming to be suffering from locomotor disability has submitted that he joined as Assistant Grade III in June 1998 at Central Power Research Institute (CPRI), Bengaluru.. He also had training at Mobility International USA (MIUSA), Eugene, Oregon, USA in 1997 on Disability, Leadership and Advocacy issues. He further submitted that there has been unhealthy atmosphere at his work place and CPRI Colony accommodation which has given rise to mental illness, disrupted services to him and dependents. He had been admitted to National Institute of Mental Health and Neuro Sciences (NIMHANS) Bangalore in June 2008. The physical disability and mental disability made his life tough. He is without the job since 2007 and is literally on streets without any money to look after his family. The following are the prayers of the complainant :

- to examine and regularise the recruitment by reappointing to an identified post, revising the pay scale in consideration of (A) (B) (C) (E), allow denied promotions under mechanism and reinstate disrupted services in line with disability laws, policies and rules from 1998 till date.
- to take steps straight away to redeem his service from CPRI and reinstate into another Ministry / Department to Govt. of India.

2. The Chief Administrative Officer, , CPRI vide letter no CPRI/ADM/6(1)/2017-18 dated 17.08.2017 has submitted that Shri N. Kumaravelu was appointed as Assistant Gr. III on 01.06.1998 under PH category in Material Technology Division, Bangalore. He was promoted to the post of Assistant Gr. II w.e.f 28.12.2005. The complainant has been absent from duties from 12.02.2007 to 01.06.2007 (110 days), 06.06.2007 (1 day) and from 08.06.2007 unauthorisedly absented for duty without any intimation. He was issued a memorandum dated 04.07.2007 for his unauthorized absence for 110 days and was directed to report for duty immediately. The respondent submitted that It was intimated vide Office Order 983 dated 20.07.2007 that the leave applied was not sanctioned and hence the entire period of absence of 110 days was treated as 'Dies-Non'. The complainant vide his fax letter dated 16.08.2007 requested for the extension of his leave upto 30.11.2007 which was not sanctioned and he was directed to report for duty immediately vide Memo dated 20.08.2007. The respondent vide memos dated 05.02.2008,

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 ; Tel.: 23386054, 23386154 ; Telefax : 23386006

E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

05.03.2008, 04.04.2008, 22.05.2008 and 17.06.2008 directed the complainant to report to duty. The above said memos were not received by the complainant and were returned to the respondent by the postal authorities stating 'Door lock'. Another Memo dated 06.02.2009 for unauthorized absence from 08.06.2007 was sent to the complainant and directed to report for duty within 15 days. The said memo was returned undelivered by the Postal authority stating 'Refused by Party'. A notice was published in Deccan Herald and Kannada Prabha newspaper on 01.04.2009 stating that it was final call to report for duty within 7 days from the date of publication. Despite issue of the aforesaid memos and newspaper notification, Shri Kumaravelu N continued to remain absent and thus acted in a manner of unbecoming of a Government servant. There was no correspondences received from the complainant. The complainant was issued a Memorandum of charges No. CPRI/ADMN II/21/02/98 dated 23.09.2010 under Rule 14 of CCS (CCA) Rule 1965 for habitual, unauthorized and willful absence from duty. The charged official did not participate in the inquiry from the beginning to end in spite of providing ample opportunity to him. The inquiry was conducted ex-parte. Shri N. Kumaravelu was issued an order dated 31.03.2011 dismissing him from the service of CPRI with effect from the date of issue of order, i.e. 31.03.2011. The complainant did not prefer an appeal within the stipulated time of 45 days. The complainant was not available in the quarters inspite of occupying the CPRI quarter No.54, Type I, CPRI Colony, Bangalore. An eviction notice was issued on 12.05.2011 in the newspapers. Even then there was no response. Lastly, a Spot Mahazar was done on 15.06.2011 and the articles have been kept in custody of CPRI.

**Hearing :** The hearing of the case was conducted via Video Conferencing by Commissioner for Persons with Disabilities on 24.07.2020.

3. The following persons were present during the hearing ;

- 1) Mr. Kumaravelu Narayana, the complainant available, but not heard due to poor network connectivity.
- 2) Mr. B. Sridhar, Chief Administrative Officer, CPRI, on behalf of the respondent.

**Observation/Recommendations:**

4. The Court has gone through the complaint and the reply filed by the respondent in the matter. The Court has noted that the complainant has been absconding from service since February, 2007. Following due procedure, the respondent dismissed him from service in 2011. The Court also noted that the complainant filed this complaint only in the year 2016. Noting that the action for dismissal has been taken by the respondent on the grounds of conduct not becoming of an officer and not on the ground of disability the Court finds no merit in the complaint.

5. The case is accordingly disposed of. This has the approval of Chief Commissioner for Persons with Disabilities.

Dated: 30.07.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 8651/1011/2017 & others

वादी

श्री वक्कार आलम

पुत्र – श्री मरगूब अहमद

गाँव – माहेश्वरी कला, पोस्ट – रंडोल

जनपद – सहारनपुर, उत्तर प्रदेश – 247120

<wakkaralam786@gmail.com>

केस सं०: 8577 / 1011 / 2017

श्री नवेद मसरूक

<navedmk123@gmail.com>

केस सं०: 8586 / 1013 / 2017

श्री मतीन अहमद

पुत्र – इस्लाम खाँ

ग्राम राधना ईनायतपुर, किठौर

जिला मेरठ-250104

केस सं०: 8699 / 1013 / 2017

श्री जाहिद अली

पुत्र – इस्हाक खान

ग्राम – मौहम्मदी नजला

माजरा तयोर गुजरू, पोस्ट – छतारी

जिला – बुलन्दशहर – 202397

केस सं०: 8585 / 1013 / 2017

श्री फराज अहमद

पुत्र श्री असरार अहमद

मकान नं: 412, गली नं: 08

मैन रोड, न्यू कर्दमपुर, पोस्ट ऑफिस गोकलपुर, दिल्ली – 110094

केस सं०: 8693 / 1013 / 2017

श्री हिमांशू मित्तल

पुत्र – श्री अशोक मित्तल

भारत ब्लाइट स्कूल बेलफेयर

सोसाइटी के ब्लाक मदनगिरी

नई दिल्ली – 110062

केस सं०: 8692 / 1013 / 2017 एवं 8718 / 1011 / 2017

श्री मौहम्मद सलीम

पुत्र- श्री अब्दुल शमी

हमदर्द नगर 'डी' जमालपुर

अलीगढ़, उत्तर प्रदेश – 202001

2

केस सं0: 8695/1013/2017

श्री साजिद अली

पुत्र – स्व0 शराफत अली

मो0 मीरा दरवाजा, पोस्ट – शमसावाड

फर्रुखाबाद, उत्तर प्रदेश।

केस सं0: 8694/1013/2017

श्री हुसैन अहमद

पुत्र—श्री रशीद उददीन

ए-6, हमजा कॉलोनी, न्यू सर सैयद नगर

अलीगढ़ – 202002

केस सं0: 8697/1013/2017

मौ0 महकार

ग्राम – मौहम्मदपुर, पोस्ट – कैराना, जिला – शामली

उत्तर प्रदेश – 247774

केस सं0: 8696/1013/2017

श्री आसिफ अली खाँ

पुत्र – श्री अनीस अहमद

इकरा सैनेट्री स्टोर, हमदद नगर—सी, अनूपशहर रोड़

जमालपुर, अलीगढ़, उत्तर प्रदेश – 202002

केस सं0: 8698/1013/2017

श्री टीटू

पुत्र – श्री किशोरी लाल

गाँव – रायपुर, पोस्ट – खैर

जिला – अलीगढ़, उत्तर प्रदेश – 202138

प्रतिवादी

रजिस्ट्रार, अलीगढ़ मुस्लिम विश्वविद्यालय, अलीगढ़ – 202002, उत्तर प्रदेश।

ई-मेल: <registrar.amu@amu.ac.in >

### GIST of the Complaint:

प्रार्थियों का कहना है कि अलीगढ़ मुस्लिम विश्वविद्यालय ने दिव्यांगजनों के चिन्हित पदों पर सामान्य व्यक्तियों को रखा है जबकि अलीगढ़ मुस्लिम विश्वविद्यालय की एक्सेक्यूटिव कॉउन्सिल ने यह आदेश पारित किया है कि जो भी पद दिव्यांगों के लिए विज्ञापित किये जाएंगे उन चिन्हित पदों पर उसी श्रेणी के लोग ही काम करेंगे लेकिन विश्वविद्यालय ऐसा नहीं कर रहा है।

2. मामले को दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 75 के अन्तर्गत पत्र दिनांक 20.11.2017 द्वारा प्रतिवादी के साथ उठाया गया।

3. Registrar, Aligarh Muslim University vide letter dated **13.01.2018** inter-alia submitted that all the non teaching posts which have been reserved for PwD have been kept vacant and no adhoc/appointment has been made from candidates of General category on these posts. This has been done to ensure that the said reserved posts could be filled up through Selection Committee from PwD candidates as and when held.

4. प्रति उत्तर में प्रार्थियों का कहना है कि कुलसचिव ने कोई सही जवाब नहीं दिया है। एक्सेक्यूटिव कॉउन्सिल के अनुसार जो पद विकलांगों के लिए चिन्हित है उन पदों पर विकलांगों की उसी श्रेणी के व्यक्ति ही कार्य करेंगे (डेली वेज/एडहॉक/टेम्प्रेरी) तो रिक्त पदों पर उनके प्रार्थना पत्र को विश्वविद्यालय क्यों स्वीकृत नहीं कर रहा है।

5. प्रतिवादी के पत्र एवं शिकायतकर्ता के टिप्पण के मददेनज़र, सुनवाई दिनांक **11.12.2019** को रखी गई। सुनवाई के दौरान सिर्फ श्री जाहिद अली उपस्थित हुए और उन्होंने अपने लिखित कथनों को दोहराया। प्रतिवादी की ओर से आए प्रतिनिधियों ने बताया था कि हाल ही में अलीगढ़ मुस्लिम विश्वविद्यालय ने अपने विज्ञापन नं: 02/2019 दिनांक 08.07.2019 द्वारा दिव्यांगों के लिए विशेष भर्ती अभियान जारी किया है और वह दिव्यांगों की भर्ती कर रहे हैं।

6. दोनों पक्षों को सुनने के पश्चात्, दिनांक **01.01.2020** को कार्यवाही के अभिलेख द्वारा अलीगढ़ मुस्लिम विश्वविद्यालय से सूचना मांगी गई तथा अगली सुनवाई **04.03.2020** को निर्धारित हुई परन्तु प्रशासनिक कारणों के कारण सुनवाई नहीं हो पाई, बाद में दिनांक **17.06.2020** को सुनिश्चित की गई, परन्तु तकनीकी समस्या के कारण सुनवाई नहीं हो पाई

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 24.07.2020. The following were present:

1. Mr. Asif Ali Khan, Mr. Sajid Ali, Mr. Zahid Ali on behalf of the complainants.
2. Dr. Farrukh Hafeez, Dy. Coordinator, Disability Unit, AMU & Mr. S.M. Suroor, Joint Registrar, AMU, on behalf of the respondent.

**Observation/Recommendations:**

7. Both the parties were heard.

8. In the last hearing on 11.12.2019, the Court ordered that the following documents may be sent by 04.03.2020:

- (i) The original roster of persons with disabilities of Aligarh Muslim University since 1996.
- (ii) The cut off marks kept for normal and persons with disabilities candidates during the special recruitment drive.
- (iii) Total number of vacancies, which were advertised and the backlog of vacancies for persons with disabilities.

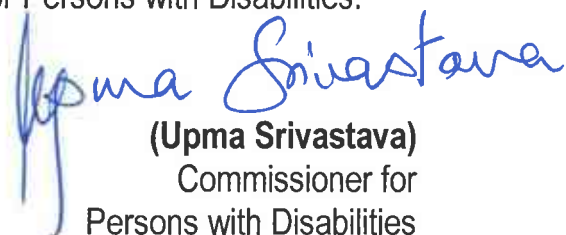
9. The complainant reiterated their complaint that there are general category people working against the non-teaching posts reserved for persons with disabilities as also the persons with disabilities vacancies are lying unfilled and no one has been appointed.

10. The respondent stated that a Special Recruitment Drive for appointing persons with disabilities was organized on 08.07.2019. Accordingly 45 vacancies were advertised for which the last date was 08.08.2019 and in all 10910 applications were received and due to Covid-19 situation, the process of scrutiny was still not completed. The respondent stated that the University is committed to appointing only persons with disabilities against these posts as and when the procedure is completed. In response to the three directions of the Court in the last hearing, the respondent has given a detailed reply dated 24.07.2020, which may be given to the complainant for their reference. The roster since 1996 is also available on the website of the university.

11. The court is satisfied with the reply of the respondent. However, noticing that it has been more than one year since the vacancies were advertised, the Court recommends that the procedure of appointment should be completed expeditiously, so that the vacancies of persons with disabilities do not lie unfilled for such a long period and the legitimate rights of persons with disabilities are taken care of.

12. The Case is accordingly disposed of.

13. The issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 31.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 10449/1013/2018**

Complainant: Shri Samiran Datta  
<samirandatta976@gmail.com>

Respondent: The Chairman, Railway Recruitment Board Kolkata, Metro Railway  
A.V. complex Chitpur, Opp. to R.G. Kar Medical College &  
Hospital, R.G. Kar Road, Kolkata – 700037  
<cpo@er.railnet.gov.in>

The Chief Personnel Officer (Admn)  
Eastern Railway  
17, Netaji Subhas Road, Fairlie Place, Kolkata – 700001

Complainant: 60% locomotor disability

### GIST of the Complaint:

Complainant vide e-mail dated **11.10.2018** submitted that he had obtained 73.58 marks and declared provisionally qualified for Group 'D' post. In that time, RRC, Kolkata had declared that cut off marks of last empanelled candidates under PwD (OH) was 70.58. He further submitted that his documents verification was held on 04-06-2014 in the ratio of 1:1. There after, medical examination held on 10-07-2014 as per merit against notified vacancy in the ratio of 1:1. He further submitted that now RRC is saying cut off marks of PwD (OH) category is 82.65. He had raised the following issues: (1) why medical call letter issued to him (2) why RRC, Kolkata published 70.52 the cut of mark's of PwD (OH) (3) why RRC Kolkata not published the merit panel of PwD(OH) candidate after medical examination.

2. The matter was taken up with the Respondent vide letter dated **26.12.2018** under Section 75 of the RPwD Act, 2016.

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3. In response, Chairperson/RRC-ER, Eastern Railway, Kolkata vide **08.02.2019** submitted as per the Rules under RBE No. 121/2005 para 7.8 Medical fitness is necessarily required for panel empanelment. Therefore, written qualified and document verification cleared OH candidates were sent for medical Test. The final cut off marks for the candidate who was sent for Medical Examination was 70.78. Shri Samiran Datta who obtained 73.58 marks was sent for Medical Examination. However, the panel was to be strictly prepared taking one person against one notified vacancy of that particular category and cut off marks of last empanelled candidates of PwD (OH) was 82.65 against E.N. No. 0112.

4. Complainant vide rejoinder dated **21.02.2019** submitted that out of 4179 posts, 125 posts should have been reserved for PwD candidates and it is evident from the notification that total 32 vacancies were reserved for PwD candidates only. This is violation of Section 33 of PwD Act, 1995.

5. After considering the respondent's reply and the complainant's letter, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **29.07.2020**, but respondent was absent therefore, case adjourned to **25.09.2020**.

6. During the hearing on **25.09.2019**, complainant informed that in 2012, Railway Recruitment Cell, Kolkata had published total 4179 vacancies for Pay Band – I and only 32 vacancies were reserved for PwDs, whereas 125 vacancies should be reserved for PwDs as per the Section 33 of the Persons with Disabilities Act, 1995. He further submitted that he obtained 73.58 marks where as cut off marks for PwD was 82.65. Representative of the respondent informed that Shri Samiran Datta got 73.58 marks which was below the marks of last empanelled candidate of PwD (OH) who got 82.65 marks against the Employment Notice No. 0112. After hearing the both parties, the respondent was directed to submit the relevant documents before the next date on **20.12.2019**.



7. During the hearing on **20.12.2019**, complainant reiterated his written grievance that in 2012, Railway Recruitment Cell, Kolkata had published total 4179 vacancies for Pay Band – I and later vacancies were increased upto 5709 and only 32 vacancies were reserved for PwDs. He further submitted that as per Section 33 of the Persons with Disabilities Act, 1995, total 171 vacancies should be reserved for PwDs ( i.e. OH- 57, VH - 57 and HH - 57). He further submitted that he obtained 73.58 marks where as cut off marks for PwD was 82.65.

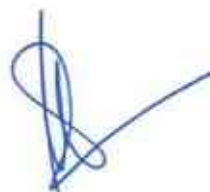
8. Representative of the respondent submitted the additional reply and informed that Railway Recruitment Cell is not the agency which decides the vacancies and maintenance of roster. He further submitted that for PwD-UR, minimum qualification marks was 38 for PwD-OBC, SC marks was 28 and PwD-ST it is 23 as 02 marks relaxation below normal qualification is considered when there is short fall of PwD candidates. After hearing both the parties, it was decided to implead Eastern Railway as Respondent 02. The respondent No. 02 was directed to submit the documents before the next date of hearing on 26.02.2020. On the date of hearing, complainant was absent and representatives of the respondent had submitted comments and documents and informed that Shri Samiran Dutta had also filed a Case OA No. 350/606 of 2019 before Hon'ble CAT/Calcutta.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 24.07.2020. The following was present:

1. Mr. Samiran Datta, the complainant available, but not heard due to poor network connectivity.
2. Mr. Krishnadeo Prasad, Chief Law Assistant, on behalf of the respondent.

**Observation/Recommendations:**

9. The respondent submitted that the complainant has already filed a case in middle of the year 2019 vide O.A. No.350/606 of 2019 before Hon'ble CAT/Calcutta. The case has been filed on the same issue and a hearing was scheduled on 29.04.2020, which could not be held due to Covid-19 situation.



10. As the matter is sub-judice, the case is dismissed.
11. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 30.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

Case No. 11396/1023/2019 भारत सरकार/Government of India

**Complainant :** Shri Birendra Chaudhary, Sergeant Station BCR, Section 33 Wing, Air Force, Jamnagar, Gujarat – 361 003

**Respondent :** The Secretary, Ministry of Defence, 101A, Sout Block, New Delhi - 110011

**Date of Complaint :** 30.07.2019

#### Gist of Complaint:

Shri Birendra Chaudhary, a person with 50% locomotor disability submitted that he became a person with disability after having a brain stroke. He joined the Indian Air Force on 12.07.1994. On 30.01.2019, he submitted an application in his office to record his disability certificate no. 2329/16 dated 16.11.2016 issued by the District Medical Board, Lucknow in the service documents for grant of transport allowances double the normal rate. But the said certificate was not taken on record. The remarks issued by his office was that his percentage of disability recorded as per his first medical board for permanent category was 30%. He was told that his disability will be assessed again at the time of RMB and the said Disability Certificate issued by the Civil Authority for service personnel is not admissible in the Defence Departments.

2. Wing Commander, Officer in-Charge Legal Cell vide letter dated RO/3902/1327/CC dated 09.12.2019 has submitted that the complaint of Shri Birendra Chaudhary is related to service matter as defined in Section 3(O) of Armed Forces Tribunal Act, 2007. As per Section 14 of the Armed Forces Tribunal Act, 2007 all matters pertaining to service are to be taken up with AFT. Hence, this Court is not having competent jurisdiction to entertain the above said complaint. He further submitted that in future also any case of similar nature pertaining to the Armed Forces Personnel (i.e., Air Force, Army & Navy) may be directed back to approach the nearest AFT of relevant personnel/service/place of residence whichever is closer in order to get the relief, if any as per the law.

**Hearing :** The hearing of the case was conducted via Video Conferencing by Commissioner for Persons with Disabilities on 24.07.2020.

3. The following persons were present during the hearing ;

- 1) None for the complainant.
- 2) Ms. Gayatri Nair, Dy. Secretary, Ministry of Defence (HQ) & Mr. S.P. Shrivastava, Advocate for the respondent.

....2/-

4. The respondent stated that the complaint may be dismissed on the grounds of jurisdiction, as service matters should be taken up with the Armed Forces Tribunal. Moreover, as per Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995, Section 47 the Armed Forces personnel are exempted from the purview of the Court. The reply of the respondent dated 20.07.2020 was also submitted to the Court.

**Observation/Recommendations:**

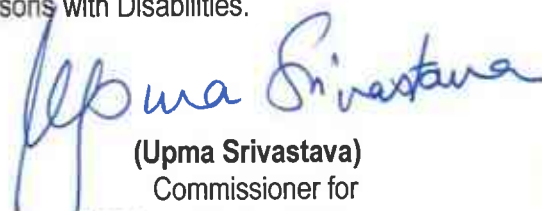
5. The Court noted that the Persons with Disabilities Act, 1995 has exempted all categories of the post of Combatant personnel of the Armed Forces from the provisions of Section 47 vide Government of India Ministry of Social Justice and Empowerment Notification No. 16-27/2001-N-1.1 dated 28.03.2002. However, the complaint is not falling under the preview of Section 47 of Persons with Disabilities Act rather it is a matter of recognition of Disability Certificate. The respondent was informed that the earstwhile PwD Act, 1995 has been replaced by the Rights of Persons with Disabilities Act, 2016. As per Section 19 of RPwD Rule, 2017 the Disability Certificate issued under Rule 18 is to be generally valid for all purposes. Further, Section 20 of RPwD Rule 2017 states that " the certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein".

While the Court agrees that the service matters of serving Air warrior fall under the purview of the Armed Forces Tribunal, yet the recognition of the disability certificate issued by a Civil Medical Board is the concern of this Court. Accordingly, it is recommended that the disability certificate of the complainant may be got assessed independently from a third Medical Board/Hospital for correct assessment of the disability percentage and providing allowances as applicable.

6. The case is disposed of.

7. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated:30.07.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 11498/1014/2019**

**Complainant:** Shri Anubhav Sagar Tewatia, 4822, Alok Vihar, Sector - 50, Noida,  
Uttar Pradesh  
e-mail: <sunilongc@yahoo.co.in>

**Respondent:** The General Manager (IE), Oil and Natural Gas Corporation Ltd, Green  
Hills, Ground Floor, 'B' Wing, Tel Bhawan, Dehradun – 248003  
e-mail: <kumar\_shiv@ongc.co.in>

**Complainant:** 90% Locomotor disability

### **GIST of the Complaint:**

Complainant vide complaint dated **03.09.2019** submitted that he had applied for the post of HR Executive under PwD quota against the advertisement published by ONGC and the essential qualification for the post was MBA with specialization in Personnel Management/HRD/HRM with minimum 60% marks. He further submitted that his application was rejected as his MBA program pertains to management systems only and there is no specialization in HRM.

2. The matter was taken up with the Respondent vide letter dated **04.10.2019** under Section 75 of the RPwD Act, 2016.

3. DGM (HR), ONGC vide letter dated **22.11.2019** submitted that as per the advertisement, essential qualification was MBA with specialization in Personnel Management/HRD/HRM with minimum 60% marks or Post Graduate Degree in Personnel Management/IR/Labour Welfare with minimum 60% marks or minimum 02 years full time Post Graduate Diploma in PM/IR/Labour Welfare with minimum 60% marks or 02 years full time PGDM from IIM with minimum 60% marks. He further submitted that Shri Anubhav

Sagar had submitted the consolidated Grade Report and Provisional Degree of his MBA and his certificate of MBA from IIT, Delhi clearly depicts MBA in Management Systems. As such no further clarification/certificate was required under Clause Note C of the advertisement. The website of the IIT, Delhi also indicates that specialization in HR is not being offered by IIT-Delhi. Hence, Shri Anubhav did not possess specialization of HR in his MBA as per the requirement of the advertisement. Accordingly, he was not considered for the selection process and the same was communicated to him.

4. Complainant vide rejoinder dated **04.12.2019** inter-alia submitted that in IIT Delhi, full time MBA does not give any specialization. However, specialization certificates are issued by the Management Department based on the minimum threshold of credits accumulated and Major project (PG thesis) undertaken. He further submitted that he was issued specialization certificate in HRM by the HOD as is the requirement mentioned in the advertisement. He further submitted that same specialization certificates had been issued to other students from his batch, based on which they have been selected in PSUs similar to ONGC such as GAIL and IOCL falling under the administrative control of Ministry of Petroleum & Natural Gas.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **24.07.2020**. The following were present:

1. Mr. Anubhav Sagar Tewatia, the complainant.
2. Mr. Ajay Chauhan, Chief Manager (HR), Corporate Recruitment, ONGC, on behalf of the respondent.

**Observation/Recommendations:**

5. The complainant reiterated his case as per his complaint submitted to this Court. He emphasized that though he was fully eligible for being considered against the post of HR (Executive), which was reserved for persons with disabilities, his candidature was rejected on invalid grounds.



6. The respondent stated that the complainant was not selected as he did not fulfill the conditions exactly as laid down in their advertisement; that the degree of the candidate should have mentioned specifically the specialization in Personnel Management/ HRD/ HRM and instead his degree stated Management Systems instead of MBA with specialization in HRM; they could not go on asking for additional certificates from the candidate, if it was not so mentioned on the degree.
7. The Court noted that the complainant was fully eligible for being considered against the post of HR (Executive) as per the eligibility conditions laid down in the aforesaid advertisement of the respondent. He did have an MBA degree as well as a certificate of specialization in HR issued by the Registrar of IIT, Delhi. Though his certificate of specialization could be obtained only after the last date of the application window and the degree certificate erroneously mentioned Management Systems as certified by the Joint Registrar, IIT, Delhi yet he should have been given due consideration from the respondent, more so, after the conversation between the two in this respect in August, 2019. Given the facts that the position was reserved for persons with disabilities and that it is extremely difficult to find well qualified candidates in this category, the respondent should have had a more sensitive and responsive attitude towards the complainant and considered his submissions regarding his eligibility in proper perspective instead of rejecting the same on clerical/procedural considerations. The complainant did his best in furnishing all the necessary documents proving his eligibility to the respondent.
8. In view of the above said the Court recommends that the respondent may revisit and reconsider the case of appointment of the complainant as HR (Executive) in ONGC.
9. The case is disposed of.
10. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 31.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 11506/1011/2019**

**Complainant:** Shri Parvez Ahmad, C/o D 35 Azad Apartment Plot No. 111, IP Extension, Patparganj, Delhi – 110092  
E-mail: <parvezahmad1992@gmail.com>

**Respondent:** The Principal, Shyama Prasad Mukherji College for Women Road no. 57, Punjabi Bagh, New Delhi – 110026  
E-mail: <gkpathakadvocate1@gmail.com>

**Complainant:** 69% locomotor disability

### **Gist of the Complaint:**

Complainant vide complaint **09.09.2019** submitted that PwD vacancy for OH category falls in the Department of Philosophy of Shyama Prasad Mukherji College as per the calculation of 100 point PwD teaching Roster. But a person from the General category had been teaching on ad-hoc basis and when the complainant made a complaint to the opposite party in the month of January about violation of laws on reservation, the complainant was told by the opposite party that there is no such vacancy in the Department of Philosophy for PwD (OH) category which was a sheer lie.

2. The matter was taken up with the Respondent vide letter dated **04.10.2019** under Section 75 of the RPwD Act, 2016.

3. In response, Advocate on behalf of the respondent inter-alia submitted that College had advertised for appointment of adhoc Teacher in the Department of Philosophy and the interview was held for the post of PwD (OH) on 25.07.2019 against first advertisement dated 18.07.2019. Only one candidate Shri Parvez Ahmed appeared before Selection Committee for interview under PwD (OH) category and during the interview, he informed in

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writing to the Committee that he is unwell and the Committee decided to advertise the appointment again. Against Second advertisement dated 25.07.2019, interview was held on 03.08.2019, again Shri Parvez Ahmed appeared before the Committee but could not answer the questions. Third advertisement was published on 03.08.2019 and interview scheduled on 06.08.2019 but no candidate turned up for the interview. The college had already advertised the above post under PwD (OH) category on three times, accordingly interview held for the post of UR and OBC. The permanent post of PwD (OH) is vacant pending approval of the roster by the University of Delhi as such the complainant can well avail of the opportunity if such advertisement is made and he gets through the process.

4. Complainant vide rejoinder received on **24.12.2019** inter-alia submitted that respondent may be directed to appoint him an Assistant Professor under PwD (OH) category in the Department of Philosophy in the SPM College as per the conversation held on 03.08.2019 between the complainant and the interview panel.

5. After considering the respondent's reply and the complainant's letter, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **10.07.2020** and adjourned on **24.07.2020**.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **24.07.2020**. The following was present:

1. Mr. Sarii Ansari, Advocate, on behalf of the complainant.
2. Mr. Girindra Kumar Pathak, Advocate, on behalf of the respondent.

**Observation/Recommendations:**

6. The complainant explained that against the reserved post of Assistant Professor in Department of Philosophy, for persons with disabilities (OH), several persons of the



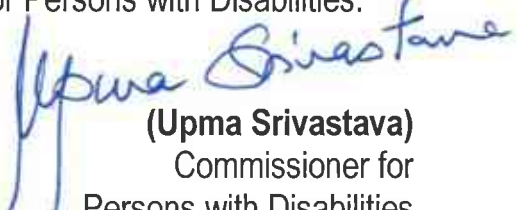
unreserved category were working as ad-hoc and guest faculty; the complainant was considered three times for ad-hoc appointment against this post and was not selected, the respondent was biased against the complainant and was violating the Section 34 of the Rights of Persons with Disabilities Act, 2016. He further stated that this was clear cut case of arbitrary action and against the judgment of the Hon'ble Supreme Court in Civil Appeal No. 9096 of 2013 arising from SLP (Civil) No.7541 of 2009 in the matter of Union of India & Anr. Vs. National Federation of the Blind and others.

7. The respondent stated that they were completely unbiased and only because the candidate was not found suitable, he was not appointed on ad-hoc basis. Further, that the complainant has not challenged or questioned the Selection Committee which interviewed the complainant alongwith other candidates. The respondent further stated that the permanent appointment to this post has not been done as yet pending approval of the respondent roster by the nodal university i.e. University of Delhi. After receipt of approval, the vacancies will be advertised, due process will be followed for appointment and the candidature of the complainant will be considered.

8. The Court noted that there is no reservation applicable in the matter of ad-hoc appointments. As the permanent appointment against this vacancy has not yet been made, there is no cause of action on the part of the respondent, so far as violation of Section 34 of the RPwD Act, 2016 is concerned. However, the respondent is advised to follow the provisions of this Act not only in letter but also in spirit, so as to ensure giving full opportunity to persons with disabilities. Accordingly, the respondent may consider the candidature of the complainant favourably, for ad-hoc appointment in Department of Philosophy also, so that the complainant could have an opportunity to prove his efficiency. The respondent is also advised to get their 100 point roster approved from the University of Delhi urgently and initiate the recruitment process.

9. The case is disposed of.

10. This issues with the approval of Chief Commissioner for Persons with Disabilities.

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities

Dated: 31.07.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 3728/1024/2015

**Complainant :** Shri Braj Bhushan Vibhuti, Kendriya Vidyalaya, Muzaffarpur, At : Gannipur, P.O.: Ramna, Near Aghoria Bazar Chowk, Dist. : Muzaffarpur, Bihar – 842 002.

**Respondent :** Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi – 110 016.

**Date of Complaint :** 18.02.2015

#### Gist of Complaint:

Shri Braj Bhushan Vibhuti, a person with 50% locomotor disability submitted that he got appointment vide letter no. 13042/2010KVS(BGR)15482 dated 28.01.2011 on the basis of written examination and interview to join Kendriya Vidyalaya, Bijapur on 01.02.2011 and he reached to join KVS, Bijapur. The Principal did not allow him to join and misbehaved with him and told that he will call him later. A second call vide letter no. 13042/2010-KVS (BGR) 5088 dated 01.08.2011 for joining was sent to the complainant on 16.08.2011. He then joined on 16.08.2011 and since then he has been working at KVS Bijapur. He further submitted that the salaries from 28.01.2011 to 16.02.2011 was not paid to him. He is also not getting the transport allowance at double the normal rate. After 3 years his transfer was due to his home town, i.e. Muzaffarpur or near by districts; but it is pending. His confirmation date was 01.08.2013, but it was shifted to 01.08.2015. He has also not been paid the seniority benefit since 28.01.2011.

The complainant has requested the following relief(s) in the instant complaint:-

- (i) Backwages from initial joining time same as other candidates.
- (ii) Seniority benefit from initial joining date same as other candidates of 2011 batch.
- (iii) The double transport allowance payable to physically challenged employees as per rule of Govt. of India.
- (iv) Transfer to KV Muzaffarpur, KV Pusa Rao, KV Madhupur, KV Ranch KV Patna or nearby,
- (v) withdrawal of probation enhanced period because it is arbitrarily made.

2. The Joint Commissioner (Admn.), KVS vide letter no. 11029/2015/KVS(HQ)/Estt-II/CCCPD/4200-4201 dated 04.01.2016 submitted that due to doubt in the date of birth of the complainant at the time of verification of his certificates, the matter was reported to KVS and accordingly a fresh appointment order dated 01.08.2011 was issued to him. Hence, there was no malafide intention by the Principal, KV Bijapur for not allowing him to join on 14.02.2011. As per Govt. rules, payment of salary had been claimed on the basis of employees on roll. He submitted that as per criteria of KVS, the first preference for initial posting of teachers/employees in KVS is

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given to blind/ph candidates to their home town subject to availability of vacancy or posting is made to the nearest possible place. Regarding sanction of Transport Allowance at the double the normal rate, Deputy Commissioner, KVS (RO) has already been directed to pay the same from the date of his joining in KVS as per Govt. of India instructions as laid down in the VI CPC under Para 4.8.2.

3. The complainant vide his rejoinder dated nil submitted that the action taken by KV, Bijapur at the time of initial joining was arbitrary, illegal and malafide aiming forceful stop to work at workplace misusing discretionary power. The issuance of second appointment letter also proves that the action taken by KV, Bijapur at the first joining time was wrong. Therefore, he should be given wages, seniority benefits and other facilities from initial joining time. The Principal of KV Bijapur submitted nothing in writing to the complainant when asked for reason for not allowing him to join. So he has been deprived of the right from joining at proper time, proper place. He submitted that the issuance of second appointment letter after the gap of six months also shows the malafide intention of the Respondent. The behaviour of the Principal Smt. Shardamani at that time was prejudged, violent and hateful. He submitted that he joined KV as a pwd employee and he should have been paid the double transport allowance from the initial joining time as per rule of government India. But KV is neither paying the allowance nor making a positive sympathetic support to pay the amount with malafide intention. As per rule, transfer should have been given to him to his native place. In spite of vacancy and application made by him for his transfer to KV Pusa Road, Muzaffarpur, KVS transferred him to Tinsukia in Assam, which is about 4000 Kms from his home town. The complainant is given financial punishment. His salary has been debited by Rs.10,584/- without giving any reason and account to the complainant. The LTC bill of the complainant for the year May-June 2015 was Rs.27,145/- but was passed for Rs.3475/- only.

4. The Principal, KV Bijapur vide his letter no. 13-228/KVBJP/2015-16/315 dated 23.02.2016 to the Principal KV, Tinsukia, Assam has submitted that the Internal Audit Team, KVS (RO), Bangalore has restricted the LTC claim of Shri Braj Bhushan Vibhuty, Ex-PGT (Hindi) for the year 2014. An amount of Rs.10,558/- is to be recovered from him as per the audit observation.

5. The Principal, Kendriya Vidyalaya, Vijayapura vide his letter no. 13-100/KV\_VJP/2017-18/119 dated 27.07.2017 has submitted that Shri Braj Bhusan Vibhuti, Ex-PGT (Hindi) worked as PGT (Hindi) at KV, Vijayapura, Bijapur during the period 16.08.2011 to 04.07.2015 on regular basis. Due to his transfer on request to KV, Tinsukia, Assam, he was relieved of his duties with effect from the afternoon of 04.07.2015. He has further submitted the following :-



1. Earned Leave (EL) credite for duty during breaks and vacation.  
Proportionate EL is credited immediately to the leave account of the employee if on duty for a continuous period of 10 days or more, during breaks and vacation. In case any Earned Leave is not credited to the complainant for duty during breaks and vacations for a continuous period of 10 days or more the same shall be admitted on production of valid proof/sanction order from competent authority.
2. Recovery of Rs.11,940/- from Shri Braj bhusan Vibhuti  
An amount of Rs.11,940/- was recovered from the complainant and deposited to Income Tax Department on 14.10.2016 as per Internal Audit observation of Kendriya Vidyalaya Sangathan due to wrong calculation of Income Tax for the period 2013-14.
3. Recovery of Rs.10,558/- from Shri Braj Bhushan Vibhuti  
An amount of Rs.10,558/- was recovered from Shri Braj Bhushan Vibhuti and credited to School Fund Account on 01.03.2016 due to excess claim admitted for his home town LTC for the year 2014 for self to Bangar, Muzaffarpur through private mode of transport as per the Internal Audit Observation of Kendriya Vidyalaya Sangathan.
4. Home Town LTC in respect of Shri Braj Bhushan Vibhuti  
Shri Braj Bhushan Vibhuti made a claim of Rs.27,145/- for LTC for self to home town Bangar Muzaffarpur for the year 2015. He travelled by private mode of transport and hence the claim was restricted to Rs.6,245/- and the amount was deposited to his account on 09.07.2015.

He submitted that there is robust mode of redressal of grievances for its employees in Kendriya Vidyalaya Sangathan. The complainant has never forwarded any grievance through proper channel as claimed in his complaint.

**Hearing:** The case was heard through video conferencing by the Commissioner for Persons with Disabilities on 28.07.2020.

6. The following persons were present during the hearing ;

- 1) None for the complainant.
- 2) Mr. Vimlesh Kumar Singh, Assistant Commissioner (Estt.), KVS, on behalf of the respondent.

7. The complainant informed by his e-mail dated 23.07.2020 that he is not in a position to attend online hearing due to flood in his area and requested for another date of hearing.

**Observation/Recommendations:**

8. The grievance of the complainant was examined and it was found that there were two main aspects on which the written reply of the respondent was not found satisfactory. The first related to his delayed appointment in August, 2011 against the offer letter of appointment in January, 2011. The second was regarding his transfer.

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9. The respondent explained that the delayed appointment of eight months was because of the verification process of the credentials of the complainant conducted by the KVS Headquarter. It was found that the complainant had Graduated in 2005 whereas he had completed his Secondary and Intermediate education in 2006 and 2009 respectively; inquiries revealed that the complainant had done his Graduation through distance mode from Indira Gandhi National Open University (IGNOU); after inquiry, the complainant was allowed to join in August, 2011. Thus the action of the respondent was in line with the policy of 'No Work No Pay'. As regards the transfer grievance of the complainant, the respondent explained that there was a set transfer policy in Kendriya Vidyalaya Sanghtan and the complainant will get marks for his disability position. Accordingly, in terms of the policy, he would be transferred as per his eligibility, taking into consideration eligibility of all other employees of Kendriya Vidyalaya Sanghtan.

10. As the reply of the respondent is found satisfactory, the case is disposed of.

11. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 03.08.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 6378/1021/2016

**Complainant :** Shri Arvind Kumar, Senior Tax Assistant,Accounts Branch,Central Excise & Service Tax,Ranchi Zone,1<sup>st</sup> Floor, Central Revenue Building (Annexe),Birchand Patel Path, Patna – 1

**Respondent :** Chief Commissioner, Office of the Chief Commissioner, Central Excise & Service Tax, Ranchi Zone, 1<sup>st</sup> Floor, Central Revenue Building (Annexe),Birchand Patel Path, Patna – 1

**Date of Complaint : 16.05.2016**

#### Gist of Complaint:

Shri Arvind Kumar, a person with 60% moderate locomotor disability has submitted that he was transferred from Jaipur to Patna Customs Headquarter on Inter Commissionerate Transfer (ICT) on PH quota without losing any seniority as per CBEC guidelines. Presently he is working as Senior Tax Assistant in Customs (Hqrs.) at Patna. He is living in his ancestral house in Patna with his o'd aged parents. He further submitted that later it has come to light that on completion of all the procedures prior to DPC, he was not considered for promotion to Senior Tax Assistant (STA) without revealing any valid reason. When he approached his establishment he was told that due to ICT transfer, he has lost his seniority and now he is placed at the bottom of the seniority list. He submitted that one Smt. Sweta Sekhar, Tax Assistant has been transferred from Central Excise, Mumbai Zone to Central Excise & Service Tax, Ranchi Zone, Patna on compassionate grounds without losing any seniority on spouse ground. Later she was also considered for promotion from Tax Assistant to Sr. Tax Assistant vide Estt Order No.38/2011 dated 01.06.2011. The complainant's contention is that if Smt. Sweta Sekhar, Tax Assistant can be promoted on the same terms and conditions, then why he has been denied the promotion. The complainant has not enclosed his Disability Certificate along with his complaint.

2. The Joint Commissioner (CCO), Office of the Chief Commissioner, Central Excise & Service Tax, Ranchi Zone vide letter no. II(3)1-Prom/DPC/CCO/CONF./RZP/16/12079 dated 29.11.2016 submitted that Shri Arvind Kumar is presently working as Senior Tax Assistant. He was recruited as LDC initially under 3% PH quota and was posted initially at Central Excise Commissionerate Jaipur on 20.11.2000. Subsequently, he was considered for ICT under the

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prevailing orders / O.M.s under PH grounds vide Order No. 32/CCO/2011 dated 09.05.2011 communicated vide their office letter No.F.No.II(13)8-Confid./Dept./CCP/RZP/2011/2928-32 . The respondent submitted that the complainant joined their Zone on 25.05.2011 under PH grounds vide Board's Order dated 09.02.2011, in which Board has directed all the transferees to retain their previous seniority. Consequence upon issuance of Board's order vide letter no. A-22015/23/2011-Ad.III.A dated 27.10.2011, in which all CCAs were directed to re-fix the seniority of all the officers considered on ICT vide previous orders dated 27.03.2009, 29.07.2009 and 09.02.2011, as per the O.M. dated 27.10.2011. Accordingly Shri Arvind Kumar was placed below all the then regularly appointed Tax Assistants, in the seniority list of 2012-13. Subsequently, he was considered for promotion to the grade of Senior Tax Assistant, during 2013-14, which is a Group-B, Non-Gazetted, Ministerial Officer post as per recommendation of 6<sup>th</sup> CPC. While considering qualifying / eligible service, complainant's previous service carried out in earlier Commissionerate before ICT to this zone has been taken into consideration. As regards Smt. Sweta Sekhar, Inspector case is concerned as alleged by the complainant, she joined their zone on ICT as a Tax Assistant under spouse ground on 10.09.2010 from Central Excise Mumbai Zone to their Zone vide Estt. Order No. 06/CCO/2010 dated 10.09.2010, without losing seniority. However, she got promoted to the grade of Senior Tax Assistant vide Order No. 38/2011 dated 01.06.2011 which is well before the date of issuance of Board's revised circular on ICT dated 27.10.2011, wherein re-fixation of seniority of ICT candidates joined earlier has been directed for future promotion of the officers joining on ICT. In this case, Smt. Sweta Sekhar was already promoted to Group-B post before the issuance of the above circular dated 27.10.2011 and thus, the circular is not applicable to her. Therefore, the comparison of both the cases cannot be done.

3. The complainant vide his rejoinder dated 04.01.2017 submitted that he joined the department in the grade of LDC (later on re-designated as 'Tax Assistant') on 18.07.2003 in Central Excise Commissionerate, Jaipur where he was appointed against 3% PH quota. He submitted that the ban on Inter-Commissionerate Transfer (ICT) was relaxed on spouse ground vide CBEC's Circular issued under F.N. 22015/19/2006-Ad.IIA dated 27.03.2009 without any loss of seniority and subject to the specific conditions. Subsequently, the Board had also published an order quoting the above circular and relaxed the ICT appointments against compassionate quota vacancies, vide CBEC's Circular F.No.A.22015/11/2008-Ad.IIA dated 29.07.2009 of Group B,C & D Officers against the 5% compassionate vacancies quota, without any loss of seniority. Later the Board had a meeting and issued another order on similar relaxation on ban on ICT in Group-B,C & D posts in favour of PH employees vide CBEC's Circular No.a.20015/15/2010-Ad.III.A dated 09.02.2011. The order also revealed that employees transferred under these instructions would retain their seniority. He was considered for ICT on PH ground without any loss of seniority vide



Order No. 32/CCO/2011 dated 09.05.2011. After his joining in the grade of Tax Assistant in this Zone, 02 DPCs for promotion from grade of Tax Assistant to Senior Tax Assistant was conducted and order accordingly was issued on 01.06.2011 and 16.05.2012 without considering any candidature for the same though he was fulfilling all the desired criteria for the said promotion. He was finally granted promotion to the grade of STA vide Order No. 22/2013 dated 30.04.2013 without giving him the benefit of CBEC's Circular issued on 27.03.2009, 29.07.2009 and 09.02.2011. Regarding the issue of Smt. Sweta Sekha, who is presently working as Inspector, he submitted that she joined the department as Tax Assistant on 22.01.2006 at Central Excise, Mumbai whereas he joined the department in the same grade on 18.07.2003 at Central Excise Commissionerate, Jaipur. She was also transferred to Patna under ICT's same provision as his. The department has itself submitted that she was accorded promotion vide Order dated 01.06.2011 which is well before the date of issue of Board's revised circular on ICT dated 27.10.2011. He submitted that it is pertinent to mention here that he was also working as Tax Assistant in the same Zone on that date and having more length of service as well as fulfilling all the criteria for promotion but she was promoted whereas he was denied promotion. Due to the denial of promotion to him, he has been made the victim of Board's revised circular on ICT dated 27.10.2011. Had he been promoted, the said circular would not have been applicable to him as in the case of Smt. Sweta Sekhar, Inspector.

**Hearing :** The case was heard through video conferencing by the Commissioner for Persons with Disabilities on 28.07.2020.

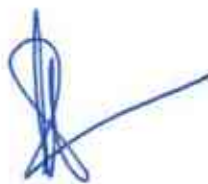
4. The following persons were present during the hearing ;

1. Mr. Arvind Kumar, the complainant.
2. None for the respondent.

5. The complainant reiterated his points in the complaint and stated that his main grievance was of being denied promotion as Senior Tax Assistant in 2011 as per the DPC held on 01.06.2011 in which similarly placed candidates were given promotion.

**Observation/Recommendations:**

6. The Court noted that there was merit in the complaint of the complainant as a DPC indeed was held between 25.05.2011 the date of appointment of the complainant in Patna Commissionerate and 27.10.2011 when through an order all CCAs were directed to re-fix the seniority including that of complainant.



7. Accordingly, the Court recommends that a review DPC shall be conducted in this matter and the seniority of the complainant shall be considered for restoration.
8. The case is disposed of.
9. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 03.08.2020

Persons with Disabilities



(Upma Srivastava)  
Commissioner for



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 6665/1024/2016

**Complainant :** Shri Sanjaya Kumar Sena, Pharmacist, Dispensary cum Branch Office, Employees State Insurance Corporation, Vedvyas, Rourkela, Sundargarh, Odisha – 769 004.

**Respondent :** Director General Employees' State Insurance Corporation, Panchdeep Bhawan, Comrade Inderjeet Gupta (CIG) Marg, New Delhi – 110 002.

**Date of Complaint :** 20.07.2016

#### Gist of Complaint:

Shri S.K. Sena, a person with 60% locomotor disability submitted that he is presently working as Pharmacist in ESIC Hospital, Jamshedpur. Before his posting at Jamshedpur, he had been working as Pharmacist in ESI Dispensary NEPZ, Noida from 08.11.2007 to 31.07.2009. His grievance is regarding non contribution of NPS in his account by his establishment. He made several submissions to his organisation regarding its non submission of NPS contribution in his account, but he has not received any response from Directorate Medical (Noida). The complainant's NPS account has been opened for the first time by ESIC Hospital, Adityapur, Jamshedpur and he has been getting his NPS contribution since August 2009 till date, but he didn't get details of his contribution from ESIC, Noida. Being a person with disability, the complainant is finding it difficult to follow up with ESIC, Noida.

2. No reply from the Respondent has been received.

**Hearing :** The case was heard through video conferencing by the Commissioner for Persons with Disabilities on 28.07.2020.

**Present:**

1. Mr. Sanjay Kumar Sena, the complainant.
2. Ms. Reena Hira, Assistant Director, ESIC, on behalf of the respondent.

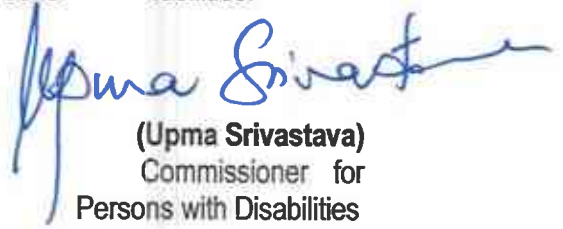
Both the parties were heard.

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**Observation/Recommendations:**

3. The complainant as well as the respondent affirmed that the complaint has been resolved to the satisfaction of the complainant.
4. The case is disposed of.
5. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 03.08.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 7273/1022/2016

**Complainant :** Shri R. Mariappan, Office Superintendent, Bharat Sanchar Nigam Limited, Virudhunagar Dist., Rajapalayam, Tamil Nadu – 626 117.

**Respondent :** Chairman & Managing Director, Bharat Sanchar Nigam Limited, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane, New Delhi – 110 001.

**Date of Complaint :** 11.12.2016

#### Gist of Complaint:

Shri R. Mariappan, a person with 55% locomotor disability submitted that he was appointed as Telegraphist under PH quota in the Office of the Director of Telecommunication (presently BSNL) on 01.08.1984. After winding up of Telegraph Network on 26.07.2013, he was deputed for Cashier Work in BSNL, Rajapalayam on 03.08.2013. He submitted that he was not eligible for this work and was also not getting any allowance for the work he has been doing. He made several representations to his establishment regarding his grievance, but no action had been taken on it by the Respondent. He was handling about Rs.2 to 4 lakhs cash for remittance to the Bank. He further submitted that his mother is 90 years old and his wife was suffering from back pain and she cannot do her routine work. He has to work till 7:30 p.m.

2. No comments received from the Respondent.

**Hearing :** The case was heard through video conferencing by the Commissioner for Persons with Disabilities on 28.07.2020.

3. The following persons were present during the hearing ;

1. Mr. R. Mariappan, the complainant.
2. Mr. G.P. Vishnoi, AGM (Estt.), BSNL Corporate Office, on behalf of the respondent.

Both the parties were heard.

4. The complainant stated that he has already taken VRS in February, 2020 and that he was getting his retirement benefits. He further stated that he is ready to take back his complaint in case no punishment is awarded to him by the respondent.

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सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 ; Tel.: 23386054, 23386154 ; Telefax : 23386006

E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

5. The Court noted that his main grievance pertained to unwanted transfer against the Transfer Policy of the respondent.

6. The respondent stated that the grievance of the complainant was duly looked into and he was given normal posting against the original post of Cashier in 2017 itself. As per policy and procedures of the respondent, all his retirement dues will be paid until and unless there is a charge-sheet pending against the complainant.

**Observation/Recommendations:**

7. There is no cause of action remaining in the matter, and the case is disposed of.

8. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 03.08.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 9915/1023/2018

**Complainant :** Shri Bechan Singh Chauhan, S/o Late Ramavtar Singh, Post : Bina, Distt. Sonebhadra, Uttar Pradesh – 231 220.

**Respondent :** General Manager (Personnel), Northern Coal Fields Ltd, Bina Project, Distt. Sonebhadra, Uttar Pradesh – 231 220.

**Date of Complaint : 14.06.2018**

#### Gist of Complaint:

Shri Ashutosh Kumar Singh, Advocate for the complainant Shri Bechan Singh Chauhan, a person with 50% locomotor disability, submitted that his client Shri Chauhan is working as a Sr. Overman at Bina Project in Uttar Pradesh of Northern Coal Fields Ltd, a subsidiary of Coal India Ltd. Shri Chauhan met with an accident in the night of 08.05.2009 at his workplace while on duty. A Dumper Truck climbed on both of his legs and permanently damaged his legs. He had been under continuous medical treatment in various hospitals in Madhya Pradesh, Uttar Pradesh and Tamil Nadu from 09.05.2009 to 25.02.2010. Shri Chauhan cannot live a normal life due to the accident which permanently damaged his knees of both the legs. He could not perform even his daily routine chores and without getting support from his son. He has been on medical leave since December 2016 and hence there is no source of income. He also developed other complications like loss of hearing and loss of vision due to the impact of the fatal accident. Shri Chauhan requested the management of his establishment to get him medically unfit and to give employment to his dependent son Shri Krishna Kumar Singh, but till date nothing has been done on this. Shri Chauhan even issued a legal notice through his Advocate on 08.06.2018 to his establishment to positively take corrective measures to get him declared as medically unfit and to provide employment to his son in place of him. The Advocate for Shri Chauhan submitted that as his client had met with an accident while on duty, he is entitled to get compensation as per Workmen Compensation Act, 1923. Shri Chauhan retired on 30.06.2018. The following are his prayers :-

- passing an Order declaring Shri Chauhan as medically unfit and in his place employment should be given to this dependent son Shri Krishna Kumar Singh.
- allowing Shri Chauhan to stay in the same govt. accommodation provided to him without any rent, electricity and water charges and other amenities.

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- c) passing a decree of Rs.50,00,000/- (Rupees Fifty Lakh) by way of compensation to Shri Chauhan under Workmen Compensation Act, 1923 along with 18% per annum interest.
- d) passing a decree of promotion instead of appointment dated 06.09.1988.
- e) award entire cost of the application/complaint in favour of Shri Chauhan and against the defendants along with litigation cost.

2. The Staff Officer (Personnel), Northern Coalfields Limited vide his letter dated 26.02.2019 has submitted Shri Bechan Singh Chauhan met with a motor accident while on duty on 08.05.2009 at Pali. He was at once admitted at ESI Hospital for treatment. He was referred to Nehru Centenary Hospital on 09.05.2009 for further treatment. He was then admitted to Apex Hospital, Varanasi from 09.05.2009 to 10.08.2009. He was on treatment till 25.02.2010 and he was declared fit to join office on 26.02.2010. He was then treated at CMC Vellore and Santhushiti Hospital for further treatment. The complainant completed 60 years of age and retired from service on 30.06.2018.

3. The complainant vide his rejoinder dated 07.06.2019 submitted that he met with a motor accident while in service and suffered from 50% locomotor disability. The respondent's statement that he was found fit from 26.02.2010 is just an eyewash and the respondent is trying its best to evade all the rightful monetary compensations including the job for his younger son Shri Krishna Kumar Singh. He submitted that due to the accident, he is suffering from loss of hearing and loss of vision besides immovability. He submitted that he was on medical leave since December 2016, and hence has no source of income. He attained the age of 60 years and was discharged from service from his employment on 30.06.2018.

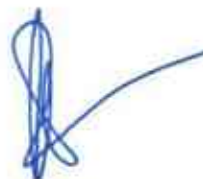
**Hearing :** 27.12.2019

4. During the hearing on 27.12.2019 the complainant was not present.

5. The representative of respondent requested for copy of some documents along with the complaint from the case file. The following documents were handed over to the representative of the respondent after the hearing.

- i) Complaint dated 14.06.2018.
- ii) Respondent's letter dated 16.02.2019 and
- iii) Complainant's rejoinder dated 07.06.2019.

6. The case was finally heard through video conferencing by the Commissioner for Persons with Disabilities on 28.07.2020.



7. The following persons were present during the hearing ;

1. Mr. Ashutosh Kumar Singh, Advocate for the complainant & Mr. Bechan Singh Chauhan, the complainant.
2. Mr. Ashwani Kumar Dubey, Advocate for the respondent.

Both the parties were heard.

8. The complainant reiterated the points made out in his complaint. The main relief sought was employment for his son and compensation for the disability caused to the complainant while on duty in 2009. The respondent informed that the complainant has already filed a case under the Workmen's Compensation Act in 2019 in the Court of Commissioner, Workmen, Mirzapur, U.P. Hence, the relief sought would be given from that Court.

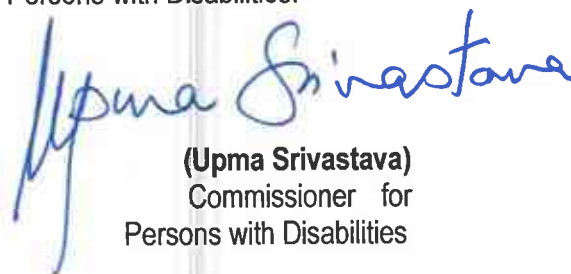
**Observation/Recommendations:**

9. The Court advised the complainant that in case there was any grievance pertaining to non-payment of salary/retirement benefits from the respondent, a fresh application may be made to them. Only in case of denial of payment of such dues, the complainant may file a fresh case with this Court.

10. The case is disposed of.

11. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Date : 03.08.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 10157/1021/2018

**Complainant :** Shri Jatinder Singh Duggal, House No.1681, Street No.2, Govindpuri Extension, Kalkaji, New Delhi – 110 019.

**Respondent :** Chief Executive Officer, Employees Provident Fund Organisation, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi – 110 066.

**Date of Complaints :** 31.07.2018 and 05.11.2018

#### Gist of Complaint:

The complainant a person with more than 50% locomotor disability submitted that he retired as Assistant Provident Fund Commissioner from Employees Provident Fund Commissioner in November 2017. His employer has not provided him any benefit of promotion under the Disabilities Act. He had made representations to his establishment for his promotion from time to time, but his establishment rejected all his requests on the plea that no reservation in promotion to a person with disability is available in Group A and B posts.

2. The complainant in reply vide another letter dated 05.11.2018 has submitted that as per DoP&T O.M. No. 36025/03/97/Estt(res) dated 04.07.1997, every Government department has to maintain 100 point roster register earmarking point 1,34 and 67 for the pwds. But his organisation, i.e. EPFO has not marked any such points at the time of finalizing the seniority list of EO/AO and APFC. He submitted that he has been working as regular EO/AO since 30.06.1993. He submitted that Hon'ble Supreme Court in 2016 had given the decision which has not been so far implemented. At that time, he was in service and retired in November 2017. He further submitted that he was a regular APFC since 24.07.2012 and completed four years on 24.07.2016. In EPFO, if an employee completes four years regular service, he gets next higher scale under Senior Time Scale as per Rule. But he has not so far received any promotion. He was promoted as regular APFC on 24.07.2012. Completed 5 years regular service on 24.07.2017. For the promotion of RC II, the regular service required is 5 years for promotion, which he had completed on 24.07.2017, but he was not given the promotion so far. The complainant has requested to look into his case as he has not been provided the benefit of neither STS nor next promotion of RC II where he has completed the required regular service for both benefit( i.e. four years service and five years service respectively).

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3. The Regional P.F. Commissioner-I (HRM), Employees' Provident Fund Organisation vide letter HRM-1/A-10(265)2008 dated 10.06.2019 has submitted that Shri Jatinder Singh Duggal has been promoted to the post of APFC on regular basis w.e.f. 24.07.2012. He has been retired from service on 30.11.2017 on attaining the age of superannuation. He submitted that a meeting of the Departmental Promotion Committee was held on 21.04.2017 to consider the selection of officers from the feeder grade of Assistant Provident Fund Commissioner in Level 10 of Pay Matrix (pre-revised PB 3 of Rs.15600-39100/-+GP Rs.5400) for promotion to the post of Regional Provident Fund Commissioner, Gr. II in Level 11 Pay Matrix (pre-revised PB-3 Rs.15600-39100/-+ GP of Rs.6600) on regular basis against the vacancy year 2017-18. As per para 3 of the O.M. No.22011/6/2013-Estt. (D) dated 28.05.2014, 1<sup>st</sup> April of the vacancy year shall be the crucial date for determining the eligibility of officer for promotions for the vacancy year 2015-16 onwards. Accordingly, the officers who have completed 5 years' regular service in post of APFC on 01.04.2017 i.e. the crucial date of eligibility for the vacancy year 2017-18 have been considered for promotion to the post of RPFC-II. As Shri Jatinder Singh Duggal had not completed required qualifying service of 5 years as on 01.04.2017, i.e. the crucial date of eligibility for the vacancy year 2017-18, he was not eligible for promotion to the post of RPFC-II for the vacancy year 2017-18. Further the next DPC was held on 20.04.2018. The crucial date of eligibility for the vacancy year was 01.04.2018. As the complainant retired on 30.11.2017, before completion of 5 years' of regular service on crucial date of eligibility for the vacancy year 2018, i.e. 01.04.2018, he could not be considered by DPC on 21.04.2018. Therefore, it is clear allegation of Shri Jatinder Singh Duggal that he has been denied promotion merely on the ground of his disability.

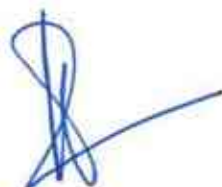
**Hearing :** The case was heard through video conferencing by the Commissioner for Persons with Disabilities on 28.07.2020.

4. The following persons were present during the hearing ;

1. Mr. Jatinder Singh Duggal, the complainant was heard on telephone.
2. None for the respondent.

**Observation/Recommendations:**

5. The complainant had two main grievances; (i) he was not considered for promotion after completion of five years as APFC; and (b) he was not given Senior Time Scale after completion of four years in 2016. The complainant contended that the respondent did not maintain the roster of 100 point for persons with disabilities and had they done so he could have been considered for promotion prior to his retirement as APFC in 2017.



6. The reply of the respondent was scrutinized and is found satisfactory.
7. The case is disposed of.
8. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Dated: 03.08.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

### COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 10402/1023/2018

**Complainant :** Shri Harish Kumar Garg, S/o Shri Kanwar Bhan Singh Garg, 26 MIG Flat, Pocket-4, Sector A-9, Narela, Delhi – 110 040

**Respondent :** Air Force Record Office (through Air Officer Commanding), , Subroto Park, New Delhi – 110 057.

**Date of Complaint :** 20.09.2018

#### Gist of Complaint:

Shri Harish Kumar Garg, a person with 50% visual impairment submitted that he is an ex-serviceman and his disability is attributed to the Military Service. Now he is re-employed in EPFO under PH category after his release from Indian Air Force on 30.06.2009. He joined EPFO on 03.12.2010 as a Social Security Assistant and at present he is working at its office in Dwarka. He joined Air Force on 10.06.1983 in full physical condition. He was enrolled as Radio Technician Tradesman. He met with an accident on 19.06.2006 while posted in Allahabad. In the accident he lost his right eye completely and his left hand middle finger also injured. Due to this disability, he became unfit for the post of Radio Technician. He submitted that there is a rule in Indian Air Force that if someone becomes unfit for his trade, he is given an alternate job nor medically invalidated out but he was not given an alternate job without releasing him on medical grounds. He was released only after completing his tenure/engagement. This made him lose AFGIS ( Air Force Group Insurance Scheme) as this benefit is only given when a person is medically boarded out/invalidated out from service or released on medical grounds. Indian Air Force kept him in service due to his experience. He was also not paid the double transport allowance by the Air Force. He had filed a case in Armed Forces Tribunal, Principal Bench, New Delhi vide OA 152/2013. He again approached Armed Forces Tribunal vide OA 1194/2017. His petition was rejected by Order dated 23.08.2017. He was then compelled to approach the SCD, Govt. of NCT of Delhi as he felt the AFT has been influenced by Senior Defence Officers. He made several representations to the Air Force, but no progress has been made in this regard. He is getting his service pension & disability, but still has not received his AFGIS benefits & double transport allowance and has not received any AFGIS & Double Transport Allowance ever after 09 years of his retirement.

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2. The Secretary, Air Force Group Insurance Society vide letter no. Air HQ/27863/683931/GIS/Claims dated 07.02.2019 submitted that this Court has no jurisdiction to entertain and to adjudicate the present complaint qua the answering respondent, since the contract of Insurance is not covered under the jurisdiction of this Court. He submitted the subject matter had already been adjudicated by the competent authority, i.e. Armed Forces Tribunal (AFT), New Delhi which is a specific Tribunal to adjudicate the matter of Military services. The said complainant approached the aforesaid the Hon'ble Tribunal vide original application No. 152/2013 and subsequently in OA No. 1194/2017 decided on 23.08.2017 on merits, wherein the Hon'ble Tribunal dismissed the petition on the ground that the petitioner has rendered full tenure of service and has not been invalidated out, therefore, the complainant is not entitled for the relief claim. The Respondent further submitted that the complainant being aggrieved with the said order also approached the Hon'ble High Court of Delhi and preferred to file the appeal on 30.10.2017. No Notice has not received, from the Hon'ble High Court because the order passed by the Hon'ble Tribunal was on merit and now got finality. The Disability benefit is payable to members who are invalidated out of service with a minimum disability of 20% and above by invalidating medical board (IMB) and not for any percentage of disability assessed by Release Medical Board (RMB) at the time of superannuation/completion of term of engagement/release. The complainant joined the Air Force on 10.06.1983 and has been discharged on 30.06.2009, i.e. after rendering of more than 26 years of service with the Air Force against the initial term of engagement of 20 years.

3. The complainant vide his reply dated 21.09.2019 submitted that he has not received any payment from AFGIS and Transport Allowance by Indian Air Force. No relief/solution has been given by his Department till date.

**Hearings :-** 28.07.2020 & 11.12.2019

4. During the hearing on 11.12.2019, Shri Harish Kumar Garg reiterated the submissions made by him in his original complaint.

5. No representative from the Respondent was present during the hearings.

**Hearings :** The case was heard finally through video conferencing by the Commissioner for Persons with Disabilities on 28.07.2020.

6. The following persons were present during the hearing ;

**Present :**

1. Shri Harish Kumar Garg and Shri Raju Gupta, Advocate for Complainant.
2. No representative from Respondent.



7. The Counsel for the complainant reiterated the points in the complaint and requested the court to direct the respondent to treat the Medical Board as Invalidating Medical Board (IMB) instead of Release Medical Board (RMB) and also direct the respondent to grant Double Transport Allowance from 19.06.2006 to 30.06.2009.

**Observation/Recommendations:**

8. On perusal of records it is found that the Air Force Group Insurance Society (AFGIS) has filed a detailed reply dated 07.02.2019 wherein they have stated that the contract of insurance is not covered under the jurisdiction of this Court. Further, the complainant has approached the Armed Forces Tribunal vide original application No.152/2013 and subsequently in OA No. 1194/2017 which was decided on 23.08.2017. The Tribunal had dismissed the petition on the ground that the petitioner had rendered full tenure and had not been invalidated out and therefore he was not entitled for relief claim.

9. After that, the complainant approached the Hon'ble High Court of Delhi and preferred to file an appeal on 30.10.2017 about which nothing has been stated in his complaint dated 20.09.2018. The Court noted that the complainant has received the Survival Benefit with interest from the AFGIS in the year 2009 itself.

10. In view of the abovesaid, no further relief can be granted by this Court.

11. The case is disposed of.

12. This issues with the approval of Chief Commissioner for Persons with Disabilities.

Date :03.08.2020

  
**Upma Srivastava)**  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No. 11183/1021/2019

**Complainant :** Shri Shri B. Uma Prasad, Sr. Social Security Assistant, Employees' Provident Fund Organisation, Office of Regional Provident Fund Commissioner-1, Bhavishya Nidhi Bhawan, Door No.: 58-14-86, Marripalem VUDA Layout, NAD Post, Visakhapatnam, Andhra Pradesh – 530 009.

**Respondent:** Chief Executive Officer Employees Provident Fund Organisation, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi-110 066.

**Date of Complaint : 24.05.2019**

### Gist of Complaint:

Shri B. Uma Prasad, a person with 48% locomotor disability vide his complaint dated 24.05.2019 submitted that he is working as Sr. Social Security Assistant in the Office of the Regional Provident Fund Commissioner-I, Visakhapatnam. He was selected under PH quota. He submitted that EPFO is not implementing the provisions of the Rights of Persons with Disabilities Act, 2016 and thus he is being deprived of the legal right as a person with disability. He is being deprived of his promotion by his establishment. His next promotion is to the post of Section Supervisor. He has made many representations to his establishment, but did not receive any response.

2. The Addl. Central P.F. Commissioner, EPFO, Vijayawada vide letter no. ACC(AP)/ZO(VJA)/SS/Disability/Court/2019/498 dated 18.09.2019 submitted that Shri B. Uma Prasad is working in Group 'C' post seeking promotional reservation to the post of Section Supervisor which is Group 'B' post carrying Grade pay of Rs.4200/-. He submitted that their establishment is maintaining Reservation Rosters for persons with disabilities w.e.f. 01.10.2015. He submitted that as regards the reliance upon the judgement of the Hon'ble Supreme Court in W.P. (Civil) No.521 of 2008 between Rajeev Kumar Gupta & ORs vs Union of India & Ors, by the applicant, the Respondent submitted that it is an individual specific case and the nodal department of the Government of India, i.e. DoP&T has not issued any direction regarding universal implementation of the said Judgement of the Hon'ble Supreme Court by all the Departments of the Government of India. The applicant also had not brought to the notice to the effect of issue of any such direction by the Government of India.

...2/-

3. The complainant vide his rejoinder dated 14.10.2019 submitted that for the post of Section officer in Group-B post, the mode recruitment is only through promotion and hence he is not eligible for the reservation under persons with disabilities quota. He submitted that EPFO is not maintaining the reservation roster for persons with disabilities. It shows that the reservation roster is maintained by his establishment from 01.10.2015 for Telangana State only and the status of reservation roster for the period from 01.01.1996 TO 30.09.2015 is not known. He has requested this Court to order EPFO to strictly follow the PwD Act, 1995 and RPwD Act, 2016, for reservation in Group-B post and extend the benefit to him by way of promotion to the post of Section Supervisor with all other benefits deemed fit in the interest of justice.

**Hearing :** The case was heard through video conferencing by the Commissioner for Persons with Disabilities on 28.07.2020.

4. The following persons were present during the hearing ;

1. Shri Uma Prasad, Complainant.
2. Shri Krishna Choudhary, Addl. Central Provident Fund Commissioner, Andhra Pradesh.

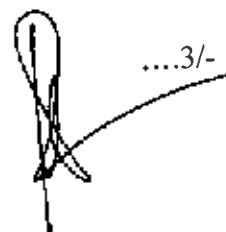
Both the parties were heard.

5. The complainant reiterated his grievance of not being granted promotion to the post of Section Supervisor by duly implementing 3% reservation in promotion . The complainant further stated that the Hon'ble Supreme Court has already given directions but the DoP&T has not issued any administrative instruction for implementation in this regard.

6. The respondent referred to DoP&T O.M. No. 36035/02/2017-Estt (Res). dated 20.06.2017 (copy enclosed) which is about reservation for persons with Benchmark Disabilities. In that OM. in para (2) it states ' the issue of reservation in promotion to persons with disabilities is sub-judice in various cases in the Hon'ble Supreme Court including Civil Appeal No. 1567/2017 titled Siddaraju vs State of Karnataka & Ors and Review Petition (C) No.36/2017.

**Observation/Recommendations:**

7. There are two issues to be addressed in this matter:

....3/-  


1. whether reservation in promotion to Group A and B is applicable for Persons with disabilities (hereinafter mentioned as 'PwD') and can be implemented being a horizontal reservation as against vertical reservation for other categories,

2. whether Government instructions are mandatory to be issued before implementation of reservation for Pwd in promotion to Group A and B.

**Issue No. 1**

8. The Hon'ble Supreme Court settled this issue in the judgment of **RAJEEV KUMAR GUPTA & ORS. v. UNION OF INDIA** reported in (2016) 13 SCC 153, whereby hon'ble court laid down that once the post is identified, it must be reserved for PwD irrespective of the mode of recruitment, further Government was directed to extend reservation under The Persons with Disabilities (Equal Opportunities and Protection of Rights and Full Participation) Act 1995 (hereinafter mentioned as 'PwD Act of 1995) to PwD in all identified posts in Group A and Group B irrespective of the mode of filling up of such vacancies. Relevant paras of the judgment are reproduced below –

“24. A combined reading of Sections 32 and 33 of the 1995 Act explicates a fine and designed balance between requirements of administration and the imperative to provide greater opportunities to PWD. Therefore, as detailed in the first part of our analysis, the identification exercise under Section 32 is crucial. Once a post is identified, it means that a PWD is fully capable of discharging the functions associated with the identified post. Once found to be so capable, reservation under Section 33 to an extent of not less than three per cent must follow. Once the post is identified, it must be reserved for PWD irrespective of the mode of recruitment adopted by the State for filling up of the said post.

25. In the light of the preceding analysis, we declare the impugned memoranda as illegal and inconsistent with the 1995 Act. We further direct the Government to extend three per cent reservation to PWD in all identified posts in Group A and Group B, irrespective of the mode of filling up of such posts. This writ petition is accordingly allowed.”

9. The Hon'ble court's reasoning behind the directions was based upon the objective and purpose sought to be achieved by the legislature. Court in the same judgment noted that the objective behind PwD Act of 1995 is to integrate PwD into society and to ensure their economic progress. The intent is to turn PwD into agents of their own destiny.

10. Court also addressed the anomaly which arises when reservation in promotion is not extended to identified posts in Group A and Group B. Para 13 of the judgment is reproduced below –

“13. For some of these identified posts in Group A and Group B, the mode of recruitment is only through promotions. The purpose underlying the statutory exercise of identification under Section 32 of the 1995 Act would be negated if reservation is denied to those identified posts by stipulating that either all or some of such posts are to be filled up only through the mode of promotion. It is demonstrated before us that PWD as a class are disentitled to some of the identified posts in Group A and Group B because of the impugned memoranda and the relevant regulations, under which the only mode of appointment to those identified posts is through promotion. Once posts are identified under Section 32, the purpose behind such identification cannot be frustrated by prescribing a mode of recruitment which results in denial of statutory reservation. It would be a device to defraud PWD of the statutory benefit granted under Section 33 of the 1995 Act.”

...4/-



11. Hon'ble Court in the same judgment has further held that the basis for providing reservation for PwD is physical disability and not any of the criteria forbidden under Article 16(1). Therefore, the rule of no reservation in promotions as laid down in INDRA SAWHNEY v. UNION OF INDIA: AIR 1993 SC 477 is clearly and normatively not applicable to the PwD.

12. Recently in judgment dated 14.01.2020, in the matter of SIDDARAJU v. STATE OF KARNATAKA [Civil Appeal No. 1567 of 2017] the Hon'ble Supreme Court of India has upheld the judgement passed in the matter of Rajeev Kumar Gupta (Supra). The Supreme Court has held that—

“10) After hearing learned counsel appearing on behalf of all the parties including the learned Additional Solicitor General, we are of the view that the judgment of this Court cannot be faulted when it stated that Indra Sawhney dealt with a different problem and, therefore, cannot be followed.

11) We may also note that review petitions were filed and have since been dismissed against both the 2013 and 2016 judgments. Consequently, the reference stands answered by stating that the 2013 judgment as clarified in National Federation of the Blind vs. Sanjay Kothari, Secy. Deptt. Of Personnel and Training, 2015 (9) Scale 611 and the judgment in Rajeev Kumar Gupta & Others v. Union of India & Others – (2016) 13 SCC 153 case will bind the Union and the State Governments and must be strictly followed notwithstanding the Office Memorandum dated 29.12.2005, in particular. Since the reference has been disposed of by us today, contempt petitions be listed for hearing.”

13. At this point it is pertinent to mention that the above judgments were delivered while interpreting Sections 32 and 33 of PwD Act of 1995. Therefore, issue arises whether the law laid down in these judgments shall be applicable for implementation and execution of rights under The Rights of Persons with Disabilities Act, 2016 (hereinafter mentioned as 'RPwD Act of 2016') as well.

14. This court observes that the aforementioned rulings of hon'ble Supreme Court are in the context of the PwD Act of 1995 which has now been replaced by The Rights of Persons with Disabilities Act, 2016. This court concludes that the mandate, objectives and targeted beneficiaries of both the PwD Act of 1995 and RPwD Act of 2016 are identical. Hence, replacement of the Act of 1995 does not in any way change the interpretation of the Supreme Court's directions in this matter.

15. Further the hon'ble Supreme Court held in JUSTICE SUNANDA BHANDARE FOUNDATION v. UNION OF INDIA (2017) 14 SCC 1 that RPwD Act of 2016 confers more rights on PwDs and is a sea change and requires a march forward. Relevant Para of the judgment is reproduced below -:

“24. We have referred to certain provisions only to highlight that the 2016 Act has been enacted and it has many salient features. As we find, more rights have been conferred on the disabled persons and more categories have been added. That apart, access to justice, free education, role of local authorities, National fund and the State fund for persons with disabilities have been created. The 2016 Act is noticeably a sea change in the perception and requires a march forward look with regard to the persons with disabilities and the role of the States, local authorities, educational institutions and the companies. The statute operates in a broad spectrum and the stress is laid to protect the rights and provide punishment for their violation.”



16. Therefore, this court concludes that despite similar objectives of the two acts, if effect of judgments of hon'ble Supreme Court in Rajeev Kumar Gupta (Supra) and Siddaraju (Supra) is not extended to RPwD Act of 2016 Act, it shall be a step backwards rather than march forward.

17. At this juncture it is vital to mention the judgment of Hon'ble High Court of Uttarakhand delivered in UMESH KUMAR TRIPATHI v. STATE OF UTTARAKHAND; 2018 SCC OnLineUt 865. Hon'ble High Court held that law as laid down in Rajeev Kumar Gupta Case by the hon'ble Supreme Court does not make any distinction between Group A and B posts vis a vis Group C and D posts. Then the hon'ble High Court went on to hold that judgments rendered in the light of provisions of PwD Act of 1996 still hold good under RPwD Act of 2016. Relevant Para of the judgment is reproduced below :-

“14. A bare perusal of Section 34 of the new Act reveals that every appropriate Government is under a duty to appoint person with benchmark disabilities to the extent of not less than 4% of the total number of vacancies in the cadre strength, in each group of posts. Thus, the judgments rendered in the light of provisions contained in Act no. 1 of 1996 still hold good under the new Act.”

18. Hence, this court concludes that replacement of the PwD Act of 1995 does not in any way change the interpretation of the Supreme Court's directions in this matter.

## **Issue No. 2**

19. In the RPwD Act of 2016, the proviso to section 34(1) states that “reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time”. The plea taken by the Respondent in this matter as well as in many others is that as the Government's directions are still awaited in this respect, establishments cannot implement the Supreme Court directions.

20. First proviso to sub-section (1) of section 34 of the Rights of Persons with Disabilities, 2016 reads as follows:

“Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time.”

21. The question before this Court is whether reservation in promotion to PwBD in the services under the Government of India can be given at present in the circumstances when the Government of India has not issued any instructions about reservation in promotion to the PwBD after the RPwD Act of 2016 came into existence.

22. In this regard it is imperative to mention the judgment of Hon'ble Supreme Court in matter of GOVERNMENT OF INDIA v. RAVI PRAKASH GUPTA; (2010) 7 SCC 626. One of the issues in the case was whether reservation to PwDs under s.33 of 1995 Act can be denied till executive identifies posts for reservation under Section 32 of 1995 Act. Court held that waiting for the executive to identify posts in order to extend reservation to PwDs shall be violation of the intent of the legislature. Relevant Para of the judgment is reproduced below:-

...6/-



“25. ... The submission made on behalf of the Union of India regarding the implementation of the provisions of Section 33 of the Disabilities Act, 1995, only after identification of posts suitable for such appointment, under Section 32 thereof, runs counter to the legislative intent with which the Act was enacted. **To accept such a submission would amount to accepting a situation where the provisions of Section 33 of the aforesaid Act could be kept deferred indefinitely by bureaucratic inaction.** Such a stand taken by the petitioners before the High Court was rightly rejected. Accordingly, the submission made on behalf of the Union of India that identification of Groups A and B posts in the IAS was undertaken after the year 2005 is not of much substance.”

23. Incidentally, Hon'ble Uttarakhand High Court in its judgment delivered in matter of **UMESH KUMAR TRIPATHI v. STATE OF UTTARAKHAND; 2018 SCC OnLineUtt 865** reiterated the same with respect to Section 34 of RPwD Act of 2016. Relevant Paras of the judgment are reproduced below -:

“17. First proviso to Section 34 of the new Act provides that reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time. We have been informed that such instructions are yet to be issued by the State Government.

18. Rights of Persons with Disabilities Act, 2016 is a beneficial legislation and Section 34 thereof confers statutory right of reservation in public employment to persons with benchmark disabilities. **This valuable right cannot be denied to persons with disabilities due to inaction on the part of the State Government in issuing instructions.**”

24. The Government of India vide DOPT OM No. 36035/02/2017 dated 15.01.2018 issued instructions about implementation of reservation for PwBD. These instructions cover reservation in the matter of posts filled by direct recruitment. The OM appears to be silent about reservation in the matter of promotion but it is not.

25. The OM dated 15.01.2018 refers to two OM's, one of which is OM No.36035/03/2004 dated 29.12.2005. The OM dated 29.12.2005 contains instructions about reservation in promotion for PwBD and **has not been withdrawn or superseded by OM dated 15.01.2018 or any other OM or Order or any other type of communication.** The OM dated 15.01.2018 has replaced instructions about reservation for PwBD in direct recruitment but has left instructions about reservation in promotion intact. As such, instructions about reservation in promotion for PwBD issued by the Central Government already exist and reservation in promotion to PwBD should be given as per these instructions as long as any other instructions are issued by the Government.

26. A question may be raised that OM dated 29.12.2005 relates to Persons with Disabilities (PwD) while as per the RPwD Act of 2016 reservation is provided to the PwBD. Careful reading of the RPwD Act of 2016 and the OM dated 29.12.2005 makes it clear that the term PwBD used in the Act and the term PWD used in OM dated 29.12.2005 have exactly the same meaning.

27. Another issue is that **the RPwD Act of 2016 says that reservation for PwBD shall not be less than 4% while the OM dated 29.12.2005 makes provision of only 3%.** It needs to be noted that provision of at least 4% reservation has been made in case of direct recruitment. Regarding reservation in promotion, the Act leaves it to the discretion of the appropriate Government.

....7/-

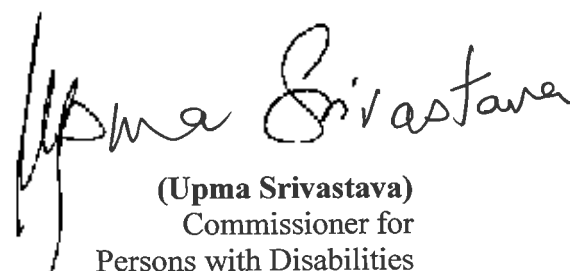


28. The OM dated 29.12.2005 provided that reservation in promotion to the PWD will be available in Group C and Group D posts only. The Supreme Court in the matter of Rajeev Kumar Gupta and others Vs Union of India and others (Supra) held that three per cent reservation to PWD in all identified posts in Group A and Group B, irrespective of the mode of filling up of such posts shall be extended.

29. It is recommended that the respondents may give reservation to persons with benchmark disabilities in promotion in all Groups of posts including Group A and Group B posts in accordance with the order of Hon'ble Supreme Court in the matter of Shri Rajeev Kumar Gupta and others vs Union of India and others. The matter of complainant may be considered by the respondent accordingly.

30. The case is disposed off.

Dated: 30.09.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case Number No. 7649/1101/2017**

**Complainant:** Miss. Anuradha Hora, H-310,  
Vikaspuri, West Delhi-110018 (Delhi),  
Email: [anu.arora2011@gmail.com](mailto:anu.arora2011@gmail.com);  
Mobile: 9818222665, 9599057675

**Respondent:** Bank of India, through its Chairman,  
Head Office – Star House, C-5, 'G' Block,  
Bandra Kurla Complex, Bandra (East),  
Mumbai-400051,  
Email: [HeadOffice.Premises@bankofindia.co.in](mailto:HeadOffice.Premises@bankofindia.co.in)  
(Mobile: 7906082157 – Shri Pravin Naik,  
Sr. Manager, Bank of India)

### Gist of Complaint

Smt. Anuradha Hora, a person with 75% locomotor disability, alleged that one has to climb 22 stairs to step into the main banking hall of the Bank of India, Vikaspuri Branch, Delhi. Earlier the bank had provided barrier free access in the form of specially designed ramp with railing at the rear gate to step into the ground floor of the branch which could save a person from climbing 5 stairs. Apart from that, a single window service was also provided on the ground floor for senior citizens/persons with disabilities to save them from climbing another 17 stairs. She alleged that for the past 10 months the said facilities were withdrawn and the Chief Manager was not prepared to restore the facilities despite her repeated gentle

Page 1 of 3

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 ; Tel.: 23386054, 23386154 ; Telefax : 23386006

E-mail: [ccpd@nic.in](mailto:ccpd@nic.in) ; Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

requests. She was not able to operate her account due to inaccessibility.

2. On taking up the matter, the respondent vide reply dated 17.03.2017, refuted the allegations and submitted that the Branch was having ramp and special entry gate for the disabled/senior citizens. As there was hardly any customer with disability, the gate was normally kept closed and the keys kept with the Armed Guard. A doorbell was installed with the gate and the gate would open as and when such customers visit the branch. Branch was also providing all banking services to the old senior citizens/divyang customers at their door step through staff.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 31.07.2020. The following were present:

1. Mr. Pravin Naik, Chief Manager, BOI & Mr. Dinesh Singh, Senior Manager (Law), BOI, on behalf of the respondent.
2. Complainant not present

**Observation/Recommendations:**

The respondents were heard. They stated that the complaint of the complainant was false & frivolous and all facilities including new ramp, separate counter and home service etc. was available in the Vikas Puri Branch of Bank of India. They also informed that the complainant had since expired.

2. An on the spot inspection of this branch was conducted on 31.07.2020 by the O/o CCPD. The Inspection Report stated that *"the branch of Bank of India is not accessible for persons with*

*disabilities, even ATM is also not on the same footing entry of the branch, as well as ATM has nine stairs to reach the location”.*

3. Taking a very serious view of this situation, the respondents are directed to take immediate action in terms of Section 40 of the Rights of Persons with Disabilities Act, 2016. An officer from the headquarters of the Respondent may be sent to the branch for physical/real time inspection and ensure that the branch is fully accessible for all category of persons with disabilities. A compliance report may be sent to this office within 90 days in terms of Section 76 of the Rights of Persons with Disabilities Act, 2016. After receipt of compliance report, on the spot verification/inspection will be again conducted by the O/o CCPD.

4. Accordingly, the case is disposed of.

Dated: 11.08.2020

  
(Upma Srivastava)  
Commissioner  
for Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 8143/1021/2017**

वादी

श्री हरिद्वार, उपायुक्त का कार्यालय, सेवा कर प्रमंडल,  
निचला तल, बैंक रोड, पश्चिम गाँधी मैदान, चांदपुरा पैलेस,  
पटना-800001

ई-मेल: <thakurharidwar14@gmail.com>

प्रतिवादी

संयुक्त आयुक्त (सी.सी.ओ.), केन्द्रीय माल एवं सेवा कर एवं  
केन्द्रीय उत्पाद शुल्क, रांची प्रक्षेत्र, पटना।

ई-मेल: <commr-cexpatna@nic.in>

### GIST of the Complaint:

प्रार्थी का कहना है कि वह केन्द्रीय उत्पाद शुल्क एवं सेवाकार विभाग, रांची में कार्यरत है तथा विभाग द्वारा उनको वर्ष 2013 में वरीय कर सहायक के पद पर प्रोन्नति दी गई। प्रार्थी का आगे कहना है कि वरीयता क्रम में उनसे नीचे ऐसे वरीय कर सहायक भी प्रोन्नत होकर निरीक्षक बना दिये गए जो एक पैर से दिव्यांग थे परन्तु उनको पदोन्नति नहीं मिली चूँकि निरीक्षक का पद अस्थि दिव्यांग (बी.एल.) के लिए चिह्नित नहीं है प्रार्थी ने निवेदन किया है कि निरीक्षक का पद, प्रशासनिक पदाधिकारी के समतुल्य है उन्हें प्रशासनिक पदाधिकारी का पद दिया जाए।

2. मामले को दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 75 के अन्तर्गत पत्र दिनांक 24.10.2019 द्वारा प्रतिवादी के साथ उठाया गया।

3. संयुक्त आयुक्त (सी.सी.ओ.) केन्द्रीय माल एवं सेवा कर एवं केन्द्रीय उत्पाद शुल्क, पटना का अपने पत्र दिनांक 20.02.2018 में कहना है कि श्री हरिद्वार ने दिनांक 08.04.2009 को Tax Assistant (T.A.) के रूप में अपना योगदान दिया एवं उनकी पदोन्नति दिनांक 30.04.2013 को S.T.A. के पद पर हुई तब से वे इसी पद पर कार्य कर रहे हैं प्रतिवादी ने यह भी बताया कि निरीक्षक का पद दोनों पैरों से दिव्यांग व्यक्तियों के लिए चिह्नित नहीं है। श्री हरिद्वार के प्रशासनिक पदाधिकारी पद पर पदोन्नति के संबंध में प्रतिवादी का कहना है कि जिन अधिकारियों ने उप कार्यालय अधीक्षक (Dy. Office Superintendent) के पद पर 05 वर्ष की नियमित सेवा पूरी कर ली है वे प्रशासनिक पदाधिकारी के पद पर पदोन्नति के योग्य

होते हैं। चूंकि श्री हरिद्वार दिनांक 28.09.2015 के बाद कार्यकारी सहायक है अतः उनका प्रशासनिक पदाधिकारी के पद पर पदोन्नति वर्तमान भर्ती नियम दिनांक 03.10.2013 में संशोधन के बिना संभव प्रतीत नहीं होता है।

4. प्राथी का अपने पत्र दिनांक 21.05.2018 में कहना है कि उक्त मुद्दा केन्द्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड, राजस्व विभाग, नई दिल्ली के समक्ष उठाया जाय जिससे कि वह निरीक्षक के पद पर प्रोन्नत हो सके अथवा प्रशासनिक अधिकारी के पद पर सामानांतर पदोन्नति दी जाये।

5. वादी के पत्रों एवं प्रतिवादी के टिप्पण के मद्देनजर, सुनवाई दिनांक 31.07.2020 को रखी गई।

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 31.07.2020. The following were present:

- Mr. Haridwar, the complainant.
- Ms. Himabindu, Joint Secretary, Central Board of Indirect Taxes & Customs, and Mr. Santosh Kumar, Joint Commissioner, on behalf of the respondents.

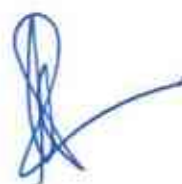
**Observation/Recommendations:**

6. Both the parties were heard.

7. The respondent vide e-mail dated 31.07.2020 has stated that the grievance of the complainant had been settled for which he had approached the Court of CCPD, as he was now promoted to the post of Administrative Officer.

8. The complainant vide his e-mail dated 28.07.2020 has also informed that he has been promoted in the grade of Administrative Officer on 12.06.2020 and thus the grievance for which he had approached the CCPD is now settled.

9. This position was affirmed by both the complainant and the respondent in the hearing.



10. The Case is accordingly disposed of.

Dated: 11.08.2020

  
(Upma Srivastava)  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 8412/1011/2017**

वादी

श्री दिवेश कुमार गुप्ता

ई-मेल: <garg.devesh123@gmail.com>

प्रतिवादी

अध्यक्ष, रेलवे भर्ती बोर्ड, पश्चिम रेलवे मंडल कार्यालय परिषद,

मुंबई सेंट्रल, मुंबई – 400008

ई-मेल: <commr-cexpatna@nic.in>

वादी

100 प्रतिशत दृष्टिबाधित

### GIST of the Complaint:

प्रार्थी का अपनी शिकायत दिनांक 23.07.2017 में कहना है कि उन्होंने पश्चिम रेलवे द्वारा आयोजित Sr. Clerk-cum-Typist की परीक्षा 50.80 प्रतिशत अंकों से उत्तीर्ण कि जिसका cut off 42 प्रतिशत था फिर भी उनका नाम उत्तीर्ण लिस्ट में नहीं आया। प्रार्थी का आगे कहना है कि आर.टी.आई. के माध्यम से उन्हें पता चला कि लिस्ट में उनके वर्ग से संबंधित पद नहीं है जबकि आर.आर.बी., मुम्बई का जो रोजगार नोटिस था उसके 12 पदों की संख्या बताई थी।

2. मामले को दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 75 के अन्तर्गत पत्र दिनांक 16.11.2017 द्वारा प्रतिवादी के साथ उठाया गया।

3. Chairman, RRB, Mumbai vide letter dated 07.12.2017 submitted that Shri Devesh had applied for the post of Sr. Clerk cum Typist under CEN No. 03/2015 as UR – VH (B) candidate and was called for the 1<sup>st</sup> stage and 2<sup>nd</sup> Stage written examination. In the 2<sup>nd</sup> stage written examination Shri Devesh obtained 50.80103% marks whereas the cut off marks for UR – VH (B) category was 66.29701%. Shri Devesh Kumar obtained less marks than the cut off hence not shortlisted for document verification.

4. Complainant vide rejoinder dated 05.12.2018 submitted that there were 13 posts of Senior Clerk cum Typist for persons with disabilities in advertisement of RRB-Mumbai. The cut of list of marks was 42% and he had obtained 50.80% marks whereas RRB-Mumbai is saying that the cut of marks was 66.29% which is incorrect.

5. वादी के पत्रों एवं प्रतिवादी के टिप्पण के मद्देनज़र, सुनवाई दिनांक 16.8.2019 को रखी गई। परन्तु प्रतिवादी के ओर से कोई उपस्थित नहीं हुआ इसलिए दिनांक 17.09.2019 को पुनः सुनवाई सुनिश्चित की गई। प्रतिवादी के अधिवक्ता के अनुरोधानुसार अगली सुनवाई दिनांक 23.10.2019 की गई। प्रशासनिक कारणों से उक्त मामले में सुनवाई दिनांक 23.10.2019 नहीं हो सकी। दिनांक 20.11.2019 को प्रतिवादी की ओर से उपस्थित अधिवक्ता ने बताया कि उन्होंने अपना जवाब दे दिया है तथा समय की मांग की।

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 31.07.2020. The following were present:

- Shri Devesh Kumar, the complainant.
- Shri Om Prakash, Advocate, on behalf of the respondent.

**Observation/Recommendations:**

6. Both the parties were heard.

7. The Court noted that the main issue of the complaint was related to the percentage of cut off marks, which was 42% as per the complainant and 66.29% as affirmed by the respondent. It was also noted that the case was listed for hearing atleast five times since 2019, but was postponed on account of absence of respondent or their request for adjournment. The Court asked the respondent to give replies to the following two points in writing:-

- (i) Whether the cut off percentage as written in the affidavit of the respondent was available in public domain ?
- (ii) The number of candidates, which were appointed against these vacancies in the category of the complainant.



8. The respondent vide their reply dated 31<sup>st</sup> July and 4<sup>th</sup> August, 2020 has furnished their reply. It is seen that the cut off percentage in the VH category against the vacancy of Sr. Clerk-cum-Typist was indeed 66.29% and was available on the website of RRBMUMBAI.GOV.IN. They further informed that 13 applications of selected candidates were sent to Western Railway and 12 candidates to Central Railway against the notified vacancies.

9. The reply of the respondent found satisfactory.

10. The Case is accordingly disposed of.



**(Upma Srivastava)**  
Commissioner for  
Persons with Disabilities

Dated: 02.09.2020



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case No: 8597/1011/2017**

Complainant: Dr. Nitesh Kumar Tripathi, H.No. B – 241, B Block, Sant Nagar  
Burari, Delhi – 110084  
e-mail: < niteshtripathi85@gmail.com >

Respondent: The Registrar, National Institute of Technology, Temporary  
Campus-Govt. ITI, Srinagar (Garhwal), Distt. Pauri Garhwal,  
Uttarakhand – 246174  
e-mail: <sukhpal.nituk@gov.in> <ituttarakhand@gmail.com>

Complainant: 65% locomotor disability

### **GIST of the Complaint:**

The complainant in his complaint submitted that his name was shortlisted for interview at National Institute of Technology, Uttarakhand in year 2015 & 2016 for Medical Officer and he appeared in both of these interviews but he had not been selected, while he had answered almost all the questions in the interview but neither he nor any other PwD got selected. He has requested to ask the respondent to maintain 100 point reservation roster and provide disabled friendly environment during the interview and to also conduct the Special Recruitment Drive for filling up the backlog vacancies for PwDs.

2. The matter was taken up with the Respondent vide letter dated **20.11.2017** under Section 75 of the RPwD Act, 2016.

3. In response, Registrar, National Institute of Technology vide letter dated **14.12.2017** inter-alia submitted that Dr. Nitesh Kumar Tripathi appeared for interview on 04.01.2016 and 11.04.2016 and Selection Committee didn't recommend the name of Dr. Tripathi for the position of Medical Officer. As far as PwD rules are concerned regarding extra time is eligible for Written Test, they had not conducted the written test. They have properly installed WC toilets in each building and pure drinking water machines (ROs).

4. After considering the respondent's reply and the complainant's letter, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on 21.08.2019. After hearing both the parties, information was sought from the respondent vide Record of proceedings dated 28.08.2019 and case adjourned.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 31.07.2020. The following were present:

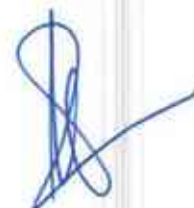
- Dr. Nitesh Kumar Tripathi, the complainant.
- Mr. Ayush Negi, Advocate for the respondent.

**Observation/Recommendations:**

5. Both the parties were heard.

6. The complainant stated that NIT, Uttarakhand was not implementing the Rights of Persons with Disabilities Act, 2016 in letter and spirit. Persons with disabilities candidates are not being selected against the reserved vacancies and they are also not being given due facilities as per the requirement of such persons. The respondent was not sensitive enough to the needs of persons with disabilities and the overall environment was not conducive.

7. The respondent stated that the complaint was without substance as the NIT, Uttarakhand was fully compliant with the Rights of Persons with Disabilities Act, 2016. They provide all facilities, which are required and also give admissible relaxation like ten years age. The respondent further stated that two special drives had been conducted by them in the year 2018 & 2019 for filling vacancies with persons with disabilities. The institute decides to hold written examination or interview or both together as per the requirement of the post and did not consider the need to hold a written examination for the post of Medical Officer.



8. The reply of the respondent is found satisfactory and a copy of the written submission of the respondent is enclosed with this order for information of the complainant.

9. The case is disposed of.

**Encl: as above**

**Dated: 11.08.2020**



**(Upma Srivastava)**  
Commissioner for  
Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case Number No. 10146/1031/2018**

**Complainant:** Shri Ram Nath,  
Email: [ramnath786singh@gmail.com](mailto:ramnath786singh@gmail.com);  
Mobile: 9868562257

**Respondent:** University of Delhi, Through: Registrar,  
Delhi-110007, Email: [registrar@du.ac.in](mailto:registrar@du.ac.in);  
Phone: 27667853

### Gist of Complaint

The complainant filed a complaint on 08.08.2018 regarding irregularities in admission at DU hostels with respect to reservation of 5% seats for students with Benchmark Disabilities. It had been alleged that many hostels of DU and its constituent colleges were following the old reservation norms which called for reservation of only 3% of the total number of seats for students with Benchmark Disabilities.

2. The matter was taken up with the respondent on 20.09.2018 for submission of their comments. Despite reminders dated 10.01.2019 and 26.07.2019, no reply has been received from DU.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 31.07.2020. The following were present:

1. Shri Ramnath, the complainant
2. Prof. Anil Aneja, Nodal Officer for PwD, University of Delhi, for the respondent.

3. Shri Mohinder Rupal, Standing Counsel, University of Delhi

**Observation/Recommendations:**

Both the parties were heard.

2. The complainant stated that the University of Delhi was violating the Rights of Persons with Disabilities Act, 2016 by not giving 5% reservation to students with disabilities against the seats of hostels of the University.

3. The complainant had given a list of colleges of University of Delhi which indicated that seat reservation for students with disabilities was not mentioned in the prospectus causing confusion regarding percentage of seats reserved for students with disabilities. The complainant did not mention any specific case in which a seat had been denied to a student with disability.

4. A very serious view was taken by the Court on the fact that despite correspondence from this Court vide letters dated 20.09.2018, 10.01.2019 & 26.07.2019, the respondent had not sent any reply.

5. The respondent stated that the University is following the policy of 5% reservation for students with disabilities in all the hostels. However, there are certain colleges, which are independent establishments, therefore, are not directly under the control of the respondent and that they have only a supervisory role to play. The respondent further stated that he was also the Grievance Officer for the persons with disabilities for entire University of Delhi and that he had no pending complaint at present



about lack of reservation for students with disabilities in any hostel of University of Delhi.

6. The Court observed that the respondent is accountable and responsible in ensuring reservation for all students with disabilities in all the hostels of University of Delhi, whether an independent establishment or directly controlled by the University. Clear cut directions should be issued by University of Delhi to all the colleges in this respect as also for exhibiting the vacancies in each of the hostels in the hostel premises as well as on college/hostel website. It is the duty of University of Delhi to ensure that the legitimate rights of students with disabilities are taken care of. The college-wise/ hostel-wise list of students with disabilities who have been allotted the respective hostels for the year 2019 may be sent to this Court within two weeks of the receipt of this order.

A Compliance Report may also be furnished in the matter within 90 days of receipt of this order.

7. Accordingly the case is disposed of.

Dated: 11.08.2020

  
(Upma Srivastava)  
Commissioner  
for Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case Number No. 10729/1141/2018**

**Complainant:** Shri Gaurav Gulati, Advocate, Chamber No.336-A,  
Western Wing, Tis Hazari Courts, Delhi-110054,  
Email: [advgulati1@gmail.com](mailto:advgulati1@gmail.com);  
Mobile:8800857572; 7835858500

**Respondent:** Chief Executive Officer, Central Board of Film  
Certification (CBFC), Films Division Complex,  
Phase- I Building, 9th Floor, Dr. G. Deshmukh  
Marg, Mumbai- 400026, Email : [ceo.cbfc@nic.in](mailto:ceo.cbfc@nic.in);

### Gist of Complaint

The complainant alleged that in the trailer of feature film "ZERO" many of the dialogues used are outrageous and anti-women as well as low mind set of the movie makers towards a girl with cerebral palsy. In trailer extracts at 0.15 and 0.50 of the movie the derogatory remarks were made. The Central Board of Film Certification (CBFC) had passed the aforesaid movie. As per the guidelines of CBFC, "No movie can be passed even under any category, if it insults or degrades any group/class of people/women or showing abuse or ridicule of physically and mentally handicapped persons." The complainant requested that remedial steps be taken to delete the controversial dialogues from the aforesaid movie. The Director/Producer may be asked to tender unconditional apology.

2. The matter was taken up with respondent CBFC on 15.03.2019, but despite lapse of sufficient time and issue of reminder dated 27.08.2019 and 06.01.2020, no response had been received from the respondent.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 31.07.2020. The following were present:


1. Shri Gaurav Gulati, the complainant
2. Dr. Karmarkar Tushar Arun, Regional Officer, CBFC, Mumbai, for the respondent.

**Observation/Recommendations:**

Both the parties were heard.

2. The complainant reiterated his complaint and the respondent submitted their written reply vide e-mail dated 31.07.2020.
3. The Court noted that the respondent had failed to reply to the letters of this Court dated 15.03.2019, 27.08.2019 & 06.01.2020. The response by e-mail was also received only on the date of hearing. The rule position as stated in the written submission of the respondent has been gone through. The "Trailer" of the Film in question has also been viewed by the Court. Given the overall context of the Film in question, no merit is found in the complaint, as the Trailer does not appear to be violating the Rights of Persons with Disabilities Act, 2016. The Film has been certified as per the Cinematograph Act, 1952 and its guidelines.
4. The case is dismissed.

Dated: 11.08.2020

  
(Upma Srivastava)  
Commissioner  
For Persons with Disabilities



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

**Case Number No. 11265/1141/2019**

**Complainant:** Shri Mangal Singh Amritsar, President, Anmol Parents Association, an NGO working for the welfare of persons with autism, cerebral palsy, mental retardation and multiple disabilities.296, Sahibzada Jujhar Singh Avenue, Ajnala Road, Amritsar-143001(Punjab);  
Email – [mangalsinghkk@gmail.com](mailto:mangalsinghkk@gmail.com)

### **Respondent:**

Army Wives Welfare Association [Through: President], AWWA Secretariat, 210, South Block Integrated, HQ of Defence (Army), DHQ, New Delhi – 110001,  
Email – [centralawwa@gmail.com](mailto:centralawwa@gmail.com)

**.... Respondent No.1**

Regional President (Western Command), Army Wives Welfare Association, HQ Western Command Welfare, C/o 56 APO, Pin-908543, Email: [wcawwawelfare@gmail.com](mailto:wcawwawelfare@gmail.com);

**.... Respondent No.2**

The Principal, Asha Panther School, Amritsar Cantt, Punjab 20 C School/Commanding Officer, 343, Field Regiment, C/o 56 APO; Email: [principalasha.amritsar@gmail.com](mailto:principalasha.amritsar@gmail.com)

**.... Respondent No.3**

### **Gist of Complaint**

The complainant had submitted that the respondent No.1, a Welfare Association run among others Asha Panther School at Amritsar (Punjab) (Respondent No.3). The respondent No.3 was receiving grant from AG Branch of Army. The respondent No.3 school was

Page 1 of 5

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 ; Tel.: 23386054, 23386154 ; Telefax : 23386006

E-mail: [ccpd@nic.in](mailto:ccpd@nic.in) ; Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

receiving Rs.1600/- as monthly fees and but now asking for double fees i.e. Rs.3200/- per month. The children of Army persons were given concession but no concession was given to the children with disability of civilian parents. The complainant had alleged that no other special school was taking so much fees as there was no such provision of charging such a higher fee.

2. On taking up the matter, the respondent vide reply dated 13.08.2019 submitted that the Asha Schools function under Army Welfare Society (AWS) which is a Non-Government Organisation (NGO) registered on 10.07.1998 under Societies Registration Act XXI of 1860. AWS is not a part of any Appropriate Government as mentioned in Section 31 of RPWD Act, 2016. Asha Schools, as part of Army's Welfare initiatives, have been established for welfare of dependent children of Serving Soldiers and Ex Servicemen. The facility has been also extended to wards of any interested civilian parents. Serving Soldiers/Ex Servicemen are authorised for Children Education Allowance (CEA). The fees charged from wards of Serving Soldiers/Ex Servicemen by Asha Schools are in accordance with the authorised CEA. Fees to civilian have also been structured appropriately.

3. Upon considering the facts mentioned above, a hearing was held on 20.12.2019. After hearing both the parties, the complainant was advised to submit specific complaint in terms of Rule 38(1) of the RPWD Rules, 2017 regarding discrimination of rights of the child with disability by Asha Panther School, Amritsar. The respondent was advised to file their written submission in support of their statement in the light of the complaint filed by the complainant.



4. In compliance, the complainant filed a complaint dated 30.12.2019 and reiterated his earlier submission. However, he added that the respondents No.1 and No.2 are receiving grant from DEPWD and respondent No.3 is receiving the said grant from the respondent No.1 and No.2. The school management committee of the respondent No.3 is not as per the RPWD Act and parents are not involved in that committee.

5. No proof has been found submitted by the complainant in support of his statement that the respondents No.1 and No.2 are receiving grant from DEPWD.

**Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 31.07.2020. The following were present:

1. Shri Mangal Singh, the complainant
2. Shri Tarunvir Singh Khehar, on behalf of the respondent

**Observation/Recommendations:**

Both the parties were heard.

2. The complainant raised four points:-


- (a) The fees for civilians was very high i.e. Rs.3,200/- per month;
- (b) There was no transport facility for students;
- (c) The time for which the students were being kept in the School was very short; and
- (d) The School was illegally closed on Saturdays.



3. The respondent gave point-wise reply as under:-

- (a) The fees of the students are based on the income criteria of the guardian. The School maintains certain slabs on the basis of which the fees of the students are decided. In this particular case, the fees of the complainant's ward have been reduced to Rs.800/- per month only as the guardian has been changed from the complainant to his daughter-in-law. The complainant and the present guardian of the ward have been asked to produce documentation regarding income of the guardian on the basis of which the fees can be reduced to zero. The onus to produce a valid document vested with the complainant.
- (b) For the purpose of transport, the School has only one bus which runs on one particular route only and in case the student resides on that route he/she can be provided transport facility.
- (c) Students are kept in the School and provided various specialized therapies by qualified Therapists and Doctors, which are not available in any other School in that area. Thus, the School primarily charges fees to pay for services of the Therapists and the students are kept in the School as per a regular / routine time table.
- (d) The School remains closed on all Central and State holidays.

4. The Court recommends that being a Govt. of India aided School, the respondent should be fully sensitive to the needs of such students and maintain a transparent fee structure, which is



well publicized, so that such grievances do not arise in future. Transport facility should also be considered to be given to all such students who require it by accommodating routes and timings etc. As regards timings of the school and holidays followed by the School, this Court finds no ground to intervene in these matters.

5. Accordingly, the case is disposed of.

Dated: 11.08.2020

  
(Upma Srivastava)  
Commissioner  
for Persons with Disabilities