



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. 12853/1032/2021

Complainant:

Prof. Samiran Mondal, Ph.D
Professor, Exercise and Sports Science Laboratory,
Department of Physical Education,
Visva-Bharati University, Shantiniketan-731235 (West Bengal);
Email: samiran.mondal@viswa-bharati.ac.in
Mobile: 9434220938

— R31339

Respondents:

(1) The Registrar,
Lakshmibai National Institute of Physical Education (LNIFE),
Shaktinagar, Racecourse Road, Gwalior - 474002(MP);
Email: registrar@lnife.edu.in; Phone: +91-751-4000902

— R31340

(2) The Registrar,
National Sports University (NSU),
2nd Floor, Olympic Bhawan,
Khuman Lampak Sports Complex, Imphal-795001 (Manipur)
E-mail: registrar@nsu.ac.in

— R31341

1. Gist of Complaint:

The complainant, Prof. Samiran Mondal, Viswa-Bharti University, in her complaint dated 09.08.2021 alleged that Lakshmibai National Institute of Physical Education (LNIFE), Gwalior; and National Sports University (NSU), in their Prospectus 2021-2022 brought out in the month of July, 2021, did not advertise the 5% reservation quota in their courses for persons with disabilities.

2. Submissions made by the Respondent

2.1 The Registrar, LNIFE in their reply dated 30.09.2021 inter-alia submitted that on the recommendation of the Standing Committee of Academic Council a Committee has been constituted vide notice dated 16.08.2021 for framing rules, guidelines, testing procedures etc. for candidates with disabilities.

2.2 The Registrar, NSU in their reply dated 26.11.2021 inter-alia submitted that the instant matter was brought before the Academic and Activity Council of the University.

(Page 1 of 3)

The Sports Education and Training to persons with disabilities along with able bodied persons, in an inclusive manner, involves several technical issues such as bench marking, classification of disabilities, standards of tests etc. which should be resolved and laid down in consultation with the experts in the field. The process of implementation of reservation for persons with disabilities should go hand in hand with the provision of necessary infrastructures and facilities for the Para-athletes. Therefore, the Council authorised the Vice-Chancellor, NSU to constitute a committee comprising experts, educators and trainers in the field to study the matter in detail and make appropriate recommendations for implementation of reservation policy for person with disabilities.

3. Submissions made in Rejoinder

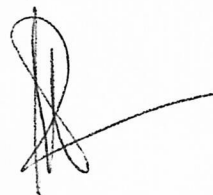
No rejoinder has received from the complainant to the replies filed by the respondents.

4. Hearing: The Case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **23.12.2021**. The following were present:

- (1) Complainant in person
- (2) Shri L. Shyam Kumar, Registrar (National Sports University, Imphal)
- (3) Prof. A.S. Sajwan, Registrar (Laxmibai National Institute of Physical Education, Gwalior (M.P))

5. Observations & Recommendations:

- 5.1 Complainant has alleged that Respondent establishment is not providing reservation to divyangjan in higher education. Respondent has admitted that no reservation is extended to divyangjan in higher education courses offered by the Respondent establishment.
- 5.2 Respondent submits that because of lack of infrastructure facilities available, it is not possible for Respondent establishment to admit divyangjan in all the courses offered by the Respondent establishment. Present infrastructure of the Respondent establishment is inadequate to cater the essential demands of divyangjan. Further Respondent submits that present infrastructure cannot be changed in order to make it compatible for divyangjan because it is a rented building and Respondent is bound to not make any changes in the rented space.
- 5.3 Respondent further submitted that the Committee has been constituted to study different ways in which divyangjan can be facilitated. Furthermore, some courses have been identified in which divyangjan can be admitted without compromising their special needs, without making any changes in existing infrastructure.
- 5.4 Respondent further informed this Court that the university campus from which the Respondent will function is under construction and shall be completed by




next year. Respondent submits that the new campus is designed to take care of special needs of divyangjan students. Respondent ensured that session 2022-23 shall commence from new campus and reservation for divyangjan shall be extended as per Rights of Persons with Disabilities Act, 2016 in session 2022-23.

5.5 This Court is satisfied with the positive attitude of the Respondent towards rights of divyangjan. This Court recommends that 5% reservation for divyangjan shall be extended in session 2022-23, which is mandated by Section 32 of Rights of Persons with Disabilities Act, 2016. Respondent is also duty bound to file compliance report of the action taken in session 2022-23.

5.6 Accordingly the case is disposed off.

Dated: 01.02.2022


(Upma Srivastava)
Commissioner
For Persons with Disabilities



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भारत सरकार/Government of India

Case No. 12866/1011/2021

In the matter of

Complainant:

Shri Pankaj Kumar Mehta,
PGT Computer Science,
D-26, Jawhar Navodaya Vidyalaya,
Fatehpur Rajputan,
P.O. : Sanour,
Dist. Patiala,
Punjab - 147103

— R3239

Versus

Respondent : 1

Union Public Service Commission
(Through the Secretary)
Dholpur House,
Shahjahan Road,
New Delhi - 110069

— R3144

Respondent : 2

Employees' State Insurance Corporation,
(Through the Director General),
Panchdeep Bhawan,
CIG Marg,
New Delhi – 110 002

— R31241

Disability : 70% locomotor

Gist of Complaint:

Shri Pankaj Kumar Mehta submitted that UPSC has through its Advertisement No. 55/2021 has invited applications for 151 vacancies for the post of Deputy Directors in Employees' State Insurance Corporation. The bifurcation of the vacancies is SC-23, ST-09, OBC-38, EWS-15, UR-66 and

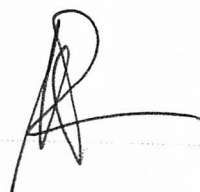
1 | Page

PwBD-04. Out of the total 04 vacancies, two vacancies are reserved for candidates belonging with Blindness (B) and Low Vision (LV) and remaining two vacancies are reserved for candidates belonging to Deaf (D) and Hard of Hearing (HH). He submitted that as per Govt. of India guidelines, 4% reservation out of 151 posts comes to 6 posts where as UPSC has reserved only 4 seats for PwDs. As per its advertisement, the SC and St candidates are given relaxation for their experience but not for PwDs.

2. The matter was taken up with the Secretary, UPSC and the Director General, ESIC vide letter dated 20.09.2021.

3. No reply has been received from UPSC.

4. The Dy. Director (E.I), Employees' State Insurance Corporation vide letter No.Z-17/12/2/Misc/2021-E.I dated 08.11.2021 submitted that the Central Government vide DoP&T O.M. dated 15.01.2018 circulated by ESIC vide letter No.A-14/11/1/2013-SCT dated 14.08.2018 raised the quantum of reservation for PwDs to 4% from the earlier 3% with prospective effect whereas the vacancies advertised by UPSC for the post of Dy. Director in ESIC are for the period upto 31.03.2017, i.e. the date when the quantum of reservation at 3% was prevalent. Thus the posts have been correctly reserved. He submitted that in respect of the relaxation extended to the SC/ST candidates with regards to the experience criteria in the Direct Recruitment of Dy. Director, it is submitted that the provision has been made in pursuance of Column 7 of Recruitment Regulation of Dy. Director, notified on 06.06.2015 which is as under :-



'Note (1) Qualifications are relaxable at Union Public Service Commission's discretion in case of candidates otherwise well qualified.

Note (2) The qualification(s) regarding experience is / are relaxable at the discretion of the Union Public Service Commission in the case of the candidates belonging to Scheduled Castes or Scheduled Tribes if at any stage of selection, the UPSC is of the opinion that sufficient number of candidates from these communities possessing the required experience are not likely to be available to fill up the vacancies reserved for them'

The above clause has been provisioned in the RRs as per the Note 2 of Relaxation Clause No.3.8.3 of DoP&T O.M. No.AB.14017/48/2010-Estt.(RR) dated 31st December, 2010.

5. The complainant vide his rejoinder through email dated 30.11.2021 submitted that as per the reply from ESIC that the 151 posts of Dy. Directors are for the period for upto 31.02.2017. He submitted that as per the advertisement, these posts are backlog posts. When the advertisement was published, 4% reservation quota has been implemented as the post was advertised by UPSC in the year 2021. He submitted that if ESIC state that they have given 3% reservation for the above said posts, i.e. $(151 \times 3) / 100 = 4.53$. Therefore, the post should be 5% as per the 3% reservation, but ESIC neither implement 4% or 3% PwD quota.

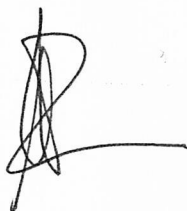
6. **Hearing** : An hearing through video conferencing by the Commissioner for Persons with Disabilities was heard on 23.12.2021.



7. The following persons were present during the hearing ;
- 1) Shri Pankaj Kumar Mehta, the Complainant.
 - 2) None appeared from Respondent No. 1 and
 - 3) Shri Sunil Kumar Gautam, Assistant Director, ESIC

Observation & Recommendations:

8. Complainant submits that 151 posts of Deputy Director were advertised by the Respondent establishment. Only 4 were reserved for Divyangjan, whereas at least 4% vacancies must have been reserved. 4% of 151 is 6, hence at least 6 vacancies must have been reserved. Further it is submitted that relaxation to SC/ST candidates is given but not to Divyang candidates.
9. Respondent refuted the claim by submitting that vacancies advertised in August 2021 but these vacancies arose in the Respondent establishment before March 2017 hence the reservation is computed as per 1995 Act and not as per 2016 Act.
10. This court concludes that contention of the Respondent is absolutely erroneous. Respondent is bound by the law which is in force on the date of advertisement. In the present case, the advertisement was issued in August 2021. Law applicable in August 2021 was Rights of Persons with Disabilities Act, 2016. As per this statute, the Respondent was duty bound to reserve at least 4% vacancies for Divyangjan. Respondent has erred to rely upon previous statute, i.e. The Persons With Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995. Respondent should have reserved 6 vacancies instead of 4.



11. Hence this Court recommends that whenever vacancies in Direct Recruitment for the post of Deputy Director will arise in future, Respondent shall reserve 2 vacancies for Divyangjans in addition to vacancies which Respondent is bound to reserve by statute. Respondent shall also file compliance report of the action taken.

12. The case is disposed off accordingly.

Dated: 01.02.2022


(Upma Srivastava)
Commissioner for
Persons with Disabilities



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भारत सरकार/Government of India

Case No. 12851/1101/2021

Complainant:

Shri Jayant Singh Raghav,
President, Bhumika Trust, Flat No.323,
Chandanwari Apartment, Plot No.8,
Sector-10, Dwarka, Delhi-110075
Email: bhumikatruster3@gmail.com
Mobile: 9968549003

— 1231232

Respondent:

Director (Admin),
Department of Personnel & Training,
Ministry of Personnel,
Public Grievances and Pensions,
North Block, New Delhi-110001;
Email: diradmin@nic.in; Phone: 011-23092338

— 1231238

1. Gist of Complaint:

1.1 The complainant, Shri Jayant Singh Raghav, M-22, a person with 100% Visual Impairment from Delhi, filed a complaint dated 09.08.2021 regarding Inaccessibility of Right to Information (RTI) Portal in required format for Persons with Visual Impairment.

1.2 The complainant submitted the persons with VI are not able to verify image captcha. It is not possible for the screen reading software's to read the image captcha. The complainant requested to provide alternative/accessible method as audio captcha or any other as specified under GIGW and RPwD Act, 2016.

2. Submissions made by the Respondent

On taking up the matter DoPT in their reply dated 07.10.2021 submitted as under:-

- (1) rti.gov.in/righttoinformation.gov.in is "Guidelines for Indian Government Websites (GIGW)" complaint.
- (2) Process to make ritonline.gov.in GIGW complaint is in progress.

(Page 1 of 4)

Order passed in Case No. 12851/1101/2021

From : O/o CCPD <ccpd@nic.in>

Mon, Feb 07, 2022 02:32 PM

Subject : Order passed in Case No. 12851/1101/2021 1 attachment**To :** bhumikatrust3 <bhumikatrust3@gmail.com>, Juglal Singh <diradmin@nic.in>

Dear Sir/s,

Please find attached herewith a soft copy of the Order passed in Case No. 12851/1101/2021 in the Case of Shri Jayant Singh Raghav and DoP&T.

The hard copy of the Order is being sent to you.

Yours faithfully,

Office of the Chief Commissioner for Persons with Disabilities (Divyangjan),
Department of Empowerment of Persons with Disabilities(Divyangjan),
Ministry of Social Justice & Empowerment, Govt. of India,
5th Floor, NISD Building, Plot No.G-2, Sector-10,
Dwarka, New Delhi-110075
Ph. No.011-20892364, 011-20892275

 **ORDER - 12851-1101-2021 Jayant Singh Raghav vs DoP& T.pdf**
176 KB

3. Submissions made in Rejoinder

Complainant could not file rejoinder to the reply of the respondent even after lapse of statutory time and sought some more time vide email dated 18.11.2021. Rejoinder has not been received so far from complainant.

4. Hearing : An hearing through video conferencing by the Commissioner for Persons with Disabilities was fixed on 23.12.2021.

5. The following persons were present during the hearing ;

1) Complainant : Shri Jayant Singh Raghav

2) Respondent : None from Respondent.

Observations & Recommendations

6. Complainant submits that online RTI portal is not disabled friendly. Problem with the online website is that image captcha is to be filled to submit the online RTI application. The image captcha is not readable by screen reading software. Complainant submits that the website must be GIGW (Guidelines for Indian Government Websites) compliant.

7. Respondent submits that website - rti.gov.in is GIGW compliant and another website rtionline.gov.in is under process of being made GIGW compliant.

8. Preamble of Right to Information Act, 2016 lays down that one of the objectives of the statute is to implement the principle of 'Accessibility' and make infrastructure accessible for Divyangjan. Section 42 of the Act is enacted to fulfill the same purpose. This provision mandated that the appropriate government shall take measures to ensure



that contents available in electronic media are accessible for Divyangjan. Further the same provision mandates that the appropriate government shall take measures to ensure that electronic media must remain accessible for Divyangjan. Objective of this provision is to make 'information and communication technology' accessible for Divyangjan.

9. Term 'information and communication technology' is defined in Section 2(n) of RPwD Act, 2016. As per the provision information and communication technology includes web based services as well. Therefore, all the websites managed/administered by the Respondent either by self or through agency fall under 'information and communication technology' as defined in Section 2(n) of RPwD Act, 2016 and Respondent is duty bound to take measures to ensure that these websites are accessible for Divyangjan.

1. Section 42 and Section 2(n) of RPwD Act, 2016 are reproduced below -

Section 42 - Access to information and communication technology.—
The appropriate Government shall take measures to ensure that,— (i) all contents available in audio, print and electronic media are in accessible format; (ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning; (iii) electronic goods and equipment which are meant for everyday use are available in universal design.

Section 2(n) - "information and communication technology" includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services.

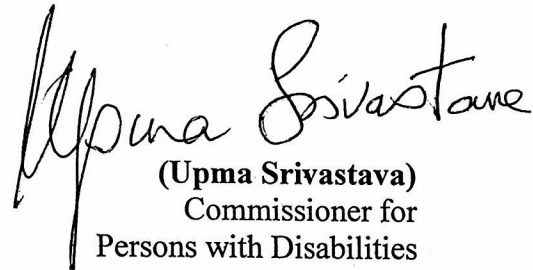
10. Present Complaint is filed with respect to two websites namely, *rti.gov.in* and *rtionline.gov.in*. This Court recommends that the Respondent shall ensure that both these websites are accessible for Divyangjan. To ensure the same, the Respondent shall



conduct thorough scrutiny and shall rectify the shortcomings within 6 months from date of this Order.

11. The case is disposed off.

Dated : 01.02.2022


(Upma Srivastava)
Commissioner for
Persons with Disabilities



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भारत सरकार/Government of India

Case No. 12919/1011/2021

Complainant:

Dr. Anil Sahebrao Kuwar,
Plot No.41, Nagai Colony,
Sakri Tal Sakri,
Dist. : Dhule,
Maharashtra – 424 204

— P31235

Versus

Respondent :

Indian Institute of Technology Indore,
(Through the Director)
Khandwa Road,
Simrol,
Indore,
Madhya Pradesh- 453552

— P31236

Disability : 50% locomotor disability

Gist of Complaint:

Dr. Anil Sahebrao Kuwar submitted that he is an unemployed person. He has applied for the post of Assistant Professor in Chemistry subject with Level 12 of Institute as per the advertisement notification No. IIT_Fac_Recruit_SRD_2019_03 dated 26.08.2019 of Indian Institute of Technology Indore under Special Drive for persons with disabilities. He was fulfilling all the minimum requirements stipulated by IIT Indore. Two years have passed and when he inquired about the status of his application, he was told that 'they are unable to proceed with his candidature at present'. The

1 | Page

Institute has rejected his application without any reasons. He submitted that the post of Assistant Professor under PwD category is still remaining vacant.

2. The matter was taken up with the Director, IIT-Indore vide letter dated 12.10.2021.

3. The Registrar I/c, IIT Indore vide letter No. IITI/RO/IITI/2021/96 dated 18.11.2021 submitted that Dr. Anil Sahebrao Kuwar has applied for the post of Assistant Professor Grade I against the advertisement No. IITI_Fac_Recruit_SRD-2019_03 dated 05.09.2019 in the Department of Chemistry. As per the report of the Screening Committee for the shortlisted candidates, the application of Dr. Anil Sahebrao Kuwar was not shortlisted based on the criteria set by the Screening Committee members. His application was not shortlisted owing to not meeting the following reasons;

- a) Area of specialization as per priority of the discipline avoiding existing overlap of research areas within chemistry discipline.
- b) Atleast one paper as one of the authors with very high impact factor and /or patents and / for more specifically to the league of JACS, Angew Chem, Nature Commun, Nature Energy, Chemical Reviews, PNAS etc.

4. The complainant vide his rejoinder dated 18.11.2021 submitted that Rights of Persons with Disabilities Act, 2016, Section 2(y) clearly mention that "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case to ensure persons with disabilities the enjoyment or exercise of rights of equally with others.



As regards the comments of the Respondent to his submission at serial no 2, he submitted that he has gone through the website of IIT Indore and saw a few faculty publications of candidates who were appointed in IIT Indore. He has published the same research publications which few faculties from IIT Indore have published.

The complainant submitted that IIT Indore did not mention the area of research and specialization of the subject. They have given Chemistry only as a discipline. Ph.D is the basic qualification required and three year experience Post Ph.D (Post Doctoral) experience in recruitment in an academic institute in Central Government. Thus he had all the required qualification and experience for the post applied. The Complainant has submitted that in similar cases in the Hon'ble High Court of Punjab-Haryana vide (C.W.P. No.3463 of 2011) and Hon'ble High Court of Madhya Pradesh vide (Writ Petition No. 19833/2017) had passed an order directing the institutes to conduct a written examination within one month and to call the petitioners to call for interview and consider his appointment in accordance with law once he/she qualified the written examination in terms of relaxation provided to the candidate with disabilities. He submitted that IIT Indore is not following the RPwD Act, 2016 and is not maintaining 4% reservation for PwDs for all teaching cadres in the Institute.

Observation & Recommendations:

5. In terms of **Section 34 of the Rights of Persons with Disabilities Act, 2016:**



“Section 34.(1) Every appropriate Government shall appoint in every Government establishment, not less than four percent of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one percent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one percent for persons with benchmark disabilities under clauses (d) and (e), namely:-

- (a) blindness and low vision;*
- (b) deaf and hard of hearing;*
- (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;*
- (d) autism, intellectual disability, specific learning disability and mental illness;*
- (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness by the appropriate Government from time to time:*

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

provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability;

Provided that if the nature of vacancies in an establishment is such that a given category of persons cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit."

6. As per instructions issued by **Department of Personnel & Training, Govt. of India vide O.M. No.36035/02/2017-Estt(Res) dated 15th January, 2018:**

"2. QUANTUM OF RESERVATION

2.1 In case of direct recruitment, four per cent of the total number of vacancies to be filled up by direct recruitment, in the cadre strength in each group of posts i.e. Groups A, B and C shall be reserved for persons with benchmark disabilities.

2.2 Against the posts identified for each disabilities, of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent, under clauses (d) and (e), unless otherwise excluded under the provisions of Para 3 hereinafter:- (a) blindness and low vision; (b) deaf and hard of hearing; (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy; (d) autism, intellectual disability, specific learning disability and mental illness; (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

3. EXEMPTION FROM RESERVATION

If any Ministry/Department in the Central Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation for persons with benchmark disabilities, it shall make a reference to the Department of Empowerment of Persons with Disabilities giving full justification for the proposal, who having regard to the type of work carried out in any Government establishment by notification and subject to such condition, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD) may exempt any Establishment or any cadre(s) fully or partly from the provisions of reservation for persons with benchmark disabilities."



7. As per **Section 2(y)** of the **Rights of the Persons with Disabilities Act, 2016** reasonable accommodation has to be provided to persons with disabilities as quoted under:

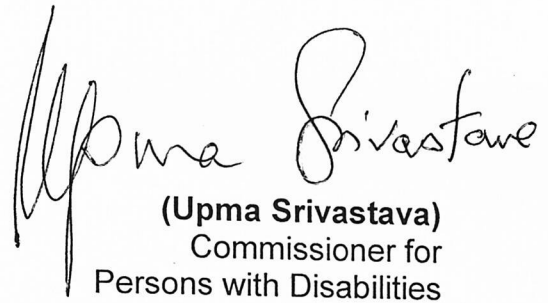
“Section 2.(y) – “reasonable accommodation” means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others.”

8. Though it is understood that the decision of the Scrutiny-cum-Selection Committee is final so far as selection and appointment of faculty is concerned yet by providing reasonable accommodation (as per above provision) to persons with disabilities in terms of slightly relaxed standards at the time of interview when all other eligibility requirements are being met would be in the fitness of things. This would ensure that a person with disability gets employment as well as the vacancy does not remain unfilled.

9. The respondent is recommended to adhere to the provisions of the Rights of Persons with Disabilities Act, 2016 and Government instructions as quoted above without fail.

10. The case is disposed off.

Dated : 01.02.2022


(Upma Srivastava)
Commissioner for
Persons with Disabilities



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भारत सरकार/Government of India

Case No. 12823/1014/2021

Complainant:

Shri Saurabh Kumar,
President,
TOSHIYAS,
G/8, Nandan Tower,
Colony More,
Kankarbagh,
Patna- 800020

— 1231233

Versus

Respondent :

Chief Postmaster General, Bihar Circle,
Meghdoot Bhawan,
Hardinge Road,
Veerchand Patel Road Area,
Patna,
Bihar - 800001

— 1231234

Gist of Complaint:

The complainant submitted that Bihar Postal Circle has advertised for appointment of 42 candidates on merit. The link was given at Govt. portal result.com / job.com, but it was shocking that the said link did not open from 30.06.2021 to 14.07.2021. As a result, the PwDs along with other candidates could not apply to these posts. The complainant has requested this Court to punish the concerned official for dereliction of his duty.

2. The matter was taken up with the Chief Postmaster General, Bihar Circle vide letter dated 12.08.2021.

1 | Page

3. The Assistant Director (Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna vide letter No.R&E/PH/Saurabh Kumar/2021 dated 08.09.2021 submitted that the complainant Shri Saurabh Kumar was examined and it is to mention that Bihar Circle has notified vacancy for 1940 posts on 27.04.2021 for recruitment of Gramin Dak Sevak in all the Sub-Division/Division/Units in which 42 vacancies have been reserved for PH candidates as per the existing rules. The vacancies of GDS-BPM is calculated at Division level being the Engaging Unit whereas vacancies of GDS-ABPM/Dak Sevak is calculated at Sub Division/Unit level being Engaging Unit based on roster. The Engaging Authority of GDSBPM is Divisional Head of the concerned Division and for ABPM post Sub-Divisional head of concerned postal Sub Division. The engagement process to fill up 1940 vacant posts including 42 PH is under process. The Recruiting / Engaging Authority at Division and Sub-Division level earmarked the vacancies for PH in GDS online engagement cycle 3rd which is notified on 27.04.2021. As there are different Recruiting/Engaging Authority for GDS, reservation for PH has been marked separately by concerned recruiting authority as per available vacancy under their respective establishment and not as whole for Bihar Circle on total notified post of 1940 vacancies. The Respondent submitted that as far as opening of website is concerned for applying to the post of GDS, Bihar Circle had issued notification on 27.04.2021 and window to apply online was opened from 27.04.2021 to 26.05.2021. The window was reopened from 30.06.2021 to 14.07.2021 for applying and registration for the candidates who could not apply due to COVID lockdown etc. The same was also advertised in the leading newspapers of Bihar, i.e. Dainik Hindustan on 30.04.2021 and 01.07.2021 for applying on <http://www.appost.in/gdsonline> and <http://www.indiapost.gov.in>

4. No rejoinder to the this Court's letter dated 18.10.2021 was received from the complainant.

5. **Hearing** : An hearing through video conferencing by the Commissioner for Persons with Disabilities was fixed on 23.12.2021.

6. The following persons were present during the hearing ;

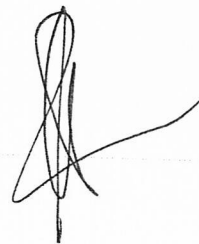
Complainant : Shri Saurabh Kumar, Complainant

Respondent : Shri M. Kumar, Inspector (Recruitment), on behalf of Respondent.

Observation & Recommendations:

7. Complainant submits that 42 vacancies were notified for the post of Gramin Dak Sevak (GDS). Online link was made available to apply for the post. Grievance of the Complainant is that from 03.06.2021 till 14.07.2021 the link did not work hence many Divyang were not able to apply for the post.

8. Respondent submits that total 1940 GDS posts were advertised on 27.04.2021, out of which 42 were reserved for Divyangjan. Online link was made available to apply for the posts. The link remained active from 27.04.2021 till 26.05.2021. Thereafter the link was made active again from 30.06.2021 till 14.07.2021, to facilitate those who could not apply for the first time because of Covid.



9. During the online hearing Respondent informed the court that total 3.5 Lakh Divyang candidates applied for the post. Further, it was informed by the Respondent that Divyang candidates were able to apply during 27.04.2021 till 26.05.2021 and also from 30.06.2021 till 14.07.2021. Since other Divyangjan were able to apply, hence this Court concludes that the Complaint holds no grounds. Intervention of this Court in the present Complaint is not warranted

10. The case is disposed off.

Dated: 01.02.2022


(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. 12894/1141/2021

Complainant:

Shri Amit Kumar Goswami,
Anjali Apartment, B-7/63 P.O. Kalyani,
District: Nadia, West Bengal -741235;
Email: kalyani.amit1@gmail.com; Mobile: [8777713625](tel:8777713625)

— P31230

Respondent:

(1) Chief Executive Officer,
Indi Go Airlines
Level 1, Tower C, Global Business Park,
Mehrauli-Gurgaon Road, Gurgaon – 122 002 (Haryana)
Email: nodalofficer@goindigo.in
Tel :0124- 435 2500;

— P31231

(2) Director General,
Directorate General of Civil Aviation,
Technical Centre, Opposite: Safdarjung Airport,
Aurobindo Marg, New Delhi-110003;
Email: dgoffice.dgca@nic.in;
Phone: 011-24627830, 24620784

— P31232

1. Gist of Complaint:

1.1 Shri Amit Kumar Goswami, a person with 70% locomotor disability and a wheelchair bound paraplegic filed a complaint dated 24.08.2021 regarding violation of basic rights of passenger with disability by IndiGo Airlines.

1.2 The complainant submitted that on 24.07.2021 he had got booked tickets in IndiGo Airlines from Chennai to Kolkata (Flight 6E292 PNR NG88HY). He was unaware about the new procedure of advance booking for wheelchair carriage. The ground staff in Chennai airport told us about the new procedure of advance booking of wheelchair and also informed that the maximum wheelchair

(Page 1 of 9)

slot were already booked for that Flight. He requested the ground staff to arrange for the next flight as wheelchair carriage is mandatory for him. The ground staff assured him that wheelchair would be available at Kolkata Airport.

1.3 As the flight landed at Kolkata airport, the complainant had to wait for the wheelchair nearly 45 minutes in his seat while sanitizers and other chemicals were sprayed onto him; being a paraplegic person, he remained seated bewildered at their inconsiderate behaviour. He missed his important meeting in his bank due to that intentional delay and also suffered from fever, nausea and severe breathing problems due to the application of chemicals/sprays on him.

1.4 The complainant mailed the whole incidence to the IndiGo authority and claimed full refund of ticket fare as well as the cost of his treatments. But IndiGo authority denied his claim. They offered vouchers of ₹4000/- applicable in the next flight ticket booking. The approach of IndiGo authority towards wheelchair bound paraplegic persons was very much unacceptable and any wheelchair bound person should not face this in future.

1.5 The complainant claimed full refund of the ticket fare as well as cost of treatments and assurance of not happening this in future to any wheelchair users.

2. Submissions made by the Respondents

2.1 Respondent No.1 (IndiGo) in their reply dated 11.10.2021 submitted that the complainant had booked tickets in IndiGo Airlines (Flight 6E292 PNR NG88HY) to travel on 26.07.2021 from Chennai International Airport to Netaji Subhas Chandra Bose International Airport Kolkata. The Respondent No.2 (DGCA) is the principal administrative authority under the Central Government for regulating civil aviation in India. In the Civil Aviation Requirements [CAR] issued by DGCA, specific provisions have been made for the persons with



reduced mobility to travel by air. The CAR relevant to this case were mentioned as under:-

- **"4. Requirements**

4.1.5. It shall be the responsibility of the persons with disability or reduced mobility to notify their needs at least 48 hours before the scheduled time of departure so that the airline makes necessary arrangements, which may include but not limited to the following:

- a. Nature and level of special assistance required while **embarking, disembarking** and during in flight;
- b. **Mobility equipment and assistive devices** that need to be carried by the airline either in cabin and/or aircraft hold;
- c. **Requirement of escort.**"

- **"9.4 Special/Disability Assistance**

a. All persons with a disability or reduced mobility shall notify IndiGo of their requirements, if any, at least 48 (forty-eight) hours before the scheduled time of departure of the flights booked by them so that IndiGo can make necessary arrangements to cater to any of the following requirements:

- i. assistance required while embarking and disembarking. IndiGo is required to be notified of the nature and level of assistance required by a Customer;
- ii. mobility equipment and assistive devices that need to be carried by IndiGo, either as a Hand Baggage and/or as a Checked-in Baggage; or
- iii. requirement of an escort or a safety assistant.

IndiGo may provide the assistance as set out above to the Customers, at its discretion. IndiGo may also seek the **opinion** of medical practitioners and other experts appointed by IndiGo before providing any such assistance to the Customers."

"j. Mobility Assistance:

i. IndiGo would be more than happy to provide a wheelchair as per a Customer's requirement. The Customer is required to inform IndiGo about his/her request for a wheelchair, at least 48 (forty-eight) hours before the scheduled time of departure so that IndiGo can make necessary arrangements. To ensure the service meets the Customer's needs, IndiGo's Booking team or the airport staff may ask the Customer some questions to determine the level of assistance the Customer requires.



ii. *IndiGo's wheelchair service is provided at no additional charge to the Customer. The wheelchair service includes assistance in transporting you within the airport area and to your designated seat on an aircraft (depending on the airport facilities). A designated attendant will not be assigned to your wheelchair. Therefore, it is imperative that you inform the counter during check in in case you need to be taken to the washroom or food court before being assisted till the boarding gate.*

iii. *Our team is trained and can assist if you are unable to transfer by yourself from the wheelchair to the seat or from the seat to the wheelchair;*

iv. *Whilst IndiGo makes its best effort to help Customers to reach in time for their onward flight, Customers are requested to be aware that there might be a delay in assisting them during busy periods. **IndiGo** shall not be liable to Customers, who miss their onward flights in case of any such delay. We would always advise Customers to factor in such delays while making their travel plans.*

v. *There might be unpredictable circumstances such as weather or mechanical problems that may call for a last minute unavoidable changes, however IndiGo will make its best efforts to accommodate the needs of a Customer."*

***"How can I opt for wheelchair assistance at the airport?
Wheelchair Assistance***

We have wheelchairs available for use at all airport locations to assist with transportation from check-in to the boarding gate, making connections (if applicable) and from the aircraft to the arrivals hall at the destination. However, this depends upon the availability of wheelchairs on flight.

Process to opt for assistance

In order to make necessary arrangements we request you to call us 48 hours prior minimum. Customers can request this service when making their flight booking via our call centre or they can call us after making their booking on our website."

2.2 Accordingly, the complainant was bound to inform IndiGo, at least 48 hours prior to the scheduled time of departure of the Flight, regarding the requirement of wheelchair assistance so that IndiGo could make necessary arrangements for the Complainant. Therefore, admittedly the Complainant was

not in compliance with the relevant provisions stated above. It has been admitted by the Complainant that it was only when he reached the airport he had requested IndiGo to provide a wheelchair.

2.3 The Applicable CAR came into effect on March 28, 2014, and IndiGo has fully complied with the provisions of the Applicable CAR since its effective date and continues to do so as on the date of this reply. Accordingly, it is denied that IndiGo's is in compliance with any 'new processes' as stated in the Complaint, which the Complainant claimed that he was not aware of.

2.4 The provisioning of wheelchair services at airports in India, falls under the purview of the relevant airport operator at such airport. On the basis of the wheelchairs required for each flight, airlines are required to coordinate with the relevant airport operator in order to ensure passengers are provided wheelchairs in accordance with their requirements. This emphasizes the requirement for at least 48 hours' prior notice of wheelchair assistance being required by any passenger, as set out in the Applicable CAR and the IndiGo CoC (Conditions of Carriage).

Despite the Complainant not having met the requirements set out in the Applicable CAR and the IndiGo CoC, in order to provide the Complainant with the best possible assistance, IndiGo's staff at Chennai Airport arranged for a wheelchair for the Complainant without any delay, i.e. within 3-4 minutes of the Complainant having placed such a request. The Complainant was assisted with the wheelchair and in boarding the Flight, and successfully completed his journey to Kolkata Airport.

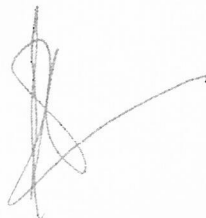
2.5 Respondent denied that IndiGo took 45 minutes post arrival at Chennai Airport to disembark the Complainant. The Flight arrived at Kolkata Airport prior to its scheduled arrival time on July 26, 2021. In addition to the

Complainant, the flight had five other passengers requiring wheelchair assistance, with the Complainant being the sixth such passenger being provided this facility on the flight. The Flight was carrying a total of 127 passengers on board. In accordance with the provisions of the Applicable CAR, after all other passengers had left the cabin, IndiGo's staff commenced the disembarkation of all six passengers requiring wheelchair assistance. The entire process from the disembarkation of all 127 passengers from the Flight, including the Complainant was completed in approximately 15-17 minutes.

2.6 IndiGo denied that any sanitizers or chemicals were sprayed on the Complainant. In the light of the COVID-19 pandemic, while the passenger disembarkation process was ongoing, IndiGo's staff commenced the sanitization of the aircraft seats using a medically approved CH2200 spray. CH2200 is a non-toxic, biodegradable disinfectant cleaner that has been formulated to be used on all types of materials found on aircraft, which is further diluted with water prior to use on aircraft. The spray used in this case was not directed towards any customer and was directly aimed towards the ground and in vacant seats.

2.7 Despite no fault in respect of this matter being attributable to IndiGo, purely as a goodwill gesture with an intent to assist the Complainant in the best possible manner, and without admission of any liability, IndiGo offered the Complainant travel vouchers worth Rs.4000/- usable against any future travel with IndiGo. However, for reasons best known to the Complainant, this offer was declined.

2.8 In the light of the fact submitted above, the Complainant was not discriminated against in any manner, nor were any of the Complainant's personal liberties violated by IndiGo. The Complainant has not proven any medical issues arising out of any alleged spraying of sanitizer on the Complainant, and that the



Complaint was treated for any such medical issues, and has also not stated the cost of such alleged treatment.

3. Submissions made in Rejoinder

3.1 In his Rejoinder dated 11.11.2021, the complainant added that the flight was a one stop flight stopping at Netaji Subhas International Airport and heading to Tripura next. There were passengers heading to Tripura reluctant to leave the flight in between but was forced to leave the cabin since the flight was going to be sanitized then. If the same was sprayed over them it wouldn't have caused much damage to them or their health or to the social etiquette according to IndiGo, which was absurd. This act of IndiGo was not only risky to health damage (especially in case of Divyangjan) but also it was inequality and disrespect to the persons with disabilities.

3.2 It is false to say by IndiGo that at Kolkata Airport disembarkation took only 15-17 minutes. IndiGo never said about the disembarkation at Chennai Airport since he embarked in the flight at Chennai Airport heading to Kolkata Airport.

3.3 Why did the sanitizer CH2200 was not sprayed after disembarkation. As per the Government guidelines gloves should be worn by the staffs spraying CH2200 since it is corrosive. People with Disabilities have a highly sensitive skin and no safety precaution like gloves were worn by the complainant or the fellow disabled passenger sitting next to him. Due to his long term neurological complications, the complainant had to a artificial urinary drainage system since 2016. On 14.07.2021, a bladder stone was operated in CMC Vellore and all of these medical documents and discharge summary of CMC Vellore was checked by ground staff in Chennai Airport at the time of boarding on 26.07.2021.

Despite knowing all these medical complications, how did the crew members use the chemicals i.e. sanitizer on him.

3.4 With regard to spray of sanitizer on vacant seats and floors only, the complainant was sitting in the middle seat (seat change done after his need of wheelchair was informed to the ground staff) and sanitizer sprayed to both sides of him which was actually spraying the sanitizer on him, concentrating on his body. Since the complainant or the person sitting next to him were persons with disabilities, IndiGo showed the audacity to spray sanitizer on them and proudly defending the same. The complainant reiterated his claim of full refund of his ticket price and compensation for physical and mental harassments.

4. **Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on 23.12.2021. The following persons were present:

- (1) Shri Amit Kumar Goswami, the complainant.
- (2) Shri Rahul Kumar, Associate General Counsel on behalf of IndiGO.
- (3) Shri Amit Gupta, Director, DGCA

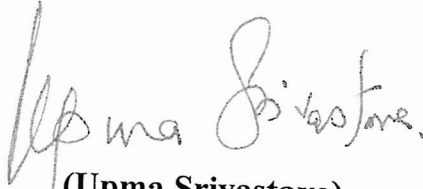
Both the parties were heard.

Observations & Recommendations

5. Complainant is related to inhuman treatment of the Complaint by the Respondent. Complainant submits that he travelled from Chennai to Kolkata on 24.07.2021 by using airlines services of the Respondent. When the flight landed in Kolkata airport, the Complaint was made to wait for 45 minutes for deboarding because inordinate delay was caused in providing a wheelchair to the Complainant. When the Complainant was waiting for the wheelchair while sitting inside the plane, the Sanitization team of the Respondent arrived and sprayed sanitizer on the Complainant. When the Complainant reported the incident to the Respondent, they offered Rs. 4000 voucher. Complainant claims that he suffered body injuries because of the spray and wants refund of ticket amount.

6. Respondent airlines refuted the claim and submitted that since wheelchair bound passengers are procedurally deboarded at last hence 15-20 minutes delay was caused and not 45 minutes delay. Respondent is duty bound to sanitize the Plane as per DGCA directions. Sanitizer was sprayed on floor and vacant seats and not on the Complainant. As a goodwill gesture Rs. 4000 voucher was offered to the Complainant.
7. Complainant has failed to prove that the sanitizer was sprayed targeting the Complainant. There also appears no motive for the Airlines to deliberately harass the complainant. Delays in deboarding & sanitization is as per laid down procedure. The Airline has also offered compensation in case of discomfort caused inadvertently. Interference of this Court in the present Complaint is not warranted.
8. Accordingly the case is disposed off.

Dated: 01.02.2022


(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: 12899/1023/2021

Complainant: Shri Sanjay Dangi
E-mail: <sanju.dangi8512@gmail.com>

— 1231192

Respondent: The Director
Indian Institute of Technology
Banaras Hindu University, Varanasi
Uttar Pradesh – 221005
E-mail: <office.establishment@itbhu.ac.in>

— 1231198

Complainant: 40% visual impairment

GIST of the Complaint:

Complainant vide complaint dated **21.09.2021** submitted that he had joined IIT, BHU as Jr. Assistant on 20.03.2018 under PwDs category and he worked from 20.03.2018 to 23.06.2020. He alleged that during the service period, neither he was provided TA at double the normal rate nor Special causal leave granted to him.

2. The matter was taken up with the Respondent vide letter dated **05.10.2021** under Section 75 of the RPwD Act, 2016.

3. Respondent vide letter dated **28.10.2021** inter-alia submitted that Institute has no objection in granting travelling allowance at double rate to Shri Sanjay Dangi for the duration of his stay in the Institute i.e. 20.03.2018 to 23.06.2020 provided that he has to submit a certificate from the Head of Ophthalmological Department of Govt. Hospital as per OM No. 19029/1/78/E IV (B) dated 31.08.1978 of Department of Expenditure, Ministry of Finance, Govt. of India.

...2.....

4. Complainant vide rejoinder dated **01.11.2021** reiterated his grievance and submitted that he is a person with 40% visual impairment and Institute is seeking 100% visual impairment certificate from him as per OM no. 19029/1/78/EIV(B) dated 31.08.1078 but as per latest OM person with disability are eligible for TA at double the normal rate.

5. After considering the respondent's reply dated **28.10.2021** and the complainant's rejoinder dated **01.11.2021**, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **30.12.2021**.

Hearing: The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **30.12.2021**. The following were present:

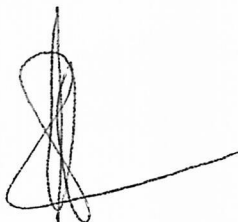
- Complainant – Shri Sanjay Dangi
- None appeared on behalf of respondent

Observation/Recommendations:

5. Complainant submits that he got appointed in the Respondent establishment in 2018 and worked till 2021. He claims that he is entitled for Double TA but he was not paid TA at double rate. He claims that he is entitled for 12 casual leaves as against 8. He prays before the court to grant Double TA with interest for period starting from 23.03.2018 to 23.06.2021.

6. Respondent refutes the claims of the Complainant and submits that as per OM of 1978, Double TA is admissible on the recommendation of the Head of Ophthalmological Department. Respondent requested Head of Ophthalmological, BHU on 11.06.2019 to submit his comments. No comments have been received yet. Respondent submits that it has no objection in granting double TA if the Complainant can submit certificate from Head of Ophthalmological Department of Government Hospital.

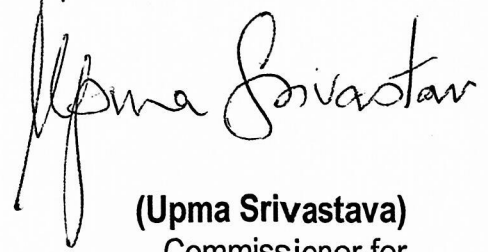
7. This Court appreciates the approach adopted by the Respondent. Since the Respondent agrees to grant double TA, hence this Court recommends that the Respondent shall inform the



.....3.....

Complainant about proper format of certificate and shall issue Transport Allowance at double rate subject to the production of certificate from head of Ophthalmological Department of Government hospital.

8. Case is disposed off.



(Upma Srivastava)
Commissioner for
Persons with Disabilities

Dated: 01.02.2022



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: 12887/1023/2021

Complainant: Shri Pradeep Sharma
D – 403, Shubhkamna Apartments
Plot No. F – 31, Sector – 50
Noida – 201301, Uttar Pradesh
E-mail: <pradeepsharma2929@gmail.com>

— R31194

Respondent: The General Manager
UCO Bank, Head office
10 BTM, Sarani, Kolkata – 700001
e-mail: <gm.gad@ucobank.co.in>

— R31195

The Zonal Head
UCO Bank, Zonal Office
Sansad Marg, No. 05, Pandit Pant Marg Area
New Delhi – 110001

— R31196

Complainant: Shri Nabh Sharma a person with 75% locomotor disability

GIST of the Complaint:

Complainant vide complaint dated **01.09.2021** submitted that his son Shri Nabh Sharma is presently working in UCO Bank, Noida and he has described the incident which took place on 12.04.2021 with his son. Due to some urgency, his son asked for permission to go home early at 4 o'clock from Branch Manager and at about 3.45 pm the Branch Manager along with Dy. Branch Manager left the office for some work and ordered the armed guard Shri Nandan Singh to lock the main gate from inside at 4.00 pm and not allow Nabh Sharma to go out before 5.00 pm. After hot argument with guard some scuffle took place for opening the door and glass of door was broken and he got injury. He further submitted that after incident, chargesheet has been issued to his son for riotous or disorderly and indecent behaviour, wilful damage to bank property and wilful insubordination or disobedience of a lawful and reasonable orders of management.

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं० जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892275
5th Floor, NISD Bhawan, Plot No.G-2, Sector-10, Dwarka, New Delhi-110075; Tel. No.011-20892275

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)

2. The matter was taken up with the Respondent vide letter dated **16.09.2021** under Section 75 of the RPwD Act, 2016. But despite reminders dated **07.10.2021** & **21.10.2021**, no response has been received from the respondent. Therefore, hearing scheduled on **09.12.2022**.

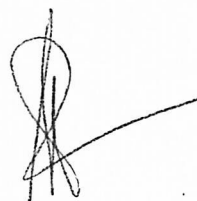
Hearing: The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **09.12.2022**. The following were present:

- Shri Pradeep Sharma on behalf of Complainant
- Shri I.S. Chauhan, Advocate and Shri N.K. Pandey, Law Officer on behalf of respondent

Observation/Recommendations:

3. Complaint is filed by father of Nabh Sharma who is a divyang employee in Respondent establishment. Complaint is related to the incident which took place on 12.04.2021. Complainant alleges that on 12.04.2021, at 03.45 P.M. branch manager and deputy branch manager left the office and ordered the armed guard to lock the office and did not let Nabh exit from the office. At 04.00 P.M., Nabh asked the guard to open the door as he intended to go out of office. Because of being locked, Nabh felt suffocated and felt threat for his life. He asked the guard repeatedly to open the door. Scuffle took place between Nabh and the guard. Thereafter, enquiry was Ordered against Nabh and Chargesheet was issued alleging that he caused willful damage to bank property, willful disobedience and riotous behaviour.

4. Respondent submits that on the date of incident, armed guard was ordered to close the door because the cash vault was open. The door was kept shut for everyone and not just for Nabh Sharma. Branch Manager instructed all the staff not to leave the branch before 05.00 P.M. because of heavy workload. Nabh Sharma was earlier posted in Noida branch. Because of a similar complaint, he was transferred to Nehru Place branch where the whole incidence happened. After receiving the Complaint, an investigation was Ordered and is still in continuation.



5. Video recordings of the whole incident were also submitted by both the parties and was pursued by this court. It is evident that Nabh Sharma was stopped from going out of the office. Restraining him is also the root cause of the whole incident.

6. This court concludes that the act of Respondent establishment in restraining the movement of Nabh Sharma is violation of disability rights and also human rights of Nabh Sharma and also attracts penal provisions of Indian Penal Code. Respondent has submitted various reasons for closing the gate for instance, the cash vault was open at that time. These reasons may be compelling but cannot become an excuse to neglect the special needs of divyang employee of the Respondent establishment.

7. Section 20 of Rights of Persons with Disabilities Act, 2016 also mandates that government establishment is mandated to take care of special needs of the divyang employees. Provision lays down that government establishment shall provide a) reasonable accommodation, b) barrier free environment and c) conducive environment to its divyang employees.

8. Term 'Barrier' is defined in Section 2(c) of RPwD Act, 2016. As per the provision "barrier" means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society. This court concludes that by restraining the movement of Nabh Sharma, Respondent establishment failed to provide barrier free environment to the employee. In the present set of facts, 'barriers' were infrastructure barriers which restrained the employee in going out and also attitudinal barriers of the concerned officers of Respondent establishment who failed to adopt empathetic approach towards Nabh Sharma.

9. Respondent initiated disciplinary proceedings against Nabh Sharma because of the incident complained against. This further reflects lack of availability of barrier free and conducive environment for divyang employees in Respondent establishment.



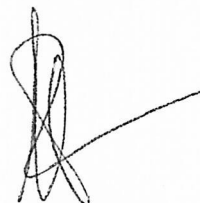
10. This court is also compelled to mention the concept of 'Reasonable Accommodation'. Concept of Reasonable Accommodation is defined in Section 2(y) of Rights of Persons with Disabilities Act, 2016. As per provision, it means necessary and appropriate modification and adjustments, to ensure to Persons with Disabilities the enjoyment or exercise of rights with others. Further, Section 20(2) makes it a positive obligation of every government establishment to provide 'Reasonable Accommodation' and appropriate barrier free and conducive environment to divyang employees.

SECTION 2(y) - "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others

SECTION 20(2) - Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

11. This principle is incorporated in RPwD Act, 2016 for effective implementation of rights recognised or guaranteed by the Act. Concept of 'Reasonable Accommodation' is not new in Indian legal jurisprudence. Hon'ble Supreme Court in JEEJA GHOSH v. UNION OF INDIA; (2016) 7 SCC 761, noted that a key component of equality is the principle of reasonable differentiation and specific measures must be undertaken, recognizing the different needs of persons with disabilities, to pave the way for substantive equality. Principle of 'Reasonable Accommodation' acknowledges that in order to rectify the social problem of discrimination with divyangs, affirmative conditions have to be created for facilitating the development of Divyangjans. This principle is not merely a formality, it is component of duty not to discriminate with Divyangjans hence the state is bound to provide these facilities to its Divyangjans. Hon'ble Supreme Court explained this in VIKASH KUMAR v. UPSC; 2021 SCC OnLine SC 84.

"54. The principle of reasonable accommodation has found a more expansive manifestation in the RPwD Act 2016. Section 3 of the RPwD Act 2016 goes beyond a formal guarantee of non-discrimination by casting affirmative duties and obligations on



government to protect the rights recognized in Section 3 by taking steps to utilize the capacity of persons with disabilities "by providing appropriate environment". Among the obligations which are cast on the government is the duty to take necessary steps to ensure reasonable accommodation for persons with disabilities. The concept of reasonable accommodation in Section 2(y) incorporates making "necessary and appropriate modification and adjustments" so long as they do not impose a disproportionate or undue burden in a particular case to ensure to persons with disability the enjoyment or exercise of rights equally with others." Equality, non-discrimination and dignity are the essence of the protective ambit of the RPwD Act 2016."

12. This concept is connected with the principle of equality mentioned in Article 14 of Indian Constitution. The concept helps Divyangjan to eliminate the limitations on the performance of divyang employees. This concept is not limited to making modification in physical infrastructure only. Modifications must be made in every aspect of the job which can cause substantial disadvantage to divyang employee in comparison with enabled employee. In addition to modification in physical features of infrastructure, modification can also be made in working hours, assessment of divyang employee, pre-promotion training, providing assistive aids and devices etc.

13. Physical and social environment are unfortunately designed in such ways that at times consciously and other times unconsciously, Divyangjan are subjected to exclusion, segregation. Misconceptions and preconceived notions relating to divyang employees' incapability to perform job also exist. Concept of Reasonable Accommodation plays a crucial role in removal of such barriers.

14. This Court concludes that Respondent has failed in upholding disability rights of Nabh Sharma. Respondent could have taken care of special needs of Nabh Sharma. It can be understood that act of restraining free movement of Nabh Sharma who is divyang might have caused psychological apprehension in the mind of Nabh Sharma. For divyangjan such apprehension is of severe degree as compared to an enabled person. Empathetic attitude towards Nabh Sharma who is a divyang employee could have avoided the whole incident.

.....7...

15. This Court recommends that the Respondent shall inform the enquiry committee about divyang status of Nabh Sharma and take an empathetic view of the whole incident. Counselling and conversation between the affected parties instead of imposition of penalty is recommended. Further, this Court further recommends that Nabh Sharma may be transferred to such branch of his choice where he may perform best to his abilities and for optimum result.

16. Case is disposed off.


(Upma Srivastava)
Commissioner for
Persons with Disabilities

Dated: 01.02.2022



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: 12855/1023/2021

Complainant: Ms. Vilasben Jayantilal Patel
E-mail: <kpatel6699@gmail.com>

— 23/192

Respondent: Sr. Postmaster
Office of the Sr. Postmaster
Valsad, Head Post Office - 396001
E-mail: <dovalsad.gj@indiapost.gov.in>

— R31193

Complainant: 100% visual impairment

GIST of the Complaint:

Complainant vide complaint dated **21.08.2021** submitted that she is 100% visually impaired and retired on 31st May 2020 from post office, Valsad and she is living with her 56 years old unmarried, visually impaired brother. She further submitted that she is not getting any pension and they don't have source of income. She has requested to recommend her case for pension from Department of Posts.

2. The matter was taken up with the Respondent vide letter dated **07.09.2021** under Section 75 of the RPwD Act, 2016.

3. Respondent vide letter dated **11.10.2021** inter-alia submitted that ex-official was appointed after 01.01.2004, hence New Pension Scheme or National Pension System is applicable for the Ex-official and she is not entitle for Central Civil Service Pension Rule 1972.

4. Complainant vide e-mail dated **14.11.2021** alleged that she has not received Rs. 2,63,390/- under National Pension System 60% Corpus Amount.

5. After considering the respondent's reply dated **11.10.2021** and the complainant's rejoinder dated **14.11.2021**, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **24.12.2021** but due to administrative exigencies, hearing rescheduled on **30.12.2021**.

Hearing: The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **30.12.2021**. The following were present:

- Complainant – absent
- Shri Shishir Kumar, Sr. Supdt of Post Offices, Valsad & Shri Avinash Kumar on behalf of respondent

Observation/Recommendations:

6. Complainant submits that he was employed in Respondent establishment and retired in May 2020. Further he submits that there is a scheme as per which she is entitled to get disability pension but Respondent is denying her pension.

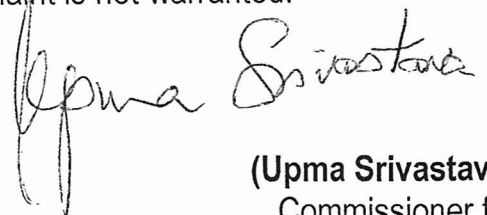
7. Respondent submits that the Complainant was appointed on 27.06.2013 and superannuated on 31.05.2020. Since she was appointed after 01.01.2004 hence, New Pension Scheme was applicable to her. As per NPS all her retirement dues were settled.

8. Complainant is claiming pension under some scheme which is different from NPS but no detail of any such scheme is submitted, not even the name of such scheme is mentioned. Hence detail of such scheme may be asked from the Complainant and also from the Respondent.

9. During online hearing, Respondent submitted that disability pension is admissible only if such employee acquires disability during the course of employment. If an employee is already disabled on the date of joining then no disability pension is applicable to such employee. Respondent further informed the court that before joining the Respondent establishment, the Complainant was working as Grmain Dak Sevak and pension is not allowed to GDS employees.

10. This Court concludes that interference in the present complaint is not warranted.

11. Case is disposed off.



(Upma Srivastava)
Commissioner for
Persons with Disabilities

Dated: 01.02.2022



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: 12912/1023/2021

Complainant: Shri Amrit Kumar
E-mail: <amritpatna.vh@gmail.com>

— R31190

Respondent: The General Manager
East Central Railway
Hajipur, Bihar
E-mail: <gm@ecr.railnet.gov.in>

— R31191

Complainant: 75% visual impairment

GIST of the Complaint:

प्रार्थी का अपनी शिकायत दिनांक **24.09.2021** में कहना है कि वह दिनांक 04.12.2015 में चौकीदार पद पर दिव्यांग कोटे के तहत नियुक्त हुए और उनके साथ दिनांक 01.12.2015 को श्री प्रवेश प्रसाद भी खलासी हेल्पर के पद पर नियुक्त हुए। प्रार्थी का आरोप है कि सातवें वेतन आयोग के बाद उनका वर्तमान मूल वेतन 21500/- है जबकि श्री प्रवेश प्रसाद मूल वेतन 22100/- है।

2. The matter was taken up with the Respondent vide letter dated **07.10.2021** under Section 75 of the RPwD Act, 2016. But despite reminders dated **25.10.2021** & **09.11.2021**, no response has been received from the respondent. Therefore, hearing scheduled on **30.12.2021**.

Hearing: The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **30.12.2021**. The following were present:

- Shri Amrit Kumar - Complainant
- Shri Rajesh Saxena, Advocate on behalf of respondent

Observation/Recommendations:

3. Complainant submits that he holds the post of Chowkidar. He claims that another employee namely Pravesh Prasad was appointed on the same post in the same pay scale on same date. At present basic pay of the Complainant is Rs. 21,100 whereas basic pay of Pravesh Prasad is Rs. 21,500.

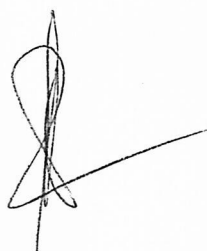
4. Respondent submits that Vide Notification dated 28.07.2016 certain guidelines were issued regarding fixation of pay. As per the notification employee could choose a month of increment. Complainant did not exercise his option to choose month of increment whereas Pravesh Prasad did. Hence, month of increment in case of Complainant was chosen on default basis.

5. It was fair on the part of the Respondent to abide by the procedural requirement, however, fact that disability often becomes hindrance in performing essential procedures must also be considered while resolving such disputes. Complainant may not have complied with the procedural requirement of choosing the month of increment, however, Respondent may give opportunity to the Complainant to rectify its mistake of not adhering to the procedural requirement. Providing such an opportunity to the Complainant is not an act of charity but compliance with the principle of 'reasonable accommodation' as envisaged in Rights of Persons with Disabilities Act, 2016.

6. 'Reasonable Accommodation' is defined in Section 2(y) of Rights of Persons with Disabilities Act, 2016. As per provision, it means necessary and appropriate modification and adjustments, to ensure to Persons with Disabilities the enjoyment or exercise of rights with others. Further, Section 20(2) makes it a positive obligation of every government establishment to provide 'Reasonable Accommodation' and appropriate barrier free and conducive environment to divyang employee.

SECTION 2(y) - "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others

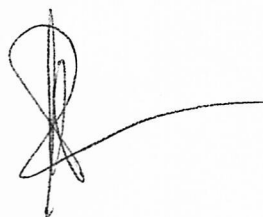
SECTION 20(2) - Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.



7. This principle is incorporated in RPwD Act, 2016 for effective implementation of rights recognised or guaranteed by the Act. Concept of 'Reasonable Accommodation' is not new in Indian legal jurisprudence. Hon'ble Supreme Court in JEEJA GHOSH v. UNION OF INDIA; (2016) 7 SCC 761, noted that a key component of equality is the principle of reasonable differentiation and specific measures must be undertaken, recognizing the different needs of persons with disabilities, to pave the way for substantive equality. Principle of 'Reasonable Accommodation' acknowledges that in order to rectify the social problem of discrimination with divyangs, affirmative conditions have to be created for facilitating the development of Divyangjans. This principle is not merely a formality, it is a component of duty not to discriminate with Divyangjans hence the state is bound to provide these facilities to its Divyangjans. Hon'ble Supreme Court explained this in VIKASH KUMAR v. UPSC; 2021 SCC OnLine SC 84.

"54. The principle of reasonable accommodation has found a more expansive manifestation in the RPwD Act 2016. Section 3 of the RPwD Act 2016 goes beyond a formal guarantee of non-discrimination by casting affirmative duties and obligations on government to protect the rights recognized in Section 3 by taking steps to utilize the capacity of persons with disabilities "by providing appropriate environment". Among the obligations which are cast on the government is the duty to take necessary steps to ensure reasonable accommodation for persons with disabilities. The concept of reasonable accommodation in Section 2(y) incorporates making "necessary and appropriate modification and adjustments" so long as they do not impose a disproportionate or undue burden in a particular case to ensure to persons with disability the enjoyment or exercise of rights equally with others." Equality, non-discrimination and dignity are the essence of the protective ambit of the RPwD Act 2016."

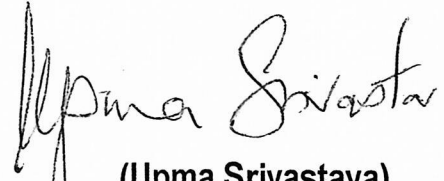
8. This concept is connected with the principle of equality mentioned in Article 14 of Indian Constitution. The concept helps Divyangjan to eliminate the limitations on the performance of divyang employees. This concept is not limited to making modification in physical infrastructure only. Modifications must be made in every aspect of the job which can cause substantial disadvantage to divyang employee in comparison with enabled employee. In addition to modification in physical features of infrastructure, modification can also be made in working hours, assessment of divyang employee, pre-promotion training, providing assistive aids and devices etc.



....4....

9. Ensuring fairness to both the parties, this Court recommends that the Respondent shall explain and assist the Complainant in exercising the procedural requirements laid down under Notification dated 28.07.2016 and other guidelines relating to choosing month of increment and shall bring the salary of the Complainant at par with the other employee namely Pravesh Prasad, within a period of three months from the date of issue of these orders

10. Case is disposed off.



(Upma Srivastava)

Commissioner for Persons with Disabilities

Dated: 01.02.2022



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: 12914/1023/2021

Complainant: Shri Shibu S.V.

E-mail: <shibusv2017@gmail.com>

— 123188

Respondent: The Comptroller and Audit General of India

Office of the Comptroller and Audit General of India

Deen Dayal Upadhyaya Marg, New Delhi

E-mail: <cagoffice@cag.gov.in>

— 123189

Complainant: 50% visual impairment

GIST of the Complaint:

Complainant vide complaint dated **14.09.2021** submitted that he was appointed as a MTS in Principal Accountant General Office, Thiruvananthapuram on **29.05.2012** and as per the Rule, MTS can attend the Departmental Exam for promotion to the post of Auditor, if he is graduate and 03 years service, therefore, he had applied for the exam but he was not allowed to write the exam as Auditor post is not identified for low vision. He further submitted that due to this, he had given technical resignation from the service and joined as Jr. Cooperative Inspector in Kerala State Co-operative Department in 30.12.2015. Now, he has requested to re-appointment in Central Government Service with all benefits including promotion.

2. The matter was taken up with the Respondent vide letter dated **07.10.2021** under Section 75 of the RPwD Act, 2016.

3. Respondent vide letter dated **02.11.2021** had informed that desired comments will be sent on receipt of the facts from the Cadre Controlling Authority but despite lapse of sufficient time, no response has been received. Therefore, hearing scheduled on **30.12.2021**.

Hearing: The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **30.12.2021**. The following were present:

- Shri Shibu S.V. - Complainant
- Shri Shreesh Chadha, Advocate & Shri Mahendra Kumar on behalf of respondent

Observation/Recommendations:

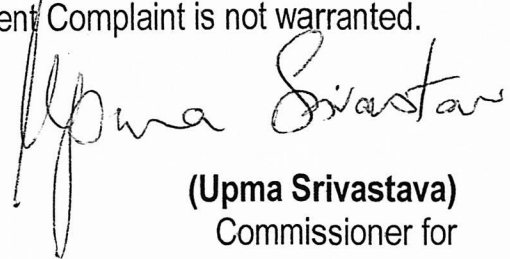
4. Complainant submits that he was working as MTS since May 2012. As per rule, he was eligible to participate in promotion exam for the post of 'Auditor' if he had graduation degree and 3 years of service. Complainant alleges that he was not allowed to appear in the exam and was not provided scribe facility and was told that the post of 'Auditor' is not identified suitable for 'Low Vision' category. Further, Complainant submits that he gave technical resignation from his post and joined as Junior Cooperative Inspector in Kerela State Cooperative Department in 2015. Complainant prays that he must be reinstated in Respondent establishment.

5. Respondent replied that the impugned examination was conducted in 2015 for the post of 'Auditor'. At that time the post of 'Auditor' was not identified suitable for 'VH' category. Complainant was never stopped from appearing in the promotion exam but extra time was not granted to him. Further, the Respondent submits that Complainant's contention that he resigned because he was not granted promotion is wrong. His resignation letter clearly mentioned that reason for his resignation is that he got appointed in another establishment. He was granted technical resignation w.e.f. 29.12.2015. In his letter he himself submitted that in case he is not absorbed within 2 years he will return to his department. 2 years expired in the year 2017 hence he cannot be taken back.



6. This Court is satisfied with the Reply filed by the Respondent. Impugned promotion examination was conducted in 2015. On that date 2013, list of identified posts was applicable. As per the list, post of 'Auditor' was not identified suitable for 'VH' category. Hence, submission of the Respondent is correct. Further, Complainant also failed to prove inordinate delay of 6 years in approaching this Court for redressal of his complaint. Hence interference of this Court in the present Complaint is not warranted.

7. Case is disposed off.



(Upma Srivastava)
Commissioner for
Persons with Disabilities

Dated: 01.02.2022



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: 12913/1023/2021

Complainant: Shri B.P. Kirupakaran
E-mail: <bpkirupa@yahoo.com>

— 23186

Respondent: The General Manager
Food Corporation of India
Regional Office, No. 08, Mayor Sathyamoorthy Road
Chetpet, Chennai – 600031
E-mail: <srmtn.fci@gov.in>

— 23187

Complainant: 70% locomotor disability

GIST of the Complaint:

Complainant Shri B.P. Kirupakaran, Manager vide complaint dated **24.09.2021** submitted that his first posting was in TamilNadu Region, Cuddalore district, a depot called Food Storage Depot Thiruvandarkoil (FSD TV KOIL) with a specific instruction that he will be in the in-charge of Computer and PDL section alone and he was involved in the Office correspondence, IRRS (Reporting system). He further submitted that in the month of June 13 a squad from FCI Headquarters, New Delhi came to the FSD TV KOIL depot and did a surprise random check physical verification of food grains and found variations of 29 stacks out of 35 stacks and 37 out of 41 stacks by peripheral count. The squad also found 1785 bags of wheat found short and bags of rice found excess, in total there was a variation of bags counting between the book balances and counting through peripheral. The enquiry was conducted for the above vigilance case and finding of the enquiry was that no bags shortages have been reported however losses have occurred. Hence, as per this Enquiry committee report the Executive Director (South), FCI, Zonal office(S), Chennai awarded a penalty of three stages of PAY reduction. Hence, he made an appeal to FCI, Managing Director as per the procedure. The Managing Director, FCI, Headquarters, New Delhi carefully examined the case and also heard his personal view in the matter and converted his penalty to Reduction of Three stages for a period of one year only. He further submitted that all of a sudden he came to know that the GM (Tamilnadu), FCI, Ro, Chennai has instructed the Divisional Manager, FCI Do' cuddalore to file a misappropriation case and to file an FIR in police station against him.

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892275
5th Floor, NISD Bhawan, Plot No.G-2, Sector-10, Dwarka, New Delhi-110075; Tel. No.011-20892275

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)

2. The matter was taken up with the Respondent vide letter dated **07.10.2021** under Section 75 of the RPwD Act, 2016 but despite reminders dated **25.10.2021 & 08.11.2021**, no response has been received from the respondent. Therefore, hearing scheduled on **30.12.2021**.

Hearing: The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **30.12.2021**. The following were present:

- Shri B.P. Kirupakaran - complainant
- None appeared on behalf of respondent

Observation/Recommendations:

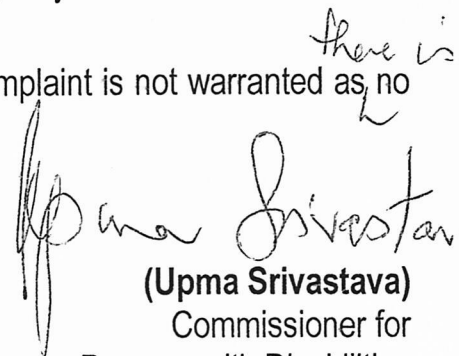
3. Complainant fears that management of the Respondent establishment may file FIR against him hence prays this Court to direct the Respondent establishment not to file FIR against the Complainant.

4. Respondent failed to file its reply. This Court express strong displeasure for the fact that the Respondent has failed to comply with its statutory duty to respond to the notices of this Court. Failure of the Respondent in filing Reply is itself evidence of the fact that the Respondent establishment is not serious in fruitful resolution of disputes relating to divyangjans.

5. This Court had an opportunity to pursue the Complaint filed by the Complainant. All the submissions made by the Complainant are merely apprehensions. Complainant has sought relief from this Court to stop the Respondent from taking some action in criminal law, may be taken in future.

6. This Court concludes that interference of this Court in present Complaint is not warranted as ^{there is} no cause of action.

7. Case is disposed off.


(Upma Srivastava)
Commissioner for
Persons with Disabilities

Dated: 01.02.2022



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: 13006/1022/2021

Complainant : Dr. Iswar Chandra Mandal
SMO 1/C KN-1
D-218, Flat No. C1, S/F, Kisna Park
Khanpur, Devil Road,
New Delhi-110062
Email: ishwar.mandal@cghs.nic.in

— 231477

Respondent : Joint Director
Office of the Joint Director (Ayush)
C.G.H.S (HQ)
Sector-13, Rama Krishna Puram
New Delhi-110066
Email: jdhq.dl-ayush@gov.in
Contact No: 011-20863419

— 231478

GIST OF COMPLAINT

The complainant filed his complaint dated 06.12.2021, submitted that he is working as SMO, in KN-1 CGHS WC Homoeo Unit giving the application to waive off him from the rotational duty made for Gurugram hwc on ground of his disability.

The complainant submitted that he is 55% locomotor disability and he has given the application to his superior officer Additional Director CGHS, New Delhi for waive off him from the Rotational duty made for Gurugram hwc & transfer him to Pushp Vihar Homoeo Unit (H078).

The complainant further submitted that he has done 2 times rotational duty of 15 days and relieving duty 1 day on Gurugram hwc after given withdrawn request to his superior officer now again roster made for rotational duty without weaving his duty. The Complainant is residing in Devli Road, New Delhi, from here Gurugram WC is nearly 30 km approximately. As he is a physically disabled employee so it is very difficult for him to go such long distance. The complainant is requested to CCPD Court to issue necessary direction to waive off him from the rotational duty made for Gurugram hwc.

2. The matter was taken up with the Respondent vide letter dated 09.12.2021 under Section 75 of the RPwD Act, 2016.

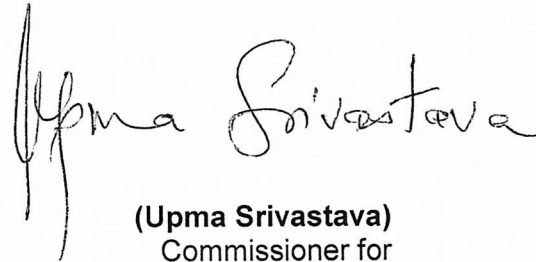
3. In response, JD (AYUSH), CGHS, Headquarter, New Delhi, Vide email dated 06.1.2022, submitted that rotational duty roster of six doctors was issued by CGHS, South Zone, Sector 8, R.K.Puram, New Delhi wherein Dr. Iswar Chandra Mandal duty was mentioned from 26.03.2022 to 23.04.2022. The respondent further submitted that the duty of Dr. Iswar Chandra Mandal, SMO I/c posted at Kasturba Nagar-1, CGHS WC is being exempted from doing rotational duty at CGHS Homoeopathic W.C. Gurugram Sector 5.

4. In response, the complainant filed his rejoinder by e-mail dated 20.01.2022, submitted that he is satisfied with the JD(AYUSH) reply, where they exempted him from doing rotational duty at CHS Homoeopathic W.C. Gurugram, Sector-5, but complainant stated that he is not received new exempted duty roster from additional Director Office, South Zone, R.K. Puram, New Delhi till date. The complainant is requested to CCPD Court to please look into his case and give direction to the respondent for provide the new exempted duty roster as early as possible.

Observations /Recommendations:

This Court's appreciates the sympathetic view taken by the respondent. However, this Court's recommends that respondent may also consider the other issues raised by the complainant in his rejoinder dated 20.01.2022 especially duty roaster as asked by the complainant. A copy of the rejoinder filed by the complainant is attached.

5. This case is disposed off


(Upma Srivastava)
Commissioner for
Persons with Disabilities

Dated: 10.02.2022