



Case No: 13434/1024/2022

— R36438

— R36439.

Complainant: 60% visually impaired

GIST of the Complaint:

प्रार्थी सुश्री दिव्या शर्मा का अपनी शिकायत दिनांक 16.08.2022 में कहना है कि भारत सरकार ने दिनांक 01.06.2021 से UDID Certificate पूरे भारत में मान्य कर दिया है किन्तु SIDBI द्वारा उन्हें ग्रेड 'ए' पद पर नियुक्ति इसलिए नहीं दी गयी क्योंकि उन्हें disability certificate अपने ही format में चाहिए। प्रार्थी ने प्रार्थना की है कि उन्हें ज्वाइनिंग उनके वर्तमान पते पर दिल्ली में दी जाए ताकि वह अपने परिवार के साथ रह के कार्य कर सके तथा उनकी सिनियोरिटी fix की जाये।

2. The matter was taken up with the Respondent vide letter dated **02.09.2022** under Section 75 of the RPwD Act, 2016.

3. In response, General Manager (HRD) Vertical, SIDBI vide letter dated **12.10.2022** has submitted that Ms. Divya Sharma, in response to SIDBI's advertisement dated 04.03.2022 had applied for the post of Assistant Manager – Grade 'A' during March, 2022. While submitting her application, she indicated her category as 'Person with Benchmark Disability (PwBD) – Sub-category-Multiple Disabilities (MD) – Low Vision & One Arm (OA)'. However, the disability certificate dated 12.11.2020 submitted by her was prima facie showing her visual disability only and not Multiple Disabilities. Although 'Both Hand' was found to be mentioned in para (c) of the above referred certificate, it was not supported by any diagnosed disease or disability. The diagnosis indicated in the certificate was pertaining

to the disability of eyes only. It was for this reason, that the complainant was requested to submit a fresh certificate in the prescribed format, which should clearly support her claim of having 'Multiple Disabilities', which is the category under which the reserved employment had been offered to her. However, despite repeated requests, the complainant did not provide the requisite certificate as also certain other documents pertaining to her previous employment, even after reminders and extensions granted, as a result of which the said offer was withdrawn by SIDBI on August 10, 2022.

4. Complainant vide rejoinder dated **04.11.2022** has submitted that submission made by SIDBI is false and misleading. SIDBI authorities never asked her to include name of ailment related to her hands or/either raised any objection of this kind at the time of interview. It is however indeed true that they have agitated the issue of FORM VI format. It is first time they are raising the issue of content of digital disability certificate. They have asked for FORM VI but CMO has plainly refused by saying that only UDID certificates are now valid and he has authority to issue that only. She further submitted that if this court finds any issue with the certificate, she will happily comply with courts directions and if she fail to comply then she has no issue even if her appointment to said post is cancelled. She further submitted that she has made application of Multiple Disabilities on UDID portal and her eyes and hands both were examined and then this certificate was issued which clearly mentions BOTH EYES and BOTH HANDS. However, CCPD can issue suitable directions.

5. After considering the respondent's reply dated **12.10.2022** and the complainant's rejoinder dated **04.11.2022**, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **06.12.2022**.

Hearing: The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **06.12.2022**. The following were present in the hearing:

- Adv. Shri Rahul & Ms. Divya Sharma - complainant
- Shri Rajiv Singh, GM; Shri Ranjeet Singh, Asst. GM, Shri Rahul Kenkre, Manager on behalf of respondent

Observation/Recommendations:

6. Complainant submits that she applied against the vacancy advertised by the Respondent establishment. She claims that she successfully passed the exam however the Respondent refused to accept the UDID certificate submitted by her to prove her disability.



7. Respondent submits that the Complainant applied against vacancies on the post of Assistant Manager. In the application form she mentioned her category as PwD – Multiple Disability. Complainant submitted disability certificate in which 'Visual Disability' is mentioned along with diagnosed disease of myopia. Further the certificate certifies the Complainant as having 60% disability in relation to her 'both eyes' and 'both hands', but the disability certificate does not mention anywhere that she is a case of 'multiple disability' and the certificate does not clearly mention disease of hands.

8. Respondent further submits that because of this reason she was asked to submit another disability certificate but she failed to do the same and letter of appointment issued to her was later withdrawn.

9. Complainant has filed her rejoinder in which she submits that the Respondent never told her reason in writing for rejection of her disability certificate. Earlier the Respondent only asked to submit disability certificate issued in format prescribed in Form – VI, however CMO refused to issue the same and told that UDID certificate can only be issued.

10. Disability certificate submitted by the Complainant was perused. It is clearly mentioned that the Complainant is person with disability in both eyes and both hands. However, 'multiple disability' is not mentioned anywhere hence confusion is created. There seems no fault of the Complainant hence the issue can be resolved amicably, particularly because the Complainant secured position in merit list despite of challenges which she might have faced because of her disability. Furthermore, it was the duty of the Respondent to have informed the Complainant about all the shortcomings in the Disability Certificate submitted by the Complainant. It is certain from the facts that the Respondent clearly failed to do the same, instead the Respondent chose to cancel the candidature of the Complainant, which is arbitrary because Respondent never gave any reason in writing to the Complainant for cancelling the candidature.

11. This Court makes following recommendations:-

- a) Respondent shall issue a letter addressed to the Complainant listing out the discrepancies/shortcomings in the disability certificate submitted by the Complainant within 1 week of receiving the copy of this Recommendation Order.



- b) Further, this Court recommends that after receiving the copy of the letter issued by the Respondent, as mentioned in point (a) above, the Complainant shall approach the concerned Chief Medical Officer of the appropriate jurisdiction who shall conduct the assessment of hands and eyes of the Complainant and thereafter reissue the disability certificate clearly specifying all the disabilities and diagnosis of the disabilities. In case the Complainant is divyangjan with more than one disability then the concerned Chief Medical Officer shall clearly specify that the Complainant is person with 'Multiple Disabilities'.
- c) The respondent shall than take necessary action as per the disability certificate.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.12.2022



Ext

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: 13430/1023/2022

Complainant: Shri Saurabh Tiwari
19, Radhapuram, Guba Garden
Kalyanpur, Kanpur – 208017
E-mail: <tiwarisaurabh4225@gmail.com>

R36440

R36441

Respondent: The Commissioner
Employees' Provident Fund Organization
Head Office, Bhavishya Nidhi Bhawan
14 – Bhikaji Cama Place, New Delhi – 110066

Complainant: 100% Locomotor Disability

GIST of the Complaint:

प्रार्थी श्री सौरभ तिवारी का अपनी शिकायत दिनांक 25.08.2022 में कहना है कि वह कर्मचारी भविष्य निधि संगठन, श्रम मंत्रालय, भारत सरकार के क्षेत्रीय कार्यालय कानपुर में वरिष्ठ सामाजिक सुरक्षा सहायक के पद पर कार्यरत है तथा प्रार्थी दोनों पैरों से चलने फिरने में पूर्णतया दिव्यांग तथा व्हीलचेयर पर आश्रित हैं।

2. प्रार्थी का आगे कहना है कि वह कार्यालय में द्वितीय तल पर प्रशासन-। अनुभाग में कार्यरत है एवं श्री परितोष कुमार, क्षेत्रीय भविष्य निधि आयुक्त-।। उनके रिपोर्टिंग अधिकारी है। प्रार्थी अपनी पूरी क्षमता के साथ कार्य संपादित करता रहा है फिर भी श्री परितोष कुमार प्रार्थी को किसी ना किसी बहाने से बुलाकर बेइज्जत करके कहते हैं तथा बोलते हैं कि तेरे जैसा लूला-लंगड़ा किसी काम का नहीं है, तू फ्री की सैलरी ले रहा है, तेरी सैलरी काट लूंगा, तेरी नौकरी खा जाऊंगा, तूझे भीख मांगने लाइक नहीं छोड़ूंगा तू घिसट घिसट कर मरेगा आदि अपमानजनक टिप्पणियों से लगातार मजाक उड़ाते हैं।

3. प्रार्थी का आगे कहना है कि उक्त के अतिरिक्त कार्य स्थल पर सुगम पहुंच के लिए दिव्यांगजन अधिनियम के प्रावधानों के अनुसार एवं सुगम्य भारत अभियान के अंतर्गत कार्यालय में मानक के अनुरूप रैंप नहीं है जिसके कारण प्रार्थी को काफी सारी समस्या उत्पन्न होती है। कार्यालय में प्रतिदिन की भांति नियत समय से पूर्व चार पहिया स्कूटी से लिफ्ट के सबसे समीपवर्ती स्थान तक जहां तक प्रार्थी की स्कूटी पहुंच सकती है फिर वहाँ पर दो बड़ी सीढ़ी होने के कारण उन्हें वहीं पर जमीन पर उतरना पड़ता है तथा घिसट कर उपलब्ध व्हीलचेयर पर कठिनाई पूर्वक बैठते हैं तथा बायोमैट्रिक अटेंडेंस लगाने के उपरांत लिफ्ट में व्हीलचेयर को एडजस्ट करके दूसरी मंजिल में प्रशासन-। अनुभाग में जा पाते हैं।

4. The matter was taken up with the Respondent vide letter dated **01.09.2022** under Section 75 of the RPwD Act, 2016 but despite reminder dated **06.10.2022** no response has been received, therefore, it was decided to hold a personal hearing in the matter and therefore, the case was listed for hearing on **06.12.2022**.

Hearing: The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **06.12.2022**. The following were present in the hearing:


- Shri Saurabh Tiwari - Complainant
- Shri Satya Vardhan Gautam, Regional PF Commissioner, Head Office; Shri Shivendra Pratap Singh, Asst. PF Commissioner on behalf of respondent

Observation/Recommendations:

5. Complaint is filed against another employee namely, Mr. Paritosh Kumar who is Regional Provident Fund Commissioner – II and also reporting officer of the Complainant. Complainant alleges that Mr. Paritosh Kumar makes fun of his disability and harasses him by assigning such tasks which are difficult for the Complainant to perform within stipulated time because of his disability, for instance, Complainant is asked to find files and other documents. Complainant also raised the issue of inaccessibility of the office because the ramp which leads to lift is not available.

6. During online hearing Respondent informed this Court that the Complainant never filed any Complaint before the competent authorities. Furthermore, Mr. Paritosh Kumar has now been transferred to another office. He is no longer the Reporting Officer of the Complainant. The Respondent also informed that a ramp has now been constructed and anyone can access the lift using the same.

7. The main cause of the grievance has now been extinguished because of the transfer of the person against whom the Complaint was filed. However, considering the fact that similar instances may not happen in future, this Court recommends that the Respondent shall conduct awareness lectures and sensitization programmes relating to rights of divyangjan. Such sensitization programme should necessarily be conducted in Kanpur office at regular intervals. Further this Court recommends that the Respondent shall also conduct Access Audit of Kanpur office so that lacunas and shortcomings in the accessibility of infrastructure can be identified and can be rectified.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.12.2022



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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: 13445/1024/2022

Complainant: Ms. Aparna Mahajan
13 Saumaya Estates,
Near Awadhपुरी BDA Road,
Bhopal - 462022

— R36436

Respondent: The Chief General Manager
Bharat Sanchar Nigam Ltd
Office of the CGMT, MP Telecom Circle
BSNL Bhawan, Hoshangabad Road
Bhopal - 482015

— R36437.

Complainant: 40% Hearing Impairment

GIST of the Complaint:

शिकायतकर्ता सुश्री अपर्णा महाजन, उप मण्डल अभियंता का अपनी शिकायत दिनांक 30.08.2022 में कहना है कि वह बी.एस.एन.एल., भोपाल में उप मण्डल अभियंता के पद पर कार्यरत है। उनका कहना है कि उन पर एफ.आई.आर. क्र. 465 हो गई जिसमें उन्हें 43 दिन की जेल दिनांक 17.08.2021 से 28.09.2021 तक हुई। उन्होंने दिनांक 30.09.2021 को ऑफिस में ज्वाइन किया परन्तु उन्हें 17.08.2021 से अगले आदेश तक सस्पेंड कर दिया गया। दिनांक 21.12.2021 को उनके रिवोक का आदेश निकला। प्रार्थी का कहना है कि उन्हें जेल के समय का कोई वेतन नहीं मिला और बाकि सस्पेंशन पीरियड में 50 प्रतिशत निलंबन भत्ता मिला। उनकी वेतन वृद्धि 01.04.2022 को देय थी जो कि उन्हें जून में मिली।

2. उपरोक्त के अतिरिक्त शिकायतकर्ता का कहना है कि उनका टाइम बाउंड प्रमोशन दिनांक 01.04.2022 को देय था परन्तु उनको नहीं मिला क्योंकि उनका विजिलेंस क्लीयरेंस रोका गया है। प्रार्थी ने निवेदन किया है कि उन्हें उनका बकाया वेतन, उनका विजिलेंस क्लीयरेंस और उनका टाइम बाउंड प्रमोशन समय पर दिलवाया जाए।

3. The matter was taken up with the Respondent vide letter dated **08.09.2022** under Section 75 of the RPwD Act, 2016.

4. In response, Assistant General Manager (Admin), BSNL vide reply dated 06.10.2022 has inter-alia submitted that two FIRs were registered against Ms. Aparna Mahajan, SDE for two different criminal cases (0398/2021 dated 16.06.2021 U/s 406, 506 and 34 and 465/21 dated 13.07.2021, U/s 420, and 34). The complainant was suspended under Rule 30 (2) of BSNL CDA Rule 2006 w.e.f. 17.08.2021. She was released on bail from judicial custody on 28.09.2021 on a surety of Rs. 50,000/-.

5. Despite the above, the office had forwarded the necessary documents required for such DPC to AGM (Admin) O/o MP Telecom Circle Bhopal on 29.01.2022 in which vigilance clearance was not granted by the Vigilance Cell (VC) to charged officer, as a consequence of two criminal cases were pending against her before the Hon'ble District Court, Bhopal and also as on date her vigilance clearance status w.r.t. her promotion case is still not cleared. Since the officer concerned was released on bail and she has still not been exonerated from Hon'ble Court referred to above, as such her VC has not been granted. Therefore, her VC has not been withheld merely on the ground of her disability but for indulging in criminal offences, resulted in, her case before Hon'ble Chief Commissioner for Persons with Disabilities in their opinion is not sustainable.

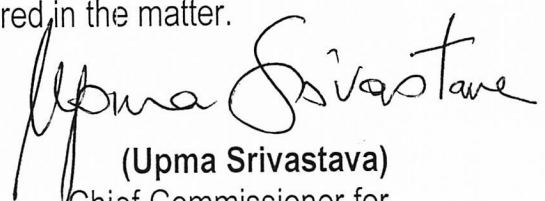
6. The copy of the reply received from the respondent was forwarded to the complainant vide this Court's letter dated 03.11.2022 for filing the rejoinder. No rejoinder has been received from the respondent.

Observation/Recommendations:

7. As per the respondent's reply, the complainant was suspended on 17.08.2021 as criminal cases were registered against her and she was in jail from 17.08.2021 to 28.09.2021 (43 days). She was released on bail on 28.09.2021. Hence, there appears no violation of any provision of the Rights of Persons with Disabilities Act, 2016, Rights of Persons with Disabilities Rules, 2017 or Government instructions in the matter. Further, no discrimination was made on the ground of disability.

8. In the light of above, no intervention of this Court is required in the matter.

9. The case is disposed off accordingly.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.12.2022



Extra

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: 13432/1023/2022

Complainant: Shri Jasbir Lathwal
JE E/M
C/o Garrison Engineer
Air Force Station Sirsa – 125055 (Haryana)
E-mail: <jsl.design@yahoo.com>
Mob: 9896988885

— R36442

Respondent: The Garrison Engineer
Air Force Station
Sirsa, Haryana – 125055

Respondent No. 01 — R36443

The Engineer-in-Chief Branch
Military Engineer Service
Kashmir House, Rajaji Marg
New Delhi – 110011

Respondent No. 02 — R36444

Complainant: 50% locomotor disability

GIST of the Complaint:

Complainant Shri Jasbir Lathwal vide complaint dated 11.08.2022 has submitted that he was selected as Jr. Engineer Electrical & Mechanical through SSC and joined MES on 17.01.2013 and had worked at various sections. Now, he is working in E2 Section of Garrison Engineer, Air Force Station Sirsa, Haryana. He further submitted that in response to his RTI application he was informed that "all the Civilian JEs (Civil/E/M) posted in Staff appointments in GE office, CWE and higher MES formalities will be shifted to Executive appointments". He doesn't know the reason why he is only posted to E2 Section on Staff Duty. He had requested the Respondent No. 01 for additional duties when there were two and three vacancies at E/M Section but no action was taken by the Competent Authority. At present there are two vacancies at EM Section. He was earlier posted in E2 & E4 Section but at that time enough work load was given to him because they know that there is no work load for JE (E/M) at E-2 Section.

2. In the light of DoP&T's OM dated 31.03.2014 he had requested for laptop/computer with printer but till date neither laptop/computer with printer was handed over nor he was allowed to reimburse the cost of the said devices.

3. He also submitted that there was no clause for persons with disabilities employees in previous posting policies but Higher Authorities added Special Clause for PH employees vide posting policy issued by HQ Military Engineer Services, Engineer-in-Chief vide letter dated 28.04.2022 which states "*The posting will be governed by instructions issued by GOI, Ministry of Personnel, Public Grievances & Pension, DoP&T from time to time*". When Respondent No. 01 gave him opportunity he has tried to prove himself after saving of Electricity Bill of Rs. 98.81 Lakh. As per him now his office is not following any policies of Ministry of Defence. He has requested that the respondents may be directed not to discriminate on the ground of disability.

4. The matter was taken up with the Respondent vide letter dated **02.09.2022** under Section 75 of the RPwD Act, 2016.

5. In response, Maj, Garrison Engineer (AF), Sirsa vide letter dated 23.09.2022 has submitted that the individual was performing the duties of JE E/M on a sensitive post since his appointment to GE (AF) Sirsa w.e.f. 04.06.2013 to 04.01.2022 as per Central Vigilance Commission guidelines vide letter dated 23.08.2018 and circular No. 03/09/13 dated 11.09.2013 as per which an individual cannot perform the duties on sensitive post more than 03 years. Hence as per above guidelines the rotation from sensitive post to non sensitive post i.e. E2 Section has been carried out. Individual has not yet been posted out from GE (AF) Sirsa to another Station since his joining the Department. Case for his posting has already been taken up with HQ as posting/transfer matters are dealt by HQ Western Command, Chandimandir.

6. A copy of the reply was forwarded to the complainant on **18.10.2022** for submission of his comments but no response has been received.

7. After considering the respondent's reply dated **23.09.2022**, it was decided to hold a personal hearing in the matter and therefore, the case was listed for hearing on **06.12.2022**.

Hearing: The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **06.12.2022**. The following were present in the hearing:

- Shri Jasbir Lathwal - Complainant
- Major T S Kherwal on behalf of respondents



Observation/Recommendations:

8. Complainant submits that he was appointed on 17.01.2013 on the post of Junior Engineer Electrical & Mechanical. Since his appointment he has been working on various posts. Currently he is posted in E2 section. He claims that Ministry of Defense has issued a letter dated 11.04.2018 whereby in Para 3 it is stated that "all civil engineers posted in staff appointments will be shifted to Executive Appointments." Complainant alleges that he has not been shifted to Executive post and still posted in E2 section. He further alleges that he asked for computer and printer but the request was denied by the Respondent.

9. Respondent submits that an internal Order was issued on 10.11.2018 and it was cancelled vide Order dated 02.07.2019. Further, the Complainant has not been posted out of Sirsa station since his appointment. Case of his posting has already been taken up by the Respondent.

10. During online hearing, Complainant clarified that since last 8 months he is posted on staff duty and no job has been assigned to him. Respondent refuted the claims and submitted that he has been assigned clerical job in E-4 section. He could not be posted on sensitive post for more than 3 years.

11. Not assigning any job to the Complainant is also a form of discrimination. As per Section 20(2) of Rights of Persons with Disabilities Act, 2016, the Respondent is bound to provide conducive environment to the Complainant at work place. Not assigning any job to divyang employee can be demotivating. Hence this Court recommends that till the issue of his posting is resolved, the Respondent shall make sure that constructive work which can be done by the complainant is allotted to him at the earliest .


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.12.2022



OK Enter

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: 13416/1023/2022

Complainant: Smt. Vaishali Komalsing Kachhava
Plot No. 14, Suyog Colony
Samata Nagar, Near Shaskiya Dudh Dairy
District – Dhule, Maharashtra – 424001
E-mail: <vaishalikachhva91@gmail.com>
Mob: 9860438092

R36445

Respondent: The Secretary
Department of Posts
Dak Bhawan, Sansad Marg
New Delhi

R36446

The Chief Post Master
Department of Post Office India
Dhule Head Office, Lane No. 1
Near Rajwade Sanshodhan Mandal
District – Dhule, Maharashtra – 424001

R36447

Complainant: 75% visual impairment

GIST of the Complaint:

The complainant Smt. Vaishali Komalsing Kachhava vide complaint dated 18.08.2022 has submitted that she is working since 2016 as Postman. Her first posting was at Solapur and presently, she is working as a Postman at Dhule, Maharashtra. She has requested the Sr. Post Master, Dhule to allot her a work which can be done by her with her disability and in the premises of the Post Office, Dhule. As per her, since her transfer to Dhule, her Senior Post Master told her to do the field work but she finds it difficult to find out the location, proper identification of person because of her visual disability.

2. She further submitted that since she started to work as a Postman at Dhule, she is facing problems like mentally torture, misbehaviour about her disability, abusive words for her disability, disrespect to her dignity, warning to quit the job and various kinds of discrimination. She had written various applications as per the guidelines of the Government of India to the Senior Post Master to allot her any computer related work or any other counter based work within the premises which is compatible with her abilities and challenges but he is not cooperating at all. On the other hand the Senior Post Master has

given her to do the sweeping and sticking the big bundles with tarcoal but being a visually impaired person this work should not be given under guidelines of the Government of India because this work contains some serious detrimental health risk. She has also written letter to C.P.M.G. of Mumbai and P.M.G. of Aurangabad but her discrimination has not ended yet.

3. The matter was taken up with the Respondent vide letter dated **01.09.2022** under Section 75 of the RPwD Act, 2016 followed by Reminder dated **06.10.2022** but till date no response has been received from the respondent, therefore, it was decided to hold a personal hearing in the matter and therefore, the case was listed for hearing on **06.12.2022**.

Hearing: The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **06.12.2022**. The following were present in the hearing:

- Smt. Vaishali Komal Singh Kachhva & Shri Anant Gyanam - brother of the Complainant
- Shri Pratap Ramdas Sonawane, Sr. DPO & Shri Tarun Mittal, ADG on behalf of respondent

Observation/Recommendations:

4. Complainant submits that she was appointed as a Postman under disability quota. She was posted in Solapur division and later she was transferred to Dhule Division on her own request. Her grievance is that at her new place of posting, she is assigned field duties and other duties like sweeping and sticking the big bundles with tarcoal. She submits that because of her disability, she finds it difficult to perform these functions. She requests that she must be assigned some desk job which she can perform easily.

5. Respondent submits that the Complainant requested for assignment of desk job at stamp counter or inquiry counter. The same request cannot be acceded to because there is no such post available in Dhule Division. Complainant was assigned the post of 'Postman beat' which is to be performed in very small area and where low quantum of articles are received. Moreover, the post of 'Postman' is identified suitable for 'Visually Impaired' category, hence the Complainant can perform the job.

6. During online hearing the Respondent informed this Court that the job assigned to the Complainant has now been changed. Complainant has already been assigned job of 'Stamp Sale Desk' as per her own choice. The same was confirmed by the Complainant.



7. Since the issue has now been resolved and the Complainant has got the duties of her own choice hence further intervention of this Court in the present Complaint is not warranted.



(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.12.2022



सत्यमेव जयते

Ext 9

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: 13414/1021/2022

Complainant: Shri Sudarshan Singh
93, Laxmi Bai Nagar
New Delhi – 10023
E-mail: <srawat6214@yahoo.in>
Mob: 9968822408

— R36448

Respondent: The Secretary
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi – 110001
Email: <secy.inb@nic.in>
Tel: 011 – 22386530

— R36449

Complainant: 75% locomotor disability

GIST of the Complaint:

Complainant Shri Sudarshan Singh, Sr. Sectt. Asstt., Central Bureau of Communication, M/o I & B vide complaint dated **25.07.2022** has submitted that he had joined government service on 01.05.1987 as a Peon. During the service, he got disabled and came under the category of PwD on 30.05.2005. After getting disability, he represented his case many times for reservation in promotion as well as for other benefits under PwD quota on the same above post while he was working in DG:Doordarshan but no action was taken in this regard. He further submitted that he had cleared Departmental exam for the post of LDC under General category. He had again represented on 22.03.2018 and his representation was forwarded by M/o I&B to DoP&T. He alleged that his representation was not considered as no action was taken at that time.

2. The matter was taken up with the Respondent vide letter dated **01.09.2022** under Section 75 of the RPwD Act, 2016.

3. In response, Under Secretary, Ministry of Information & Broadcasting vide letter dated September, 2022 has submitted that the applicant joined Government Service on 01.05.1987 as a Peon, and was posted in DG: Doordarshan. He got disability while in service and came under the category of PwD on 30.05.2005. Applicant passed the LDCE

exam conducted by SSC in year 2009 on his own merit and he secured 5th rank in the exam and joined as LDC of Select List year 2007. The applicant didn't require any reservation. In the year 2014, the applicant was promoted to SSA on adhoc basis vide Ministry's Order dated 18.08.2015, in the same order his category was mentioned as GEN (OH). That later the applicant was regularized in SSA grade in the year 2016 with Select List Year 2015 of SSA. Further, vide representations dated 22.03.2018 and 09.06.2022, the complainant has requested to consider his promotion under "Differently Abled Person Quota", which was forwarded to DoP&T for consideration vide M/o I&B's OM April 2018 & dated 20.06.2022 respectively.

4. He further submitted that the promotion in grade of LDC, the applicant was on his own merit candidate, hence the reservation was not required, while in the case of promotion to SSA grade, there were 02 officials of OH categories were available, who were already senior to him. As per Reservation Roster, only 01 of the OH (3% reservation, 1 post each for HH, VH, OH candidates in 100 point roster) candidate can be adjusted in 100 point roster. And as per Seniority list of 152 LDCs, there were 03 OH candidates available and out of which 02 were already senior to Shri Sudarshan Singh. Neither any injustice is being done to the applicant nor he was deprived of his legitimate rights, being a PwD employee.

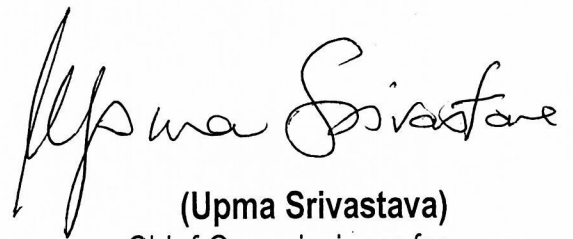
5. प्रार्थी का अपने प्रति उत्तर दिनांक 03.11.2022 में कहना है कि वह दिनांक 31.08.2022 को सरकारी सेवा से सेवानिवृत्त हो गए हैं तथा दूरदर्शन महानिदेशालय में वर्ग घ के पद पर 01.05.1987 से 21.05.2009 तक नियुक्त थे सर्विस के मध्याह्न में दिनांक 30.05.2005 से दिव्यांगजन के उपरांत उन्हें उचित माध्यम द्वारा कोटा के आरक्षण में नियुक्ति के लिए पत्र भेजते रहे लेकिन उन्हें कोई लाभ नहीं मिला। वह सन् 2007 की विभागीय लिपिक परीक्षा पास के पश्चात् दिनांक 22.05.2009 को लिपिक पद पर उन्हें विज्ञापन एवं दृश्य प्रचार निदेशालय में नियुक्त किया गया। कार्यालय से भी बार-बार पत्र व्यवहार करने के पश्चात् उन्हें इस संबंध में कोई जानकारी नहीं मिली। मंत्रालय के पत्र से उन्हें ज्ञात हुआ की सीएससीएस की प्रमोशन कार्मिक एवं प्रशिक्षण विभाग के अधीन आरक्षण कोटा के नियम के आधार पर की जाती है। लेकिन विभाग में उक्त आरक्षण कोटा में 02 कर्मचारियों को लाभ का विवरण दिया गया है। कार्यालय ने इस संबंध में दिव्यांगजन आरक्षण रोस्टर को अवगत नहीं कराया गया। कार्यालय व मंत्रालय द्वारा उन्हें किस वर्ष उन्हें लाभ देना चाहिए था मगर पत्र का सही जवाब देने की बजाए भ्रमित किया गया। प्रार्थी का आगे कहना है कि कौन-सी दिव्यांगजन वरिष्ठ सूची के आधार पर किस वर्ष में सामान्य वरिष्ठ सूची में सम्मिलित किया गया था। दिव्यांगजन लोगो की जो सामान्य वरिष्ठ सूची बनाई गयी थी, पद रिक्त होने के पश्चात् कितने पद भरे गए हैं उपरोक्त के संबंध में दिव्यांगजन का संबंधित रोस्टर रजिस्टर भी मंगवाया जाए।



Observation/Recommendations:

6. On perusal of this complaint this court concludes that reply filed by the Respondent is satisfactory. Moreover, the complainant has now superannuated. Hence, prayer sought by the complainant has become infructuous. Intervention of this court in the present complaint is not warranted.

7. The case is disposed off.



(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.12.2022



01C

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: 13390/1022/2022

Complainant :

Ms. Divya Sharma

Email: divyasharma120nov@gmail.com

Mobile No: 8630582805

133719

Versus

Respondent:

The Chairman

SIDBI, SIDBI Tower-15

Ashok Marg-226001

Lucknow, Uttar Pradesh

Email: recruitment@sidbi.in, ranjeets@sidbi.in

hvr@sidbi.in, venugopal@sidbi.in,

vswaroop@sidbi.in; rkenkre@sidbi.in

Phone Number: 0522-2288546

133720

GIST OF COMPLAINT

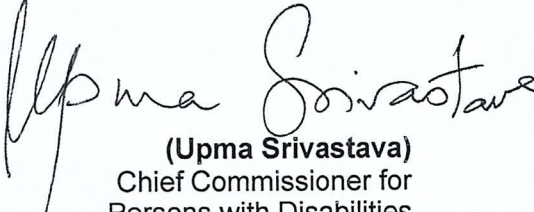
The complainant (Ms. Divya Sharma), a person with 60% Visual Impairment, has filed a complaint dated 22.07.2022, submitting that she cleared SIDBI Grade A Exam under Person with Benchmark Disability category and requested to SIDBI for grant her posting at native place i.e. Delhi/Gurgaon/Sonipat/Noida but her requests were denied.

2. The matter was taken up with the Respondent vide letter dated 23.08.2022 under Section 75 of the Rights of Persons with Disabilities Act, 2016.

3. In response, Dy. General Manager, Human Resource Development (HRD) vide letter dated 20.10.2022, stated that the grievance raised in the instant case had already been addressed vide their earlier replied dated 20.09.2022 and 12.10.2022 in case no. 13434/1024/2022 filed by Ms. Divya Sharma.

4. The case no. 13434/1024/2022 referred above was heard on 06.12.2022 and an order was passed. A copy of the order is enclosed for ready reference.

5. Since, the complaint is duplicate in nature, no further intervention is required in the matter. The case is disposed off accordingly.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 08.02.2023



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: 13434/1024/2022

Complainant: Ms. Divya Sharma
House No. 209, Durga Empire,
Chattarpur Rudrapur, Udham Singh Nagar,
Uttarakhand - 263153
E-mail: <divyasharma120nov@gmail.com>
Mob: 8630582805

Respondent: The General Manager (HR)
Small Industries Development Bank of India (SIDBI)
Swavalamban Bhawan, G-Block, Bandra-Kurla
Complex, Bandra East, Mumbai – 400051
E-mail: <venugopal@sidbi.in>

Complainant: 60% visually impaired

GIST of the Complaint:

प्रार्थी सुश्री दिव्या शर्मा का अपनी शिकायत दिनांक 16.08.2022 में कहना है कि भारत सरकार ने दिनांक 01.06.2021 से UDID Certificate पूरे भारत में मान्य कर दिया है किन्तु SIDBI द्वारा उन्हें ग्रेड 'ए' पद पर नियुक्ति इसलिए नहीं दी गयी क्योंकि उन्हें disability certificate अपने ही format में चाहिए। प्रार्थी ने प्रार्थना की है कि उन्हें ज्वाइनिंग उनके वर्तमान पते पर दिल्ली में दी जाए ताकि वह अपने परिवार के साथ रह के कार्य कर सकें तथा उनकी सिनियोरिटी fix की जाये।

2. The matter was taken up with the Respondent vide letter dated 02.09.2022 under Section 75 of the RPwD Act, 2016.

3. In response, General Manager (HRD) Vertical, SIDBI vide letter dated 12.10.2022 has submitted that Ms. Divya Sharma, in response to SIDBI's advertisement dated 04.03.2022 had applied for the post of Assistant Manager – Grade 'A' during March, 2022. While submitting her application, she indicated her category as 'Person with Benchmark Disability (PwBD) – Sub-category-Multiple Disabilities (MD) – Low Vision & One Arm (OA). However, the disability certificate dated 12.11.2020 submitted by her was prima facie showing her visual disability only and not Multiple Disabilities. Although 'Both Hand' was found to be mentioned in para (c) of the above referred certificate, it was not supported by any diagnosed disease or disability. The diagnosis indicated in the certificate was pertaining

to the disability of eyes only. It was for this reason, that the complainant was requested to submit a fresh certificate in the prescribed format, which should clearly support her claim of having 'Multiple Disabilities', which is the category under which the reserved employment had been offered to her. However, despite repeated requests, the complainant did not provide the requisite certificate as also certain other documents pertaining to her previous employment, even after reminders and extensions granted, as a result of which the said offer was withdrawn by SIDBI on August 10, 2022.

4. Complainant vide rejoinder dated **04.11.2022** has submitted that submission made by SIDBI is false and misleading. SIDBI authorities never asked her to include name of ailment related to her hands or/either raised any objection of this kind at the time of interview. It is however indeed true that they have agitated the issue of FORM VI format. It is first time they are raising the issue of content of digital disability certificate. They have asked for FORM VI but CMO has plainly refused by saying that only UDID certificates are now valid and he has authority to issue that only. She further submitted that if this court finds any issue with the certificate, she will happily comply with courts directions and if she fail to comply then she has no issue even if her appointment to said post is cancelled. She further submitted that she has made application of Multiple Disabilities on UDID portal and her eyes and hands both were examined and then this certificate was issued which clearly mentions BOTH EYES and BOTH HANDS. However, CCPD can issue suitable directions.

5. After considering the respondent's reply dated **12.10.2022** and the complainant's rejoinder dated **04.11.2022**, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **06.12.2022**.

Hearing: The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **06.12.2022**. The following were present in the hearing:

- Adv. Shri Rahul & Ms. Divya Sharma - complainant
- Shri Rajiv Singh, GM; Shri Ranjeet Singh, Asst. GM, Shri Rahul Kenkre, Manager on behalf of respondent

Observation/Recommendations:

6. Complainant submits that she applied against the vacancy advertised by the Respondent establishment. She claims that she successfully passed the exam however the Respondent refused to accept the UDID certificate submitted by her to prove her disability.



7. Respondent submits that the Complainant applied against vacancies on the post of Assistant Manager. In the application form she mentioned her category as PwD – Multiple Disability. Complainant submitted disability certificate in which 'Visual Disability' is mentioned along with diagnosed disease of myopia. Further the certificate certifies the Complainant as having 60% disability in relation to her 'both eyes' and 'both hands', but the disability certificate does not mention anywhere that she is a case of 'multiple disability' and the certificate does not clearly mention disease of hands.

8. Respondent further submits that because of this reason she was asked to submit another disability certificate but she failed to do the same and letter of appointment issued to her was later withdrawn.

9. Complainant has filed her rejoinder in which she submits that the Respondent never told her reason in writing for rejection of her disability certificate. Earlier the Respondent only asked to submit disability certificate issued in format prescribed in Form – VI, however CMO refused to issue the same and told that UDID certificate can only be issued.

10. Disability certificate submitted by the Complainant was perused. It is clearly mentioned that the Complainant is person with disability in both eyes and both hands. However, 'multiple disability' is not mentioned anywhere hence confusion is created. There seems no fault of the Complainant hence the issue can be resolved amicably, particularly because the Complainant secured position in merit list despite of challenges which she might have faced because of her disability. Furthermore, it was the duty of the Respondent to have informed the Complainant about all the shortcomings in the Disability Certificate submitted by the Complainant. It is certain from the facts that the Respondent clearly failed to do the same, instead the Respondent chose to cancel the candidature of the Complainant, which is arbitrary because Respondent never gave any reason in writing to the Complainant for cancelling the candidature.

11. This Court makes following recommendations:-

- a) Respondent shall issue a letter addressed to the Complainant listing out the discrepancies/shortcomings in the disability certificate submitted by the Complainant within 1 week of receiving the copy of this Recommendation Order.



- b) Further, this Court recommends that after receiving the copy of the letter issued by the Respondent, as mentioned in point (a) above, the Complainant shall approach the concerned Chief Medical Office of the appropriate jurisdiction who shall conduct the assessment of hands and eyes of the Complainant and thereafter reissue the disability certificate clearly specifying all the disabilities and diagnosis of the disabilities. In case the Complainant is divyangjan with more than one disability then the concerned Chief Medical Officer shall clearly specify that the Complainant is person with 'Multiple Disabilities'.
- c) The respondent shall than take necessary action as per the disability certificate.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.12.2022