

Case No.13818/1024/2023
27.07.2023

Date:

Complainant:

Shri Novel Dsouza
Branch Manager, State Bank of India
Cash Administration Cell,
Udupi- 576101, Karnataka State
Email: novel.dsouza@sbi.co.in
Phone: 9448291238

242155

Respondent:

The Chief General Manager (HR),
State Bank of India
Corporate Centre, State Bank Bhavan,
Madame Cama Road, Nariman Point,
Mumbai- 400021
Phone: 8130888311
Email: sbi.03999@sbi.co.in
ranjan.gupta@sbi.co.in

242156

1. Gist of the Complaint:

1.1 Shri Novel Dsouza, a person with 50% locomotor disability filed a complaint dated 11.01.2023 regarding sanction of transport allowance as admissible to an employee with disability at double the normal rate .

1.2 He submitted that the physically handicapped employees are dependent on others for their daily commute to the office and bank. They are to be dropped to the office as well as picked from the office. Hence two times commute, means double the fuel is consumed every day. But the PwD employees in banks are not being paid double the transport allowance.

1.3 He submitted that the State Bank of India, staffs is provided with reimbursement of petrol of 20 litres to 115 litres per month according to the grade of the officials.

1.4 He further submitted that Rs. 400/- is being paid to the physically challenged employees and having no more enhancement.

1.5 He submitted the following relief:

- i. Pay double the petrol re-reimbursements w.e.f 01/09/2008 Or
- ii. Pay double the transport allowance being paid to Central Government employees w.e.f 01/09/2008.

2. Submissions made by the Respondent:

2.1 Chief General Manager , State Bank of India, filed their reply dated 20.05.2023 submitted that the conveyance allowance of Rs. 400/ per month is being paid to all employees of State Bank of India, with benchmark disabilities, as per prevailing guidelines of Department of Financial Services, Ministry of Finance, issued vide dated 11.04.2014 in addition to the transport/conveyance allowance which is being paid by the Bank to all employees as per their Grade/Cadre.

2.2 The Respondent submitted that the OM dated 15/09/2022 is for the Ministries and Departments of Govt. of India and not endorsed to the Respondent.

3. Submissions made in Rejoinder:

3.1 The Reply of the Respondent was forwarded to the Complainant vide this Court Notice of Leave to file

/1028/2023

Rejoinder dated 23.05.2023. However, no rejoinder has been received from the Complainant.

4. Observations and Recommendations:

4.1 From perusal of the records of the case, it is evident that the Complainant has failed to make a case of deprivation of any existing rights of a persons with disabilities or of any discrimination on the grounds of disabilities by the Respondent. However, this Court feels that a compensation of Rs. 400/- per month to employees with disability of Central Public Sector Banks can not be said to be reasonable in the present times and in the light of the fact that similarly placed employees of the central government and Central Public Sector Enterprises are receiving transport allowances at double the normal rate.

4.2 This Court, therefore, concludes that while reliefs sought in the present matter are not tenable, a copy of this Order be sent to the Department of Financial Services, Ministry of Finance to review the policy and the aforesaid rate of Conveyance Allowance admissible to an employee of nationalised Banks and Insurance Companies to make it a reasonable compensation for such employees.

4.3 The case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 13:07:31

(Upma Srivastava)

/1028/2023

**Chief Commissioner
for Persons with Disabilities**

Dated : 31st July, 2023

/1022/2023

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No.13676/1024/2023**Date: 11.07.2023****Complainant:**

Shri Awinash Kumar

Email: awinash.bhel@gmail.com

Mobile: 8077834939

R42153

Respondent:

The Chairman and Managing Director,

Bharat Heavy Electricals Limited,

BHEL House, August Kranti Road,

Siri Institutional Area,

Siri Fort Institutional Area,

Siri Fort, New Delhi, Delhi-110049

R42154

1. Gist of the Complaint:

1.1 Shri Awinash Kumar, Additional Engineer having a child with 75% Autism Spectrum disorder for Allotment of quarter at ground floor.

1.2 The Complainant filed a complaint dated 09.12.2022 that he is working as an Additional Engineer in BHEL Haridwar and requested for ground floor quarter on the basis of his child as person of Hyper Active and Autistic (6 years old).

2. Submissions made by the Respondent:

2.1 Sr. DGM (HR), Bharat Heavy Electrical Limited filed their reply dated 01.03.2023 submitted that allotment of company quarters in BHEL, Haridwar is done through online system which is fair and transparent. Whenever a quarter gets vacant, the same is displayed as "Vacant" in the online allotment system and the eligible employees are required to apply in the system for the said vacant quarter as fresh allotment or change of floor. Allotment is done to senior most eligible employee based on pre-defined seniority

/1022/2023

criteria.

2.2 The Respondent submitted that Shri Awinash Kumar has requested off-line to allot a particular Quarter at Ground Floor which is not vacant. Any Quarter getting vacant is allotted through the online system after receipt of applications in the system. It may be noted that in the recent past, many Ground Floor Quarter got vacant and were allotted through the system, but he did not apply in the system for those vacant Quarters. It may be further mentioned that Shri Awinash Kumar is a Senior Supervisor in S4 grade and many employees who are junior to him have already been allotted Ground Floor Quarter through online system. He has been advised to apply online for the same and the information regarding presently "vacant" Ground Floor Quarters has also been shared with him.

3. Submissions made in Rejoinder:

3.1 The Complainant filed rejoinder dated 08.03.2023 and he requested to close the matter.

4. Observations and Recommendations:

4.1 From perusal of the records of the case, it is evident that the Complainant has failed to make any case of deprivation of any rights of a persons with disability or discrimination on the ground of disability. He approached this Court without exhausting available remedies.

4.2 This Court advises the Complainant to approach the Respondent with for appropriate redressal of his grievance and recommends that the Respondent considers the request of the Complainant with an open mind and in the light of the provisions of Section 20 (5) of RPwD Act and instructions of DoPT on the subject and circulated by the Department of Public Enterprises, OM vide F. No. 20(10)/99/DPE-GM-Part-

/1022/2023

2014-FTS-1517 dated 25th February, 2015 at Sl. No. 46, 61, 63 and 66 of the list enclosed with the OM.

4.3 The case is disposed of accordingly.

Signed by
Upma Srivastava
Date: 31-07-2023 12:31:52
(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

Dated : 29th July, 2023

/1016/2023



COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No: 13683/1023/2023

Complainant

Shri Ranjan Dahiya
 Inspector of GST & Central Excise
 Villupuram Range, Villupuram Division-605602
 Chennai Outer Commissionerate
 Email: dahiyanranjan@gmail.com
 Contact No. 7835909065, 901 3662046

R42151

Vs

Respondents:

The Commissioner of GST & Central Excise,
 Chennai Outer Commissionerate, Newry Towers,
 No. 2054/1, 2nd Avenue, Anna Nagar,
 Chennai-600040
 Email: ccu-cexchn@nic.in

R42152

1. Gist of the Complaint:

1.1 Shri Ranjan Dahiya, a person with 70% Hearing Impairment filed a complaint dated 05.12.2022 regarding his harassment in service.

1.2 The Complainant is working as an inspector of GST & Central Excise in Tiruvannamalai Range, Villupuram Division, Chennai Outer Commissionerate. He alleged of being mentally harassed and tortured by Shri Ved Prakash Swami, Superintendent, Tiruvannamalai Range, Villupuram Division, Chennai outer Commissionerate. He submitted that ever since he joined the office, Shri Swami pointed to his disability many times, scolded him many times in front of the taxpayers and abused him many times. About this incident, he also informed the AC, Villupuram Division over phone and after that a review meeting was called for. He further submitted that the officer continued to harass him and tried to destroy his career. Further, Shri Swami said that he is the boss and nobody can transfer him out from Tiruvannamalai as many Commissioners came and went.

1.3 He further submitted that the officer did not stop there. He awarded 4 marks in his APAR and on asking for the reasons, he laughed

/1016/2023

on him and replied, he has awarded as per his wish and reminded him that he will destroy his career. He further submitted that he gave written complaint on 20.09.2022 to the Commissioner of GST & Central Excise, Chennai Outer Commissionerate. Then ADC, instructed the AC, Villupuram Division on 20.09.2022 over phone, in front of him, to prepare a report within 15 days for which he was called for the statement by AC on 3-4 occasions but during the statement he kept on instructing him that this is not relevant that is not relevant in the statement. He was called first on 03.10.2022 and for which he was informed over phone on 02.10.2022 between 8-9 P.M. As the AC, already knew that the superintendent will go on leave and will return after Deepawali which shows that he deliberately delayed the proceedings. When he reached to the division office which is around 70+ kms from his home around 10:30 am and called by AC for statement around 11:15 am and told that to give statement by 12:00 PM as he would go to Vellore. He kept delaying and prepare the report after 2 months on 25.11.2022 i.e. on Friday with no transparency and on 30.11.2022 a transfer order No. 58/2022 was also issued in which he was transferred. It proves that superintendent has full support of the AC. Superintendent started harassing and torturing him more and more and ignoring his calls which he used to make for office work and never called back filed the complaint.

1.4 He further submitted that he performed his duties to the best of his abilities for which he was again transferred to Villupuram range, Villupuram Division which is more than 70 Kms from Tiruvannamalai. He was previously transferred to Tiruvannamalai on 03.09.2021 which is nearly 200 Kms from Chennai. The Complainant cannot survive under these circumstances. He has gone into depression and having suicidal thoughts. He requested to CCPD Court to intervene into the matter and take necessary action at the earliest as he is suffering a lot.

2. The matter was taken up with the Respondent vide letter dated 30.01.2023 under Section 75 of the RPwD Act, 2016.

3. Submissions made by the Respondent:

3.1 Commissioner, GST & Central Excise, Chennai vide letter dated 01/03/2023 has submitted that Central Board of Indirect Taxes and Customs (CBIC), Commissionerate Hqrs, Divisions and Range Offices

/1016/2023

below are sensitive towards weaker sections including persons with disability and take care for their well-being besides complying with the laws, guidelines and instructions dealing with these persons. He further submitted that the Chennai Outer GST Commissionerate has 364 officers and staff, out of which 23 are persons with disability. All the persons with disabilities working in Commissionerate are leading a happy life and no grievances of this sort has been received from any of them.

3.2 The Respondent further submitted that prima facie, the allegations contained in letter dated 05.12.2022 of the Complainant are baseless and unfounded. The complaint has three broad aspects. First, it alleges that the Complainant was harassed because he is a person with disability. Second, he is aggrieved on the grading awarded in performance appraisal. Third, he makes certain allegation about the functioning of his superior in discharging his official duty as Range Superintendent. On the first allegation that he was being harassed, the office has already caused an inquiry based on the similar complaint filed by Complainant. The inquiry report concludes that the allegations of the Complainant were false and baseless.

3.3 As regards the second aspect on performance appraisal, the Complainant has not submitted his self-appraisal within the stipulated time in the online performance appraisal module (SPARROW-CBIC) which led the supervisory officer (Reporting Officer) to go ahead with appraisal suo-moto based on the facts available with him. It is noted that only, immediate supervisory officer/reporting officer is in a position to observe and evaluate the performance of his/her subordinate officers. Further, in this case, the Reviewing Authority has upgraded the score from 4 to 7. Furthermore, on receiving representation from the Complainant the APAR Representation Deciding Authority (Joint Commissioner) has increased the score to 7.5 on the scale of 1-10. Hence, there is no reason for the Complainant to be aggrieved in this regard. Also, the individual has not made any comment/request with regard to upgrading the score or expunging of certain comments recorded by the Reporting/Reviewing Authority in his APAR while making his representation in SPARROW.

3.4 In so far as the the third allegation about his superior, it is purely an internal matter of Commissionerate and the same will be

/1016/2023

dealt with as per extant guidelines. It is also worth mentioning that the Complainant could not complete his probation in time, as he was on unauthorized absence for 3 months during probation and administrative warning was issued in this regard and his probation was extended, keeping in view that he was a person with disabilities and any adverse decision would have affected his livelihood.

4. Submissions made in Rejoinder:

4.1 The Complainant filed rejoinder dated 24.04.2023 and refuted the reply of the Respondent as well as reiterated his complaint.

5. **Hearing:** The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 04.05.2023. The following were present:

- i) Shri Ranjan Dahiya - Complainant
- ii) Shri Peter Paul, Assistant Commissioner - Respondent

6. Observations/Recommendations

6.1 During online hearing the parties informed this Court that the issues raised have been sorted out. However, from the perusal of the complaint and the reply, it is clear that the relationship between the Complainant and senior management of the Respondent establishment is not harmonious. It is important to mention section 20 (2) of the Rights of Persons with Disabilities Act, 2016. As per the provision every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

6.2 Considering the aforesaid provision, this Court recommends that the Respondent shall conduct awareness programme to sensitize the employees at all levels with respect to rights of employees with disabilities.

6.3 Respondents are directed to submit a Compliance Report of this Order within 3 months from the date of this Order. In case the Respondent fails to submit the Compliance Report within 3 months from the date of the Order, it shall be presumed that the Respondent has not complied with the Order and the issue will be reported to the Parliament in accordance with Section 78 of Rights

/1016/2023

of Persons with Disabilities Act, 2016.

6.4 The case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 12:20:39

(Upma Srivastava)

Chief Commissioner

for Persons with Disabilities

Dated: 31.07.2023

/1019/2023 COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India
Case No – 13694/1121/2023**Complainant:**

Shri Devendra Singh Bisht
Haripur Nayak (Sainik Colony)
R.T.O. Road, Haldwani, Nainital
Uttarakhand - 263139
Email – devendra6410@gmail.com

R42148

Respondent:

(1) The Joint Secretary (Policy)

Department of Empowerment of Persons with Disabilities
(Divyangjan)

Ministry of Social Justice & Empowerment

5th Floor, Pd. Deen Dayal Upadhyay Bhawan,

CGO Complex, Lodhi Road

New Delhi – 110003

R42149

(2) The Secretary

Department of Personnel and Training

North Block, New Delhi - 110001

R42150

Affected Person: The Complainant, a person with 60% hearing impairment progressive.

1. Gist of Complaint:

1.1 Shri Devendra Singh Bisht, a person with 60% hearing impairment filed a complaint dated 08.10.2022 and submitted that how para 4.3 of DOP&T OM dated 17.05.2022 debar him from getting benefit of promotion to person with benchmarks disability having progressive nature of disability. In support of his claim, the Complainant submitted his chronological history of his disability as under:

Sl. No.	Year	Event
1	1993	He was appointed directly as inspector in erstwhile Customs and Central Excise under General category.
2	2000 to	After acquiring hearing loss abruptly in both ear during

/1019/2023

	2015	his service, he began to use unilateral hearing aid (BTE) whilst because of acquiring almost deafness in other ear (right ear), he could not use bilateral hearing aid. In year 2007, I got reimbursement under CS(MA) Rules.
3	2015	On the basis of PTA test, first time, upon the suggestion of ENT specialist, he got Disability Certificate on 16.02.2015 diagnosed with 60% hearing impairment with remarks " Progressive " and recommended for reassessment after five years.
4	2020	After reassessment, he got Disability through UDID portal bearing certificate No. UK1120419690008003 with enhance degree of disability of 61%. Even if, medical authority diagnosed a case of 'Sensorineural Hearing loss, however, mentioned temporary without authorization and validated it for five year till 04.02.2025.

1.2 As per para 4.3 of DOPT O.M. No. 36012/1/2020-Estt. (Res.II) dated 17.05.2022 "**no benefit of reservation shall be given on the basis of temporary certificate of disability**". Similarly (iv) of para 12 Notice of vacancies for promotion by selection states "it shall also be indicated that persons with valid certificate of benchmark disability shall alone be eligible for the benefit of reservation. However, no benefit of reservation shall be given on the basis of temporary certificate of disability." The Complainant also submitted that in Rule 18 (3)(ii) of RPwD Rules, 2017 in Hindi version the term "अस्थायी दिव्यांग प्रमाण पत्र" has been used whereas in English version the word "temporary" is not mentioned.

1.3 The Complainant prayed for:

- (i) Issue of rational clarification/explanation for correctness of existing Disability Certificate issued to him;
- (ii) If it is felt that in rule 18 (3) (ii) (supra), the term "अस्थायी" "emerge on account of inadvertent Hindi Translation or arise due to printing mistake, in such situation, kindly direct to Nodal Officer responsible for issuing disability certificate on behalf of Department of Empowerment of Person with Disabilities through

/1019/2023

District Medical Board/Chief Medical Officer, Soban Singh Jeena (SSJ) Base Hospital, Nainital Road, Haldwani-263139 for re-issue correct and lawful disability certificate incorporation mandatory condition like progressive/likely to improve/not likely to improve found absent in existing disability certificate as laid down in prescribed format VII necessary for other category except the category fall in Form V and VI as prescribed under Rule 18 (3) (ii) mentioned in substantive version of RPwD Rules, 2017;

(iii) Instruct to update his profile in UDID portal, as I noticed that perhaps due to occurrence of huge hearing loss, conversation error took place between him and UDID portal Operator, which cause some misinformation filled up in portal which need to be rectified accordingly, viz details in respect of disability certificate issued earlier found mentioned as "No", whereas he informed him 'Yes', as the Certificate No. 05 dated 16.02.2015 issued under erstwhile Person with Disability Act, 1995.

2. Submissions made by the Respondent:

2.1 Section Officer, DD-III Section, DEPwD filed reply dated 05.06.2023 on behalf on the Respondent No.1 and inter-alia submitted that the word 'temporary' is not mentioned in the English version but it is mentioned in the Hindi version. However, because of the absence of the word temporary in English Version, there is no change in the meaning of the said rule. Moreover, in case of conflict between Hindi and English versions in matters relating to law, English version is regarded as authoritative text and therefore, English version of Rule 18 (3) (ii) would prevail over the Hindi version.

2.2 As per Section 34 of the RPwD Act, 4% reservation in government establishment is available to persons with benchmark disability (disability of 40% or more). At the time of consultation with DoPT for issuance of OM dated 17.05.2022 for reservation in promotion to employees with disabilities, it was suggested to debar reservation in promotion on the basis of temporary disability certificate on the ground that reservation is a permanent benefit whereas in case of temporary disability, there is a chance of disability percentage

/1019/2023

going below 40% and in case of this scenario, Section 34 of the said Act may be violated.

2.3 If the concerned person is not satisfied with the decision of certifying authority, he may appeal against decision in terms of Section 59 (1) of the RPwD Act, 2016.

3. Submissions made in Rejoinder:

The Respondent No.1 reply was forwarded to the Complainant vide email dated 09.06.2023 with a direction to submit his rejoinder. However, no response was received from the Complainant.

4. Observations & Recommendations:

4.1 Two issues raised by the Complainant. First one is related to the inconsistency between the Hindi and English versions of Rule 18 (3) (ii) of Rights of Persons with Disabilities Rules, 2017. Another issue raised by the Complainant is whether the benefits of reservation in promotion on the basis of disability can be given on the basis of 'temporary disability certificate'. The Respondent submitted the Reply on both the issues. This Court is satisfied with the rational explained in the Reply. Further intervention of this Court in the present Complaint is not warranted.

4.2 The case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 12:26:17

(Upma Srivastava)

**Chief Commissioner
for Persons with Disabilities**

Dated: 31.07.2023

/1017/2023 COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India
Case No. 13715/1131/2023/169665**Complainant:**

Shri Sudarshan Kumar,
S/o Shri Uday Shankar Kumar Sinha,
Village & Post: Sartha, PS: Wena,
District: Nalanda (Bihar); Pin: 803110
Email: sudarshankumarsk@gmail.com

R42146

Respondent:

The Chief Manager,
Canara Bank,
Harnaut Branch,
Chandi More, Near Kalisthan,
Harnaut CD Block
District: Nalanda (Bihar)
Email: cb4953@canarabank.com

R42147

Affected Person: The Complainant, a person with 63% locomotor disability

1. Gist of Complaint:

1.1 Shri Sudarshan Kumar, a person with 63% locomotor disability, from Nalanda (Bihar) filed a complaint vide email dated 14.11.2022 regarding rejection of his loan under PMEGP (Prime Minister's Employment Generation Programme) by the Respondent – Canara Bank, Harnaut Branch, Nalanda.

1.2 The Complainant had applied in the prescribed form for PMEGP loan amounting to Rs.10.00 Lakh for self-employment on 11.02.2022 with the Respondent. He alleged that the Respondent rejected his loan application on the second day of application without any inquiry. The Complainant referred to Section 37 of RPwD Act, 2016 stating that 5% reservation has been provided in all poverty alleviation and development schemes of the Government for self-employment.

2. Submissions made by the Respondent:

The Respondent filed their reply dated 14.02.2023 and submitted that they were pleased to sanction a loan of Rs.10.00 Lakh to the Complainant under PMEGP. The Respondent also informed that a copy of the reply had been marked to the Complainant.

3. Submissions made in Rejoinder:

The Complainant vide email/letter dated 07.07.2023 confirmed that the

/1017/2023

loan amount has been disbursed to him by the Respondent Bank.

4. Observations & Recommendations:

4.1 The grievance of the Complainant has been redressed. No further intervention is warranted in this case.

4.2 Accordingly, the case is disposed of.

Signed by

Upma Srivastava

Date: 31-07-2023 12:23:11

(Upma Srivastava)

Chief Commissioner
for Persons with Disabilities

Dated: 31.07.2023

/1018/2023 COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India
Case No. 13965/1103/2023

In the matter of—

Shri Raj Kumar Raju
Email: rajurk404@gmail.com
Contact No.9810132746****
Complainant

Versus

The Secretary,
Railway Board,
Ministry of Railway,
Rail Bhawan, Rafi Marg,
New Delhi- 110001
Email: secyrb@rb.railnet.gov.in****
Respondent**1. Gist of Complaint:**

1.1 Shri Raj Kumar Raju, a person with 100% locomotor disability (wheelchair user) filed a Complaint dated 21.02.2023 regarding provision of barrier free / reasonable accommodation in long distance trains.

1.2 He was travelling by train No.12428 – Anand Vihar to Prayagraj in AC2 coach. Being a wheelchair user, he boarded in the train with his wheelchair, but he could not go to his berth No.47 in his wheelchair as the wheelchair could not get accommodated in the passage. Two persons hanged him on their shoulders to reach the berth. Thereafter, during the journey from 10:00 p.m. till 07:00 a.m. in the morning he had to face many difficulties in attending his natural calls. On return journey, even in AC1 he faced the same difficulties of inaccessibility.

1.3 He prayed for making necessary arrangements in trains particularly in long distance trains so that a wheelchair user can get accessible environment in the trains.

2. Submissions made by the Respondent:

2.1 The Director/Mechanical Engineer (Coaching), Railway Board filed a reply dated 15.06.2023 on behalf of the Respondent and submitted that a suitable small size of wheelchair in accordance with the existing aisle width of the coaches may be used because it is not feasible to make a provision of wheelchair within coach as a standard item. Indian Railways provides earmarked compartment SLRD coach for Divyangjan adjacent to the Guard Van/Locomotive of the trains. This coach has a wider entrance door of 920 mm for entertaining with wheelchair, increased aisle width, wider berths, increased knee space, larger lavatory area for complete movement of

/1018/2023

wheelchair in lavatory, wheelchair parking space, low-height wash-basins, western commode with hand rails at suitable height. Etc.

3. Submissions made in Rejoinder:

3.1 The Complainant filed his Rejoinder dated 30.06.2023 and reiterating his difficulties he faced due to inaccessibility and added that the Respondent did not say anything on the difficulties he faced. On the contrary, the Respondent only showed off their achievements. He suggested that at least an appropriate wheelchair should be available in the Guard's cabin so that the persons with disabilities can avail it as and when needed.

4. Observations & Recommendations:

4.1 The issue raised by the Complainant is related to accessibility of coaches of trains. The Respondent has not opposed the idea of accessibility of coaches. From the perusal of the Reply, it becomes clear that some steps have already been taken by the Respondent to make the coaches accessible for wheelchair users. The suggestion of the Complainant of keeping an appropriate wheelchair available in all long distance trains at a designated place for use by a needy traveller is a practical and workable solution. At this stage, no further intervention of this Court in the present Complaint is warranted.

4.2 The case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 12:24:46

(Upma Srivastava)

**Chief Commissioner
for Persons with Disabilities**

Dated : 31.07.2023

/1021/2023 COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India
परिवाद संख्या - 13636/1014/2023/165484

परिवादी -

सुश्री सोनामुखी कुमारी,
पुत्री - श्री राम विलाश राम,
पता - फ्लैट नं० 402, चौथा तल्ला,
मोकामा हाउस, जनक किशोर रोड,
कदमकुआँ, पटना-800003
Email: 92adityanarayantiwari@gmail.com
Cell Phone: 8544175020, 7979074784

प्रतिवादी -

अध्यक्ष,
कर्मचारी चयन आयोग,
ब्लॉक सं० 12- केन्द्रीय कार्यालय परिसर,
लोधी रोड, नई दिल्ली-110003,
Email: chairmanssc@gmail.com; sscushqpp1@gmail.com

1. परिवाद का सार -

1.1 सुश्री सोनामुखी कुमारी, 100% दृष्टि दिव्यांग व्यक्ति ने मल्टि टास्किंग (नॉन-टेक्निकल) स्टाफ और हवलदार (सीबीआईसी एवं सीबीएन) परीक्षा, 2021 के विज्ञापन में दिव्यांगता आधारित आरक्षण नहीं दिये जाने व शत प्रतिशत दृष्टि दिव्यांग व्यक्ति के साथ भेदभाव किये जाने के सम्बन्ध में एक अभ्यावेदन / इमेल दिनांक 20.10.2020 इस न्यायालय के समक्ष प्रस्तुत किया।

1.2 परिवादी का कहना था वह कर्मचारी चयन आयोग के मल्टी टास्किंग (नॉन-टेक्निकल) स्टाफ और हवलदार (सीबीआईसी एवं सीबीएन) परीक्षा, 2021 में सम्मिलित हुई थी जिसमें उसे 85.34453 अंक प्राप्त हुए थे। उसके बावजूद भी जब टियर-2 में सम्मिलित होने के लिए जो परिणाम घोषित किया गया तो मेरिट लिस्ट में उसका नाम प्रदर्शित नहीं किया गया था जबकि उसने अधिसूचना के आधार पर ऑल इण्डिया एम.टी.एस. 72 कोड के अन्तर्गत आवेदन किया था। कई ऐसे भी क्षेत्र हैं जहाँ कट ऑफ अंक 74 और 75 प्रदर्शित किए गए हैं।

2. प्रतिवादी द्वारा प्रस्तुत उत्तर-

2.1 प्रतिवादी ने उत्तर दिनांक 21.02.2023 प्रस्तुत किया और अन्य बातों साथ यह प्रस्तुत किया कि परीक्षा की सूचना के पैरा-17 के अन्तर्गत उल्लिखित विस्तृत दिशा-निर्देशों के अनुसार, उम्मीदवारों को केवल उन पोस्ट-सह-राज्यों/संघ राज्य क्षेत्रों/सीसीएस की रिक्तियों के लिए चयन करने पर विचार किया गया है,

/1021/2023

जिसके लिए उन्होंने अपने ऑनलाइन आवेदन पत्र में अपनी वरीयता दी थी। उम्मीदवारों द्वारा चुने गए राज्यों/संघ शासित प्रदेशों की योग्यता और योग्यता-सह-वरीयता के आधार पर, जो उम्मीदवार परिणाम में कट-ऑफ अंक को पूरा कर रहे थे, वे अगले चरण पेपर- II की परीक्षा में उपस्थित होने के लिए योग्य थे।

2.2 परिवारी एक दृष्टि दिव्यांग व्यक्ति हैं और उन्होंने केवल राज्यों/संघ राज्य क्षेत्रों के कोड वरीयता 72 को चुना था [अर्थात अखिल भारतीय रक्तियां और कंप्यूटर आधारित परीक्षा (पेपर-I)] जिसमें अर्हता प्राप्त करने के लिए कट-ऑफ अंक 92.90316 आवश्यक था। इसलिए, योग्यता और योग्यता-सह-वरीयता वाले राज्यों/केंद्र शासित प्रदेशों के आधार पर उन्हें योग्य नहीं पाया गया क्योंकि उन्हें 85.34453 अंक प्राप्त हुए थे, जो राज्य/यूटी कोड 72 के लिए अंतिम योग्य उम्मीदवार के अंकों यानी 92.90316 से कम है।

3. परिवारी द्वारा प्रस्तुत प्रत्युत्तर-

परिवारी की ओर से प्रतिवारी के उत्तर पर कोई प्रत्युत्तर प्राप्त नहीं हुआ।

4. अवलोकन/अनुशंसाएँ -

4.1 परिवारी द्वारा प्रस्तुत शिकायत के आलोक में प्रतिवारी का उत्तर संतोषजनक है, और दिव्यांगजन अधिकार अधिनियम, 2016 के प्रावधानों और नियमों का उल्लंघन होना प्रतीत नहीं होता है। अतः इस मामले में इस न्यायालय द्वारा अग्रिम किसी हस्तक्षेप की आवश्यकता नहीं है।

4.2 तदुसार इस वाद का निपटारा किया जाता है।

Signed by

Upma Srivastava

Date: 31-07-2023 12:29:59

दिनांक : 31.07.2023

(उपमा श्रीवास्तव)
मुख्य आयुक्त दिव्यांगजन

/1031/2023 COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India
Case No. 13773/1014/2023/184571

In the matter of—

Shri Ashutosh S. Kawde,
R/o House No.06, Palm Vila,
Sumit Nagar,
Zingabai Takli Godhni Road,
Nagpur-440030;
Email: ashutoshsir20@gmail.com;
Mobile: 9561111128

242139

.... Complainant

Versus

The Registrar,
University of Delhi,
Delhi - 110007
Email: registrar@du.ac.in

242140

.... Respondent No.1

The Principal,
Annasaheb Gundewar College,
Katol Road, Chhaoni,
Nagpur - 440013
Email: info@gundewarcollege.com;
ag.college@yahoo.in
Phone: 0712: 2591008; 2591735

242141

... Respondent
No.2

1. Gist of Complaint:

1.1 Shri Ashutosh S. Kawde, a person with 40% Visual Impairment filed a complaint dated 24.01.2023 regarding— (1) Rejection of his application for the post of Assistant Professor in Commerce under PwBD-Blind category from the various colleges of DU; and, (2) Not providing Teaching Experience Certificate & Salary as per UGC Pay Scale by his employer, Principal, Annasaheb Gundewar College, Katol Road, Chhanoi, Nagpur (Maharashtra).

1.2 He was appointed to the post of Assistant Professor in BBA (non-grant permanent basis) as per qualifications and pay-scale of UGC norms against the advertisement published on 08.06.2018 in the newspaper 'Loksatta' by Annasaheb Gundewar College. He joined the college on 24.07.2018. But the college has not been

/1031/2023

providing salary as per UGC norms since his joining. Due to some problems like salary and misconduct at Annasaheb Gundewar College, he has been applying for the post of Assistant Professor in Commerce in various colleges including the 05 colleges of University of Delhi. But all colleges have been rejecting his applications on the grounds of 'Teaching Experience'. According to the Screening Committees his teaching experience certificate is not valid because there is no mention of UGC Pay-scale or Grade (at Rs.6000 AGP in PB Rs.15600-39100). Despite his repeated requests, the Principal, Annasaheb Gundewar College did not provide that experience certificate due to which he could not get selected in other colleges.

2. Submissions made by the Respondent:

2.1 The Principal, Annasaheb Gundewar College filed a reply dated 13.03.2023 and inter-alia submitted that post of Assistant Professor for the BBA was advertised through open category and was not reserved for persons with disabilities. Therefore, Shri Kawde was not appointed in disabled category. No grants are received from the government for operating BBA course on which Shri Kawde is working, so he is a teacher for fully permanent non-grant basis course. In the experience certificate issued, necessary details of job position, date of joining and total experience according to the prevailing method are mentioned. All the necessary facilities are being provided to him and other teachers at the college.

2.2 University of Delhi in its reply dated 06.04.2023 filed the reply dated 05.04.2023 received from Dayal Singh College. As per the Screening Committee decision, Shri Kawde did not meet the minimum eligibility criterion of obtaining 45 marks. He was informed to submit a clear copy of his research paper number 3 (in his list of attachments) and also the proof of experience certificates with UGC pay scale mentioned clearly on them. However, he could not do it and thus the Screening Committee awarded only 42 marks to him.

3. Submissions made in Rejoinder:

The Complainant filed rejoinder on 07.06.2023 and reiterated his grievance.

/1031/2023

4. Observations & Recommendations:

4 . 1 Complainant has raised two issues against two Respondents. First issue is related to not being shortlisted by the Respondent No.1 for various vacancies. Another issue raised is related to not mentioning the UGC Pay scales in the experience certificate issued by the Respondent No.2.

4.2 As far as the first issue is concerned, the Complainant himself submitted that his candidature is rejected because of non-mentioning of UGC pay scale on the experience certificate. This reason of rejection cannot be termed as discrimination on the basis of disability. Hence, intervention of this Court on this point is not warranted.

4.3 As far as second issue is concerned, the cause of the issue is against Annasaheb Gundewar College, which will fall under the jurisdiction of the State Commissioner for Persons with Disabilities, Govt. of Maharashtra.

4.4 This Court decides to forward the present Complaint to the State Commissioner for Persons with Disabilities, Govt. of Maharashtra for investigation on second issue.

4.5 Accordingly, the case is disposed of.

Signed by

Upma Srivastava

Date: 31-07-2023 13:18:01

Dated: 31.07.2023

(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

/1024/2023

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No. 13831/1021/2023**Complainant:**

Shri Mukesh Bhatt
House No – I-9, Friends Enclave,
Shah Nagar, Defence Colony Road,
Dehradun – 24800
Mobile No – 9045960956
Email - mukeshbhatt2012@gmail.com

R42135

Respondent:

Employees Provident Fund Commissioner
Head Office
Bhavishya Nidhi Bhawan,
14-Bhikaji Cama Place
New Delhi - 110066
Email – acc.dlut@epfindia.gov.in

R42136

No.1

Additional Central Provident Fund Commissioner
(Delhi And Uttarakhand)
Provident Fund Building, Community Hall
Wazirpur Industrial Area – 110052

R42137

No.2

Regional Provident Fund Commissioner
Provident Fund Building,
GMS Road Vyom Prastha
Kanwali, Dehradun - 248001

R42138

No.3

Affected Person: The complainant, a person with 70% Locomotor Disability

1. Gist of Complaint:

1.1 शिकायतकर्ता ने दिनांक 25.01.2023 को एक शिकायत दर्ज की जिसमें बताया गया कि वह कर्मचारी भविष्य निधि संगठन, देहरादून-उत्तराखंड में वरिष्ठ सामाजिक सुरक्षा सहायक के पद पर कार्यरत है। उपरोक्त कार्यालय में प्रमोशन हेतु दिव्यांग कोटे से एक पद रिक्त है। अपर केन्द्रीय भविष्य निधि आयुक्त (दिल्ली व उत्तराखंड) से Conduct of Limited Departmental to Post of Section Supervisor Cader in EPFO

/1024/2023

under examination Quota Vacancy Position from upto 31/12/2022 का पत्र क्षेत्रीय कार्यालय देहरादून को प्राप्त हुआ है, जिसमें दिव्यांग कोटे के पद की संख्या शून्य दर्शायी गयी है और पत्र में बताया गया है कि DOP&T के पत्र में पदोन्नति में आरक्षण केब से दिया जाना है स्पष्ट नहीं है।

2. Submissions made by the Respondents:

2.1 Respondent No – 01, EPFO, Zonal Officer, Delhi & Uttarakhand filed their reply dated 06.04.2023 inter-alia submitted that M/o L&E vide letter No A-32022/01/2022-SS-I dated 15.11.2022 has forwarded the clarification of DoP&T stating that "No retrospective date for implementation has been mentioned in the OM. Hence, it is effective from the date it has been issued."

2.2 Regional PF Commissioner-I (Admn.) filed their reply dated 06.04.2023 inter-alia submitted that the complainant has been appointed in the post of SSA in the pay grade of Rs.5200-20200 with Grade Pay Rs.2400/- w.e.f. 27.09.2010. As per the Recruitment Rules for the post of Section Supervisor, officials holding the post of SSA with 09 years of service are eligible subject to fitness and vigilance clearance.

2.3 He further submitted that Zonal Office vide letter dated 09.01.2023 circulated the vacancy position for Section Supervisor under Examination Quota as on 31.12.2022 wherein 'NIL' vacancy was reported under PwBD category. Thereafter, EPFO Head Office vide Circular No. HRM-III/4(23)2019/EO/AO/17189 dated 20.03.2023 further clarified under Para-2 of ibid Circular that "...the reservation of PWBD will be applicable for the vacancies that are created in the panel year 2023 and onwards".

2.4 A DPC was held by Zonal Office (Delhi & Uttarakhand) on 09.03.2023 to fill up the vacancies for the year 2023. It is further informed that DPC held on 09.03.2023 was for promotion to the post of Section Supervisor under Seniority Quota in the panel year 2023 in respect of Uttarakhand Region and recommended to keep one post vacant for PwBD candidate due to non-availability of PwBD candidate even in the extended zone of consideration.

2.5 The Complainant has completed the eligible service of 09 years in SSA cadre as per Recruitment Rules of Section Supervisor and shall be promoted to the post of Section Supervisor against Seniority

/1024/2023

Quota under PwBD category under the normal/extended zone of consideration in accordance with Para-13.1 of DoP&T OM dated 17.05.2022. His name is at Sr.No. 107 of the seniority list of SSA cadre whereas officials at S.No.69 to 73 of the seniority list in the extended panel have been considered by the DPC held on 09.03.2023.

3. Submissions made in Rejoinder:

3.1 The complainant filed his rejoinder dated 17.04.2023 and reiterated his complaint.

4. **Hearing:** The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **06.06.2023**. The following persons were present during the hearing:

Shri Mukesh Bhatt :
Complainant

Shri Shahid Iqbal :
Respondent-1
Regional PF Commissioner Grade-1

Shri S.K. Jha,
Regional Provident Fund Commissioner Grade-1 :
Respondent-2

Shri Ankur P. Gupta,
Regional Provident Fund Commissioner-II : Respondent-
3

5. Observations & Recommendations:

5.1 After perusal of the submissions and supporting documents filed by the complainant and the respondents, this Court concludes that the respondents' reply are satisfactory. No further intervention in the present complaint is warranted.

5.2 The case is disposed of.

/1024/2023

Signed by

Upma Srivastava

Date: 31-07-2023 12:43:54

(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

Dated: 31.07.2023

/1C20/2023 COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No.:13779/1021/2023/183753

In the matter of:

Complainant:

Shri Sanjeev Kumar Vyas
 Town and Post – Uchchain, Thana – Uchchain
 District – Bharatpur, Rajasthan – 321302
 Mobile No – 9462809047
 Email – vyassanjeev3@gmail.com

R42132

Respondent:

(1) The Chief Executive Officer,
 Prasar Bharti,
 Prasar Bharati House,
 Tower C,
 Copernicus Marg,
 New Delhi – 110001

R42133

(2) Director General,
 All India Radio,
 Akashwani Bhavan,
 Sansad Marg,
 New Delhi – 110001
 Email – sibsection230@prasarbharati.gov.in

R42134

Affected Person: The complainant, a person with 50% hearing impairment

1. Gist of Complaint:

प्रार्थी का अपनी शिकायत दिनांक 05.01.2023 में कहना है कि वह आकाशवाणी केंद्र जयपुर में प्रसारण निष्पादक (TREX) पद पर कार्यरत है। प्रार्थी का चयन प्रसार भारती द्वारा विशेष भर्ती निश्चिंतजन के अन्तरगत हुआ था। प्रार्थी की नियुक्ति दिनांक 23.06.2016 को CBS, AIR, Jaipur में हुयी जहाँ वो लगातार सेवा में है। प्रार्थी का शिकायत निम्नलिखित है :-

- प्रार्थी ने प्रसार भारती के गजट नोटिफिकेशन के अनुसार TREX पद से उच्च पद PEX हेतु पदोन्नति बावत अवधि भी पूर्ण कर ली है।
- प्रसार भारती में उच्च पदों के रिक्त रहते व DoPT भारत सरकार के नियमावली के अनुसार दिव्यंगाजन कोटे के अंतर्गत पदोन्नति के निर्धारित रिक्त पदों के बावजूद प्रार्थी का प्रमोशन नहीं किया गया।
- पदोन्नति बावत प्रार्थी ने उचित माध्यम से महानिदेशक, आकाशवाणी भवन, संसद मार्ग, नई दिल्ली – 110001 व प्रसार भारती सचिवालय को दो बार अवगत कराया गया।

/1020/2023

2. Submissions made by the Respondent:

2.1 Dy. Director (Admn.) filed their reply dated 28.04.2023 and inter-alia submitted that Shri Sanjiv Kumar Vyas was appointed as TREX, CBS, AIR Jaipur. In the light of the OM dated 17.5.2022, the said instructions become effective in the cadre of Programme Executives, which is a Group B Post, from the date it has been issued i.e., in the year 2022 and promotions in compliance thereof will be in force accordingly. It is also brought to the Notice of this Hon'ble Court that DPC for promotion to the post of Programme Executives (TREX being a feeder grade for promotion to PEX) for the vacancy year 2020 only have been conducted in this Cadre till date and Sh. Sanjiv Kumar Vyas, who was appointed as TREX, CBS, AIR Jaipur on 06.06.2016. Hence was short of residency period of five (05) years as on 01.01.2020. However, he will be considered for the vacancy year by which he has completed residency service as TREX subject to availability of vacancy for hearing impaired and fulfilling all eligibility criterion as per extant Recruitment Regulations and relevant or extant applicable DOPT guidelines, as the case may be, as and when DPC is convened.

3. Submissions made is Rejoinder:

3.1 प्रार्थी ने अपना प्रतियुत्तर दिनांक 09.05.2023 को दायर किया और अन्य बातों के साथ साथ कहा कि DoPT के आदेश क्रमांक OM No. 36012/1/2020-Estt (Res-II) Dated 17.05.2022 के आदेश को उक्त दिनांक से प्रभावी माना है जिस से प्रार्थी असहमत है क्योंकि DoPT के पूर्व आदेश क्रमांक 36035/7/95-Estt (SCT) दिनांक 18.02.1997 से प्रभावी है।

3.2 प्रार्थी की योग्य सेवा 23.06.2021 को 5 वर्ष को पूरी हो चुकी है। परिवादी ने Review DPC दिनांक 24.12.2021 और दिनांक 27.12.2021 को संपन्न की है। इस समय तक प्रार्थी की पदोन्नति योग्य सेवा पूरी हो चुकी थी लेकिन प्रार्थी के नाम पर विचार नहीं किया गया और न ही किसी दुसरे दिव्यगाजन कर्मचारी को शामिल किया गया।

3.3 परिवादी द्वारा 06.01.2023 में DPC हेतु TREX's की आदेश क्रमांक 1/17/2016-SVI(Vol-II)/10 से Seniority List जारी की है, लेकिन परिवादी ने उक्त सूची में दिव्यनागजन के लिए एक भी Roster Point नहीं रखा और ना ही उक्त श्रेणी में किसी कर्मचारी (प्रार्थी) को शामिल किया। 2013-14 से लेकर 2016-17 सूचियों में दिव्यनागजन के लिए Roaster Vacancy भी शामिल होनी चाहिए थी लेकिन परिवादी ने एक भी दिव्यनागजन कर्मचारी को सामने शामिल नहीं किया।

/1020/2023

3.4 इसी आकशवाणी महानिदेशालय में Engineering Wings में आदेश दिनांक 09.12.2022 को PwBDs कोटे से पदोन्नति प्रदान की गयी है। एक ही विभाग में दो तरह के नियत भी विचारणीय विषय है।

4. Observations & Recommendations:

4.1 The Complainant has failed to establish discrimination on the basis of disability. the Reply filed by the Respondent is satisfactory. Intervention of this Court in the present Complaint is not warranted.

4.2 Accordingly, the case is disposed of.

Dated: 31.07.2023

Signed by
Upma Srivastava
Date: 31-07-2023 12:28:18
(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
भारत सरकार/Government of India

Case No: 13748/1022/2023

Complainant:

Email: poonamparashar00@gmail.com

Mobile: 8847525883

1242130

Respondent:

Director General,
Border Security Force,
Central Office Complex,
10 Block, Lodhi Road,
New Delhi- 110003
Email: edpdte@bsf.nic.in

1242131

1. GIST OF THE COMPLAINT

1. शिकायतकर्ता श्री नवीन कुमार ने दिनांक 19.01.2023 को शिकायत दर्ज कर की, जिसमें उन्होंने अपनी पुत्री सुश्री स्नेहा पाराशर 80% मानसिक रोगग्रस्त (दिव्यांग), के ईलाज तथा विशेष स्कूल में चल रही शिक्षा के आधार पर स्थाई स्थानांतरण अवधि को 02 वर्ष के लिए बढ़ाने का अनुरोध किया था। शिकायतकर्ता की बेटी स्नेहा पाराशर जिसका ईलाज कई वर्षों से पी जी आई एम आर, चंडीगढ़ में चल रहा है साथ ही उनकी पढ़ाई स्पेशल स्कूल (Regional Institute for Mental Handicapped School, Sec-31, Chandigarh) में चल रही है जहा पर वह रोजाना अपनी माँ के साथ स्कूल बस से जाती है, तब तक उसकी माँ स्कूल के बाहर रहती है तथा स्कूल से छुट्टी होने के उपरांत उसको सीमा सुरक्षा बल के बस से वापस लाती है, उसके अलावा शिकायतकर्ता की बेटी कि चिकित्सीय जाँच, अन्य एक्सरसाइज तथा फिजियोथैरेपी (P.G.I. Chandigarh) के साथ – साथ मुख्यालय के आधीन लखनौर परिसर में (SPEC Hospital) में चलती है जिसमें प्रार्थी कि दिव्यांग बेटी के मानसिक एवं स्वास्थ्य में काफी सुधार हो रहा है।

2. REPLY FROM RESPONDENT

/1032/2023

2.1 In response, the Respondent stated that in the compliance to this Court letter dated 15.02.2023, the tenure of No. 932542467 HC (GD) Naveen Kumar of HQR SDG(WC) has been extended by HQR SDG (HQ) for one year i.e. upto ATO 2024 vide their has already been conveyed this Court by this HQR vide L/No.41/133 Bn/E-2016-4982 dated 09.03.2023.

3. Observations & Recommendations

3.1 The Complainant vide email dated 23.05.2023 has stated that the aforementioned department has accepted his request for 1-year extension, while he request for 2-year extension. He has requested to close the complaint. Considering that the grievance of the Complainant has been redressed, no further intervention is required in this matter.

3.2 The case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 13:19:15

(Upma Srivastava)

Chief Commissioner for
Persons with Disabilities

Dated: 31.07.2023

/1014/2023



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 & Empowerment

भारत सरकार/Government of India

Case No: 13853/1022/2023

Complainant:

Sh. Puneet Rastogi
 Officer Scale 2, Bank of India
 Address : A-8 Karamchari Nagar
 Bareilly (UP) -243122
 Mob-8588817560 email- punyt.rastogi@gmail.com

R4227

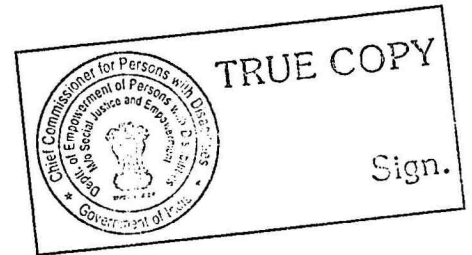
Respondent:

Zonal Manager
 Hardoi Zone, Bank Of India
 Civil Lines, Near DM Chauraha,
 Shahjahanpur Road
 Hardoi (UP)- 241001
 Email ID: hardoi.hrd@bankofindia.co.in
 Res.1

R42128

General Manager
 Transfer & Placement Division,
 Head Office, Bank of India
 Star House, C-5Block, Bandra Kurla Complex
 Mumbai-400051
 Email- headoffice.trap@bankofindia.co.in
 Res.2
 Telephone No. 022-40919191

R4229



1. GIST OF THE COMPLAINT:

1.1 Shri Puneet Rastogi filed a complaint dated 28.02.2023, requesting a transfer to his hometown (Bareilly) as he is the caregiver of his dependent brother, Sh. Manoj Kumar Rastogi, who has a mental retardation of 80%.

1.2 The Complainant stated that after joining the Bank in 2015, he

/1014/2023

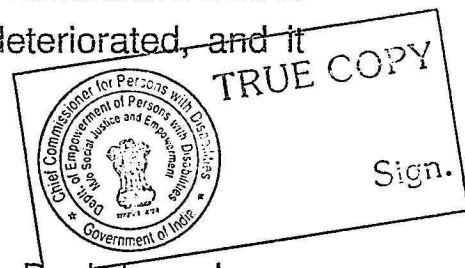
was never properly accommodated near his hometown of Bareilly. He was not even spared from routine transfers despite making several representations and prayers before the competent authorities, explaining that he has a dependent brother with disabilities. The guidelines of the Bank's transfer policy, as outlined in Regulation 47 of BOI (Officers) Service Regulation, 1979, were not followed in true letter and spirit.

1.3 Furthermore, the Complainant stated that due to a promotion in 2021, he was transferred to Kanpur/Hardoi zone, which was the nearest zone to his home zone. The GM of the Human Resource Department, being considerate enough, ensured that he was accommodated in a nearby zone. He was posted in a branch called Madhoganj, which was a semi-urban area lacking good healthcare facilities, and located 180 kilometers away from his hometown. However, after 14 months (in November 2022), he was transferred again to the Sitapur Branch, which was 60 kilometers away from Madhoganj (Hardoi). These constant shifts to different houses and areas have posed great difficulties for him in the rehabilitation of his brother. Additionally, he is currently undergoing treatment at the Mental Hospital in Bareilly.

1.4 Therefore, he, along with his brother who has disabilities, has to travel 180 kilometers (from Sitapur to Bareilly) every fortnight for doctor visits and therapies. Sometimes, they have to rely on public transportation, which takes 5-6 hours to reach their hometown. Due to the extensive travel, his brother's condition has deteriorated, and it takes days to pacify him.

2. REPLY OF THE RESPONDENT:

2.1 In response, the Respondent stated that the Bank has always been considerate towards employees who are Divyanjan and those who have dependent Divyanjan. Shri Puneet Rastogi was initially



/1014/2023

posted in the Ghaziabad Zone, and upon his promotion, he was transferred to the former Kanpur Zone (now Hardoi Zone) after serving almost 6 years in Ghaziabad. He is currently posted at an urban branch closest to his location, as there was a vacant position among the branches in the Hardoi Zone.

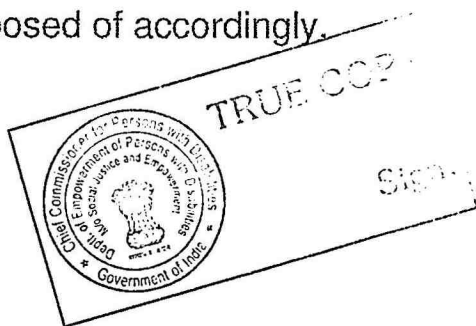
2.2 The transfer request application dated 29.12.2022 from Mr. Puneet Rastogi, requesting a transfer from the Hardoi Zone to the Ghaziabad Zone, has been recommended by the Hardoi Zone and forwarded to our Head Office in Mumbai. The inter-zonal transfer requests (on compassionate grounds) for officers throughout India are processed at the Head Office, and we are currently awaiting the transfer list from the Head Office. In the meantime, Shri Puneet Rastogi has filed a complaint with your esteemed authority.

3. SUBMISSION MADE IN REJOINDER:

3.1 The Complainant, through an email dated 30.05.2023, has submitted that the Zonal Manager of Bank of India, Hardoi, has accepted his request and transferred him back to his hometown of Hardoi. He has requested to close the complaint.

4. OBSERVATIONS & RECOMMENDATIONS:

4.1 Considering that the grievance of the Complainant has been redressed, no further intervention is required in this matter. The case is disposed of accordingly.



Dated: 2.07.2023

Signed by
Upma Srivastava
(Upma Srivastava):21
Chief Commissioner for
Persons with Disabilities

/1015/2023



सत्यमेव जयते

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
भारत सरकार/Government of India

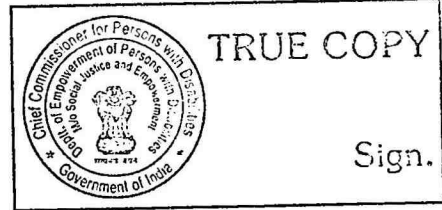
Case No: 13571/1022/2022

Complainant:

Shri Amar Pal,
PGT Economics,
Kendriya Vidyalaya Sangathan,
Dantewada
Email: amarpal.yadav11@gmail.com

Respondent:

The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
Contact No: 011-26521898
Email: kvs.estt.1@gmail.com



Affected Person : The Complainant, a person with 50% Visual Impairment

GIST OF COMPLAINT :

शिकायतकर्ता का अपनी शिकायत पत्र दिनांक 17.11.2022 में कहना है कि वह 50% दृष्टि बाधित दिव्यांगजन है तथा स्नान्कोत्तर शिक्षक अर्थशास्त्र के पद पर केंद्रीय विद्यालय दांतेवाड़ा घोर नक्सली क्षेत्र छत्तीसगढ़ में 13 जून 2019 से कार्यरत है जो कि शिकायतकर्ता के घर से लगभग 2000 किलोमीटर दूरी पर स्थित है। शिकायतकर्ता के माता-पिता वृद्ध हैं तथा शिकायतकर्ता के पिता भारतीय सेना से सेवानिवृत्त 73 वर्ष की आयु में फेफड़ा कैंसर से पीड़ित हैं जिनका इलाज भगवान महावीर कैंसर अस्पताल जयपुर में चल रहा है। शिकायतकर्ता की माता भी हृदय रोग से ग्रसित हैं शिकायतकर्ता अपने माता-पिता का देखभाल करने वाला एकलौता पुत्र है।

2. केंद्रीय विद्यालय संगठन ने वार्षिक स्थानान्तरण 2021 में शिकायतकर्ता का स्थानान्तरण नहीं किया जब शिकायतकर्ता ने केंद्रीय विद्यालय संगठन से पूछा तो उसका कारण बताया गया कि आपका हार्ड स्टेशन है अतः आपका स्थानान्तरण 3 वर्ष का कार्यकाल पूर्ण होने के बाद किया जाएगा, जबकि बहुत से

/1015/2023

सामान्य क्षेत्र के शिक्षकों का स्थानान्तरण उनके गृह के पास कर दिया गया। शिकायतकर्ता ने केंद्रीय विद्यालय संगठन को कई बार पत्र लिखकर उसकी समस्याओं के बारे में अवगत कराया परन्तु कोई सहानुभूति पूर्वक विचार नहीं किया गया।

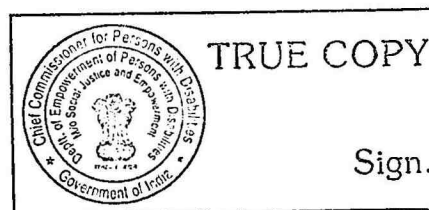
3. शिकायतकर्ता का कहना है कि उसके तीन वर्ष पूर्ण होने के बाद शिकायतकर्ता को उम्मीद थी कि उनका स्थानान्तरण उनके गृह क्षेत्र के समीप होने कि संभावना थी परन्तु केंद्रीय विद्यालय संगठन ने वार्षिक स्थानान्तरण 12 सितम्बर 2021 को एक पत्र जारी कर इस वर्ष बिना किसी कारण के वार्षिक स्थानान्तरण नहीं होने का आदेश जारी कर दिया, जो कि पूरी तरह से अव्यवहारिक है जिसके कारण शिकायतकर्ता बहुत आहत हैं कि संगठन ने 2 वर्ष से उसकी समस्याओं पर कोई सहानुभूति पूर्वक विचार नहीं किया। अतः शिकायतकर्ता ने दिव्यांगजन कार्यालय से निवेदन किया है कि उसका स्थानान्तरण उसके गृह क्षेत्र के पास किया जाये जिससे शिकायतकर्ता अपने माता-पिता कि देखभाल करने तथा संगठन के प्रति अपनी जिम्मेदारियों को पूर्ण कर सके।

REPLY FROM RESPONDENT

4. In response Assistant Commissioner (Estt-1) vide their letter no. dated 02.02.2023 stated that the Sh. Amar Pal, a person with 50% visual impairment working as PGT (Economics) in KV. Dantewada requesting for his transfer to nearby his native place i.e, KV Rewari, Raghunathpura, Jhunjhnu (Rajasthan).

5. The Respondent stated that the transfer of teachers are effected as per transfer guidelines which are well defined and transparent. Appropriate weightage is given to each ground viz. Spouse/PH/LTR/DEP/MDG etc. being adduced by the teacher concerned for transfer as per transfer guidelines. The respondent stated that as per records of Sh. Amar Pal has joined as PGT (Economics) on 13.06.2019 at KV. Dantewada (Hard Station) under Raipur Region on recruitment. He was allotted Central Zone through software on merit cum choice basis. Further, it is stated that the employees who have been posted at NER/hard station could not be transferred before the completion of 03 years tenure at hard/NER as per the KVS transfer guidelines para 2(i).

6. As per records, he filled up online annual request transfer



/1015/2023

application for the year 2021 and mentioned 05 five choices station for request transfer i.e. (1) Raghunathpura (2) Rewari (3) Jhunjhunu (4) Paluwas (5) Gurgaon. But, since he did not complete his hard station tenure as on 30.06.2021, his request was not considered at the time of annual request transfer 2021. Whereas, KVS has issued transfer orders of PGT/TGT/PRT on administrative ground vide transfer order dated 12.09.2022, 13.09 2022 and 16.09.2022 respectively for the purpose of rationalization and redistribution of existing teaching staff and in order to ensure that at least 50% of regular teaching staff are available in all KVS across the country.

7. The annual transfer process of KVS has been suspended for the current academic session 2022-23. Keeping in view the facts and circumstances as aforesaid, the request of the applicant for transfer at this juncture has been considered sympathetically by the competent authority, but the same could not be acceded to. The respondent further submitted that the request of the applicant will be considered along with other employees as and when the applications are called for the next transfer cycle, if the applicant applies for the same.

8. The Complainant was called to file his rejoinder within 15 days vide this court's letter dated 17.03.2022, but he has not filed the same despite lapse of considerable time.

9 . **Hearing:** The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **01.06.2023**. The following were present:

- | | | |
|---|---|--------------------|
| i. Shri Amar Pal | : | Complainant |
| ii. Shri Deepak Kumar Dabral, Asst. Commissioner, | : | |
| Respondent | | |

Observations /Recommendations:



TRUE COPY

Sig:

/1015/2023

11. During online hearing the Respondent submitted that there is no vacancy in Jhunjunu however the Complainant can be posted to Rewari where the vacancy is situated and further assured this Court that the Complainant shall be transferred to Rewari.
12. As far as issue of completion of 3 years of posting at hard location is concerned, since the stipulated time of 3 years has completed in 2022 hence the issue has lost its relevance and need not be considered.
13. This Court concludes that the case of the Complainant shall be considered in accordance with O.M. No. 14017/41/90 dated 10.05.1990 and O.M. No. 14017/16/2002 dated 13.03.2002. O.M. dated 10.05.1990 provides that employees belonging to Group C and D may be posted near to their native place. Further O.M. No. 14017/16/2002 dated 13.03.2002 issued by DoP&T clarifies instructions laid down in O.M. dated 10.05.1990 to extend its applicability on employees belonging to group A and B as well. Further the O.M. No. 36035/3/2013, dated 31.03.2014 issued by DoP&T at Para H provides two guidelines with respect to transfer and posting of divyang employees. Firstly, it is laid down that divyang employees may be exempted from rotational transfer and allowed to continue in the same job where they would have achieved the desired performance. Secondly, the O.M. provides that at the time of transfer/promotion, preference in place of posting may be given to the Persons with Disabilities subject to the administrative constraints.
14. This Court recommends that the Respondent shall consider the present case as per the guidelines issued by DoPT delineated above. In case the Respondent fails to take action in accordance with the above guidelines then it shall inform this Court, as per section 76 of Rights of Persons with Disabilities Act, 2016, as to why these guidelines cannot be applied in the present case.
15. The present Complaint is disposed of with liberty granted to the Complainant to again file a complaint in case he is grievance is not redressed by the Respondent within 1 month from the date of this Order.



/1015/2023

16. This case is disposed of.

Signed by

Upma Srivastava

Date: 31-07-2023 12:03:38

(UPMA SRIVASTAVA)

Chief Commissioner for
Persons with Disabilities

Dated: 31.07.2023

1033/2023



सत्यमेव जयते

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
भारत सरकार/Government of India

Case No: 13949/1022/2023

Complainant:

Ms. K. Sravanthi
Plot No. 43A, 1st Floor,
7th Street, Jyothi Nagar,
Via JB Nagar, Pillayar Koil
Annanur, Chennai – 600062
Email ID <kol.sravanthi@gmail.com>

13949/23

Respondent:

The Managing Director
Indian Bank
Corporate Office,
254-260, Avvai Shanmugam Salai
Royapettah, Chennai, 600014
Email ID cohrmgroupa@indianbank.co.in

13949/24

1. GIST OF THE COMPLAINT:

1.1 Ms. K Sravanthi, a person with 100% hearing impairment, filed a complaint dated 10.03.2023. She works as a Clerk in Indian Bank and is requesting transfer to Hyderabad.

1.2 The Complainant stated that she is married to a physically challenged (hearing impaired) person from Chennai. She was transferred to Chennai Indian Bank in July 2017, as he is in Chennai. She has completed 5 years of service at the branch in Chennai.

1.3 She is currently working at the St. Peters Engineering College branch in Chennai. Due to her health issues, including bronchitis and

1033/2023

gynecological problems over the past five years, she applied for a transfer to Hyderabad online in December 2020. However, she was unable to update her application as the online site was not accessible. Her branch management forwarded her transfer application to the Zonal Office in Poonamalee, Chennai on 05.12.2020. However, her transfer request to Hyderabad has not been considered to date. She was previously stationed at the Pattabhiram branch in Chennai and transferred to St Peters Engg. College on 01.08.2022. Once again, the system did not allow her to update the transfer online. It was only updated in February 2023. She has enclosed the online registered request for the transfer of branches as well.

2. REPLY OF THE RESPONDENT:

2.1 In response, the Assistant General Manager (HRM) submitted a letter dated 26.05.2023 stating that the request of Ms. K. Sravanthi, a person with 100% hearing impairment, has been favorably considered.

3. SUBMISSION MADE IN REJOINDER:

3.1 The Complainant, in an email dated 08.06.2023, has stated that the Assistant General Manager (HRM) has accepted her request for transfer to Hyderabad on 24.05.2023. She has joined the aforementioned bank on 29.05.2023 (Monday).

4. OBSERVATIONS & RECOMMENDATIONS:

4.1 Considering that the grievance of the Complainant has been redressed, no further intervention is required in this matter. The case is disposed of accordingly.

Dated: 31.07.2023