

**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. 13945/1011/2023

In the matter of—

Ms. Shweta Awasthi,
R/o RZ-23A, Gali No.3,
Opposite Jain Mandir,
Southwest Delhi,
Delhi 110046
Email: 8756shweta@gmail.com

.... Complainant

Versus

The Chairperson,
International Financial Services Centres Authority
[IFSCA]
Gift City, Gandhinagar (Gujarat)
Pin: 382355
Email: chairperson@ifsc.gov.in

.... Respondent

1. Gist of Complaint:

1.1 Ms. Shweta Awasthi, a person with 89% Multiple Disability (HI 100% + VI 100%) filed a complaint dated 17.02.2023 alleging that a recruitment notice was advertised by the Respondent in the month of February, 2023 for Recruitment of Officer Grade-A (Assistant Manager) – 2023 without giving minimum 4% mandated reservation for persons with disabilities.

1.2 She requested this Court to get the advertisement amended and a corrigendum issued so as to allow 4% reservation to Persons with Benchmark Disabilities as per sections 33 and 34 of the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as "the Act". She also requested that the candidates with unreserved category of PwBD be allowed to compete on merit as well as they can avail scribe facilities and age relaxation as per the law.

2. Submissions made by the Respondent:

2.1 The Respondent filed its reply dated 03.05.2023 and inter-alia submitted that on receipt of an email dated 17.02.2023 from Ms. Shweta Awasthi (the Complainant), IFSCA had taken cognizance of the complaint and had issued a corrigendum on 20.02.2023 to the vacancy notification with reservation for PwBD (D&HH) under Category-2 as one candidate of PwBD (B&L.V) under Category-1 had already been recruited in the first recruitment cycle. The Respondent further submitted that the date of submission of online application had also been extended up to 15.03.2023 against the vacancy notification for recruitment of Officer Grade-A

(Assistant Manager) in IFSCA. The Respondent also furnished a copy of the corrigendum.

3. Submissions made in Rejoinder:

No rejoinder has been received from the Complainant to the reply filed by the Respondent.

4. Observations & Recommendations:

4.1 From the reply filed by the Respondent it appears that the Respondent has provided 4% reservation to the PwBD in terms of section 34 of the Act by issuing a corrigendum on 20.02.2023, hence no violation. Though, the Complainant has made request that PwBDs be allowed to compete in the UR category on merit as well, even if provided with the use of scribe or age relaxation as per the law, but has not made any specific complaint of denial of age relaxation and the facility of scribe. The grievance of the Complainant has been redressed and no further intervention is warranted in this matter by this Court.

4.2 Accordingly the case is disposed of.

Dated: 21.07.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



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. 13464/1011/2022/153916

In the matter of—

Shri Deep Chandra Pandey,
F/o Prashant Pandey,
Flat No 33A,
Indian Airlines (Cargo) CGHS,
Sector-11, Dwarka,
New Delhi-110075, Ph: 7579016474:
Email: dcpandey67@gmail.com

241994

... Complainant

Versus

The Chairman,
Staff Selection Commission
Block N0-12, CGO Complex,
Lodhi Road, New Delhi 110003
Email: chairmanssc@gmail.com;
sscushqpp1@gmail.com

241995

... Respondent

Affected Person: Shri Prashant Pandey, a person with 50% Autism Spectrum Disorder

1. Gist of Complaint:

1.1 Shri Deep Chandra Pandey, Father of Shri Prashant Pandey, a person with 50% Autism Spectrum Disorder filed a complaint dated 18.08.2022 against Staff Selection Commission (SSC) alleging that no post was reserved for persons with ASD in SSC CGL-2021 for the post of Assistant Audit Officer (Group 'B' Gazetted – Non-Ministerial).

1.2 The Complainant submitted that his son Shri Prashant Pandey had been selected for Tier-II exams by SSC for the post of Assistant Audit Officer (AAO) as per List-1 and for other posts as per List-2. However, no post was reserved for ASD candidates. His contention was that when no AAO post was reserved for ASD candidate then at the time of filling the application form why did SSC gave an option to apply for AAO post. On 16.08.2022, SSC had issued a corrigendum for CGL-2020 on their website where they have identified different departments where ASD (M or Mod) are eligible, but the same information has not been given for CGL 2021.

2. Submissions made by the Respondent:

2.1 SSC filed its reply dated 28.11.2022 and submitted that they are a recruiting agency and conduct examinations for recruitment of various Group 'B' and Group 'C' posts for filling up the vacancies reported by the indenting Ministries/Departments/ Organizations. The total vacancies arising in an indenting unit and reckoning vacancy for a particular reserved category, including reservation for PwDs through the system of maintenance of roster, are the exclusive domain of respective indenting Ministries/Departments/ Organizations.

2.2 With regard to not reserving the posts of Assistant Audit Officer and Assistant Accounts Officer (AAO), for ASD candidates, it is stated that there is no vacancy for the post of Assistant Accounts Officer in the Office of Comptroller & Auditor General (CAG) through CGLE-2020. Further no post with the name 'Assistant Audit Officer' was available in the Notification dated 04.01.2021 issued by the Department of Empowerment of Persons with Disabilities (DEPWD). Specific information was already available from O/o CAG, therefore, the information for the post of Assistant Accounts Officer (AAO) in CAG had been kept the same as provided by the indenting Department i.e. O/o CAG.

2.3 With regard to information for CGLE-2021, after issuance of Corrigendum-IV dated 16.08.2022 to CGLE-2020, some user departments reiterated suitability of the posts in their department which are different as mentioned in Notification dated 04.01.2021. Since identification of suitability of posts for a particular disability is exclusive domain of the user department and the SSC does not have any role in it, and not acceding to the request of user department may result into non-issuance of appointment letter to the recommended candidate by the indenting department, the SSC accepted the changes intimated by indenting departments and issued another Corrigendum-V dated 20.10.2022 to CGLE-2020. As SSC has been receiving information regarding suitability of posts from the indenting user departments, the relevant Corrigendum to CGLE-2021 would be issued before conducting of document verification (DV) of CGLE-2021 after incorporating all the relevant information received from the indenting user departments.

3. Submissions made in Rejoinder:

The Complainant filed his rejoinder dated 14.01.2023 and inter-alia submitted that again in corrigendum 2020 there was a mistake. As per Gazette Notification, Assistant Accounts Officer and Assistant Audit Officer (AAO) are identified for ASD candidates but the Corrigendum did not recognize it at the end. But on 13.01.2023 a corrigendum of CGL 2021 was issued and AAO posts are again not identified for ASD candidates. He filed another rejoinder on 20.01.2023 and submitted that SSC is just a recruiting agency. He requested that the Comptroller and Auditor General of India may be made a party in this case.

4. Observations & Recommendations:

4.1 The Complainant has raised multiple issues with respect to CGL Examination – 2021. The first issue raised is that though there is no vacancy reserved for Persons with Benchmark Disability, hereinafter 'PwBD', with Autism Spectrum Disorder, hereinafter 'ASD', his son was shortlisted in Tier – I of the examination. He submits that if there is no vacancy reserved for PwBD with ASD, the PwBD candidates must not be allowed to apply at the first stage.

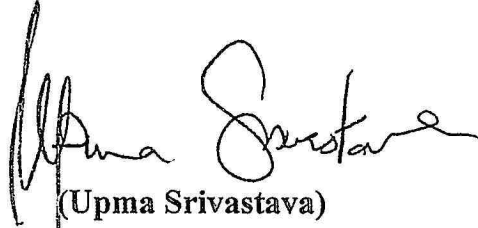
4.2 This issue is completely unfounded. Even if any post is not reserved for PwBD with any particular category of disability, such candidate may also apply subject to the condition that such post is identified suitable for such category of disability. The advertisement is perused. In the advertisement posts of 'Assistant Section Officer' and 'Upper Division Clerk' are identified suitable for PwBD candidates with ASD.

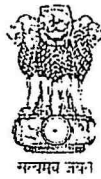
4.3 Another issue raised by the Complainant is that in different departments posts are reserved for different categories of disabilities, he prays that all categories of disabilities should be treated at par. It is pertinent to note that various establishments identify different posts suitable for different categories in accordance with the list of jobs identified suitable for Persons with Disabilities, dated 04.01.2021, issued by Department of Empowerment of Persons with Disabilities. In the said list, different posts are identified suitable for different categories of PwBD in accordance with the functional requirements of such posts. The Complainant has not filed any grievance with respect to identification of any particular post.

4.4 This Court concludes that the Complainant has not made any case of discrimination on the grounds of disability hence further intervention of this Court in the present Complaint is not warranted.

4.5 Accordingly, the case is disposed of.

Dated: 21.07.2023


(Upma Srivastava)
Commissioner
for Persons with Disabilities



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: 13730/1023/2023

Complainant

Ms. Sheetal Sejwal
 F-11, Lado Sarai, New Delhi-110030
 Mobile No : 9711344498
 Email: sejwalsheetal7@gmail.com

Vs

Respondents:

The Director,
 National Institute of Health and Family Welfare
 Baba Gang Nath Marg, Munirka, New Delhi -110067.
 Contact No: 011-26165959, 26166441, 26188485
 E-Mail: info@nihfw.org; director@nihfw.org, director.nihfw@nic.in

1. Gist of the Complaint:

1.2 शिकायतकर्ता ने अपनी शिकायत पत्र दिनांक 20.01.2023, में बताया है कि वह 57 प्रतिशत लोकोमोटर दिव्यांगजन है जो कि राष्ट्रीय स्वास्थ्य एवं परिवार कल्याण संस्थान मुनिरका (माँ और बच्चे ट्रेकिंग सुविधा केंद्र) में कार्यरत है। शिकायतकर्ता का आगे कहना है कि उनकी कार्य ग्रहण की तारीख 16 जून को हुई थी। शिकायतकर्ता को उनकी पैर की वजह से नौकरी से निकाल दिया गया तथा उनका काफी मजाक उड़ाया गया। अतः शिकायतकर्ता ने कोर्ट से विनम्र निवेदन किया है कि उनकी मदद की जाए।

2. The matter was taken up with the Respondent vide letter dated 08.02.2023 under Section 75 of the RPwD Act, 2016.

3. Submission made by the respondent:

3.1 Dy. Director General (Stats), Mission Mode Project Cell, Ministry of Health & Family Welfare, vide letter dated 05.04.2023, submitted that no insensitive attitude was shown towards complainant by her employer. The Complainant absented herself w.e.f 10.01.2023 at her own. On 17.02.2023 she came to office and informed that she was undergoing treatment and pursuing a Hotel Management Course. She also informed that she will rejoin her duties in

MCTFC centre on 01.03.2023. Her request was accepted by HSP (Helpdesk Service Provider) and she has resumed her duties w.e.f. 01.03.2023 as she desired. In other words, the HSP has given all the liberty she requested for. Respondent also submitted a Report of the Fact Finding Committee.

3.2 As per the Report of the said Fact Finding Committee, the Respondent submitted that the complainant an employee as Help Desk agent at MCTFC Call Centre since 16th June, 2022. Her duties include providing information about government health schemes to pregnant women and those caring for a one year old child, as well as addressing any issues or concerns. The issue was discussed with Ms. Ruby Sansanwal, Project Manager, MCTFC, Shri Sharad Sachdev, Ex-Project Manager, MCTFC. As briefed by them MCTFC Call Centre is functioning on 7 days' basis. As per the terms and conditions of MCTFC, 86 call agents must be available at the call centre every day, except on Central Government Gazetted Holidays. Since 108 call agents are placed on a rotational basis, each help desk agent must be present in the office for 8 hours and attend calls for 6 hours. Ms. Ruby Sansanwal, Project Manager, MCTFC, Shri Sharad Sachdev, Ex-Project Manager, MCTFC, both them informed that the complainant used to take leave without prior permission and her call quality does not meet the standards of call center. On perusal of attendance sheet of the complainant much variation in her attendance was not noticed. The complainant numbers of occasions her uninformed /wilful absence have been converted to weekly off so that no pecuniary loss is caused to her. Both of them also stated that as a caution they use to restrict the access to the office for all the executive post who continues 5 days uninformed leave.

3.3 The complainant has 57% permanent disability which is non progressive. The HSP has to ensure quality service in time bound manner in every field and thus they might have some reservation in grant of leave. However, in this particular case denial of leave to the Complainant could not be established. From the office environment of the HSP, it may be opined that no such attitude of supervisors and other executives regarding commenting on others dress sense, appearance or attitude is noticed. As requested by Ms. Sheetal Sejwal, she has been allowed to rejoin her duty w.e.f 01.03.2023. The HSP may be advised to comply all statutory rules regarding RPwD Act, 2016. The HSP may consider



rotational training program for improvement of voice tone, speech tempo and callers' pace etc. for providing quality services by every caller agent.

4. The complainant has not filed the rejoinder comments vide letter dated 09.03.2023 issued by the Court of Chief Commissioner for Persons with Disabilities.


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) None for the Complainant
- ii) Dr. J.P Shivdasani, Nodal Officer Administration and Ms. Rangoli Pathak, Dy. Director for Respondent

6. **Observations/Recommendations**

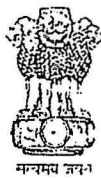
6.1 During online hearing the Respondent apprised this Court that the Complainant has been reinstated through vendor. This Court concludes that after reinstatement of the Complainant the cause of the Complaint has extinguished. Further intervention of this Court in the present Complaint is not warranted.

7. The case is disposed of accordingly.



(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated: 24.07.2023



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. 13672/1024/2023

Complainant:

Shri Sartaj Singh Chahal
Qtr. No. 572, Type-2,
Block No.12, Kamla Nehru Nagar,
P.S.- Madhuban Bapudham,
P.O.- Kamla Nehru Nagar,
Distt.- Ghaziabad, U.P.- 201002
Email: metheew076@gmail.com
Phone: 7000030496

142018

Respondents:

Central Industrial Security Force,
5th Reserve Battalion Ghaziabad,
PO. Shipra Sun City
P.S Indrapuram, Ghaziabad, UP- 201014
Phone: 01202652141
Email: rb-5th@cisf.gov.in

.....Respondent No.1

142019

Department of Expenditure
Ministry of Finance
Room No.-129 A, North Block,
New Delhi- 110001
Phone: 011-23092929
Email: secyexp@nic.in

.....Respondent No.2

142020

1. Gist of Complaint:

1.1 Shri Sartaj Singh Chahal, a person with 55% Moderate Disability has filed his complaint dated 13.12.2022, regarding denial of transport allowance at double the normal rates.

1.2 The complainant submitted that he served as a responsible serviceman in Central Industrial Security Force. He belongs to Persons with Disabilities Category as defined in the RPwD Act, 2016. He is taking treatment from a psychiatrist and the Standing Medical Board has advised that he can perform duty under close supervision of seniors. His request for grant of transport

allowance at double the normal rates as available to employees with disability in central governments was denied by his department on date 09.02.2021 saying that he being a case of mental illness, is not eligible for double transportation allowance. Only dumb, deaf, blind and physically disabled people are covered under this category.

1.3 He stated that the latest Office Memorandum of the Department of Expenditure, Ministry of Finance, both the categories - low vision and mental illness have been excluded, without any reason. He requested that mental illness should also be included in this category.

2. Submissions made by the Respondent:

2.1 Asstt. Commandant/DDO, CISF 5th Res. Bn. Ghaziabad, stated that CISF No. 973240155 CT/GD Sartaj Singh Chahal who is presently posted at CISF Unit DMRC Delhi. While he was posted in this Battalion he had submitted application dated 03.02.2021 for grant of double transport allowance, as per medical certificate issued by the office the CMO Ghaziabad vide certificate no 2021/655 dated 25.01.2021, he is a patient of Bipolar affective Disorder, IDEAS=11, (Moderate Disability) since 2006.

2.2 Respondent submitted that after perusal of his application and related documents for grant of Double Transport allowance, it has been found that as per Ministry of Finance letter dated 07.07.2017, he is not eligible for double transport allowance and the same has been informed to the individual vide this office letter No.R-12028/CISF/5thRB/TPT/ ACCTS-1/2021-1508 dated 09.02.2021. Because as per above OM of Ministry of Finance the double transport allowance is payable to only such categories of PwDs which are covered under the instructions as mentioned in DoE OM No. 19029/1/78-E.IV(B) dated 31.08.1978 and subsequent orders in respect of the categories viz visually impaired, orthopedically handicapped deaf and dumb/ hearing impaired spinal deformity.

3. Submissions made in Rejoinder:

3.1 The complainant filed rejoinder dated 25.03.2023 and reiterating his complaint.



4. **Hearing:** The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 22.06.2023. The following were present:

- i) Shri Sartaj Singh Chahal – **Complainant**
- ii) Shri Rajkumar, Assistant Commandant on behalf of **Respondent No.1**
- iii) Dr. Vivek Dwivedi, Under Secretary on behalf of **Respondent No.2**

5. **Observations/Recommendations**

5.1 The issue is related to non-payment of Transport Allowance at double the normal rate, hereinafter 'double T.A.'. The Respondent No. 1 placed its reliance on O.M. No. 19029/1/78-E.IV(B) dated 31.08.1978 issued by D/o Expenditure, M/o Finance and submitted that as per the O.M. the allowance was not admissible to Persons with Disabilities with Mental Illness.

5.2 During online hearing, the Respondent No. 2 was specifically asked why double T.A. is not admissible to employees with disabilities having Mental Illness. The representative appearing on behalf of the Respondent No. 2 cited guidelines issued by D/o Expenditure on 15.09.2022 vide O.M. No. 21/1/2018-E.IIB, hereinafter 'the O.M.'. The Respondent No. 2 bypassed Para 1 of the O.M. and relief upon Para 2 which lays down the eligibility criterion of employees who are eligible for Transport Allowance at double the normal rates. Para 2.1 of the O.M. provides that employees with Benchmark Disabilities having valid certificate of disability shall be eligible for drawing Transport Allowance at double the normal rate. The Respondent No. 2 submitted that as per the criterion laid down in Para 2 of the O.M., any employee with benchmark disability of any nature and having valid disability certificate is eligible for double T.A. at the normal rate.

5.3 The submissions made by the Respondent No. 2 seems to be in conflict with the Para 1 of the O.M. Heading of Para No.1 is – categories of disabilities for the purpose of grant of transport allowance at double the normal rate. In this para it is provided that employees with disabilities as listed in the table contained in the para are eligible for transport allowance at double the normal rate. This table does not contain two categories of disabilities which are mentioned in the Schedule of Rights of Persons with Disabilities Act, 2016. The table does not contain categories of 'low vision' and 'Mental Illness'. The Respondent No. 2 failed to provide any justification for excluding these two categories of disabilities from the



scope of admissibility of transport allowance at double the normal rate. On the contrary the Respondent No. 2 relied on Para 2, while ignoring Para 1 of the O.M. and submitted that any employee with benchmark disability of any nature and having valid disability certificate is eligible for double T.A. at the normal rate.

5.4 The table mentioned in Para 1 of the O.M. contains some discrepancies, for instance, in Sr. No. (iv) of the O.M. disabilities mentioned are 'Autism Spectrum Disorder' and 'Intellectual Disability', whereas from the perusal of Schedule of Rights of Persons with Disabilities Act, 2016 it becomes clear that in the schedule, 'Intellectual Disability' is the heading which includes two subcategories of disabilities, 'specific learning disabilities' and 'autism spectrum disorder'. The confusion created by table mentioned in Para 1 of the O.M. is whether employees with disabilities having 'specific learning disabilities' are excluded from the admissibility or not.

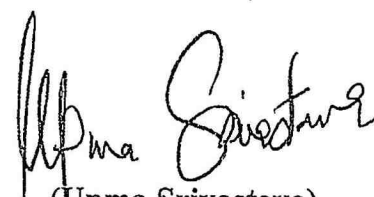
5.5 Relying on Para 2 of the O.M. and because of the confusion persisting in Para 1 of the O.M. and also as submitted by the Respondent No. 2, this Court recommends that the Respondent No. 1 shall pay transport allowance at double the normal rate to the Complainant.

5.6 Further, this Court recommends that the Respondent No. 2 shall review the table mentioned in Para 1 of the guidelines issued by D/o Expenditure on 15.09.2022 vide O.M. No. 21/1/2018-E.IIB.

5.7 Respondents are directed to submit the 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 of Persons with Disabilities Act, 2016.

5.8 This case is disposed of accordingly.

Dated: 24.07.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

**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: 13655/1023/2022**Complainant**

Shri Chuttan Lal Meena
Rz-01/114, Gali No.3, Durga Park,
Near Shiv Mandir,
New Delhi- 110045
Email: chhutanlalmeena78@gmail.com;
clmeena@nihfw.org

R42016

Vs**Respondent:**

The Director
The National Institute of Health & Family Welfare
Baba Gangnath Marg
Muniraka, New Delhi - 110067
Phone No. 011-26165959
Email ID: director@nihfw.org

R42017

1. Gist of the Complaint:

1.1 The Complainant Shri Chhutan Lal Meena, a person with 40% Locomotor Disability has filed a complaint dated 10.01.2023 regarding harassment and discrimination by Officer. The complainant had joined the National Institute of Health & Family Welfare (NIHFW), Baba Gangnath Marg, Munirka, New Delhi as an LDC w.e.f 05.04.2007. The Complainant became eligible for the post of Upper Division Clerk (UDC) on 05.04.2012 through DPC but the (NIHFW) administration delayed his DPC for almost 09 months and promoted him to the post of UDC only on 26.12.2012. The Complainant has incurred financial loss and seniority due to the unreasonable delay of the (NIHFW) administration in conducting his DPC. The Complainant further submitted that after completion of five years of regular service in the post of Upper Division Clerk though he became eligible for promotion to the post of Assistant w.e.f 26.12.2017. The (NIHFW) administration did not conduct the DPC.

1.2 The Complainant had requested to the competent authority in (NIHFW) on 11.10.2017 and 21.12.2017 to promote him to the post of Assistant. The current roster position for the post of Assistant one post in the Scheduled Tribe (ST), PH category is lying vacant for which he became eligible on 26.12.2017. The Complainant had requested the Respondent on 15.12.2022 to conduct the DPC to promote him but it was not done.

1.3 The Complainant further submitted that the Institute has 14 (Fourteen) sanctioned posts of Assistant and as per post-based Roster the posts are to be filled as below:

By Promotion	=	07
By Direct	=	07
Sanctioned Post	=	14

- | | | |
|--------------------------|---|-------------------|
| 1. UR (Unreserved) | = | 10 |
| 2. SC (Scheduled Caste) | = | 02 |
| 3. ST (Scheduled Tribes) | = | 01 (By Promotion) |
| 4. PH | = | 01 (By Promotion) |

The present position of Assistant in the Institute is as under: -

- | | | |
|--------------------------|---|--------------------|
| 1. UR (Unreserved) | = | 04 |
| 2. SC (Scheduled Caste) | = | 03 |
| 3. ST (Scheduled Tribes) | = | NIL (By Promotion) |
| 4. PH | = | NIL (By Promotion) |

1.4 The Complainant further submitted that he belonging to the ST (PH) category. The required length of service to be eligible for assistant is five years whereas the complainant has already completed 10 years of service as UDC. The complainant has requested to CCPD Court to give directive to respondent for promoted him as Assistant which is reserved for ST PH category.

2. The matter was taken up with the Respondent vide letter dated 16.01.2023 under Section 75 of the RPwD Act, 2016.

3. Submissions made by the Respondent:

3.1 Research Officer/NIHFW, New Delhi, vide letter dated 09.03.2023, has filed the reply and submitted that the NIHFW is an autonomous Institute under the Ministry of Health and Family Welfare, Govt. of India. The institute are small cadres available for secretarial staffs in NIHFW. The complainant (Shri Chhutan Lal Meena), UDC, NIHFW was appointed by respondent-NIHFW as Lower Division Clerk (LDC) w.e.f. 5.4.2007. As per availability of vacancies and after obtaining eligibility i.e. 5 years of experience as LDC, he was promoted through Departmental Promotion Committee to the post of Upper Division Clerk (UDC) on 26.12.2012 as Scheduled Tribe (ST) Category. The complainant is now seeking promotion to the post of Assistant.

3.2 The Respondent submitted that 14 sanctioned posts of Assistants in NIHFW which is Group B post. Respondent further submitted that as per the Department of Expenditure, Ministry of Finance, Govt. of India OM No. 7(1)/E. Coord/2017 dated 12.04.2017 out of the 14 posts, two posts of Assistant are no longer available, one post having been abolished and the other post having been deemed abolished. Presently the sanctioned strength of Assistants in NIHFW is 12 only.

3.3 The Respondent further submitted that as per the recruitment rules to the post of Assistant in NIHFW, the post of Assistant is to be filled-up 50% by Promotion failing which by Direct Recruitment and 50% by Direct Recruitment. In case of promotion, 50% on the basis of Merit-cum-seniority and 50% on the basis of a Limited Departmental Competitive Examination (LDCE) from amongst UDC with 5 years regular service in the grade.

3.4 At present, 3 posts of Assistant are vacant which are to be filled by promotion through Departmental candidates in NIHFW i.e. 2 (Two) posts to be filled by Limited Departmental Competitive Examination & 1 (one) post to be filled on Merit-cum-Seniority basis. The Group 'B' post based reservation roster, which is verified by the Liaison Officer of NIHFW, one Vacant position of Assistant which is to be filled by promotion in Merit-cum-Seniority by Departmental Promotion Committee (DPC) falls for 'Unreserved Category'. It



is further submitted that at present 5 candidates are senior than the complainant as per the seniority list as on 04.01.2023.

3.5 The Complainant has filed the present complaint alleging his harassment and discrimination for PH (ST) category and denial of promotion to the post of Assistant under Persons with Disability (PwD) Category. NIHFW or any of its officials/officers have ever harassed or discriminated the complainant in any manner whatsoever. They further submitted that the respondent or its officials/officers have not violated any fundamental right or human right or any legal/ statutory right of the complainant and he does not have any cause of action against the answering respondent or its officials/officers to file the complaint against them.

3.6 One vacant position of Assistant which is to be filled by promotion on Merit-cum-Seniority by Departmental Promotion Committee (DPC) falls for 'Unreserved Category'. As per seniority list at present 5 candidates are senior than the complainant. The answering respondent NIHFW will convene DPC shortly for consideration of all eligible employee for promotion. The case of the eligible candidates will be submitted before DPC to evaluate all the aspects i.e. eligibility, previous service record and APARs, PwBDs criteria etc.

3.7 The complaint of the Complainant is misconceived being based on mistake of facts and wrong reading/interpretation of applicable Rules/Office Memorandum/roster points. Thus, the complaint is liable to be closed/rejected.

4. Submissions made in Rejoinder:

4.1 The Complainant has filed the rejoinder vide letter no. dated 20.03.2023 and submitted that the NIHFW has nothing to do with the present case. The NIHFW officer who has filed the reply mentions that there is a Staff Grievance Redressal Committee to look into the grievances of the staff in which he is the Member Secretary. The Complainant further submitted that the same officer has tactfully evaded to reply why the NIHFW administration delayed his DPC for the post of UDC by nearly 09 months w.e.f 26.12.2012 although his DPC was due from 05.04.2012. It has already been mentioned in his original complaint to the CCPD dated 10.01.2023.




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 Chuttan Lal Meena- **Complainant**
- ii) Dr. JP Shivdasani, Nodal Officer Admininstration- **Respondent**

6. **Observations/Recommendations**

6.1 The main cause raised by the Complainant in the grievance is related to reservation on basis of guidelines relating to reservation on the basis of Scheduled Tribe category, which is beyond the mandate of this Court. Intervention of this Court in the present Complaint is not warranted.

6.2 The case is disposed of accordingly.


(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated:24.07.2023



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: 13744/1023/2023

Complainant

Shri Balwan Singh
 Physical Education Teacher,
 Jawahar Navodaya Vidhyalaya,
 Sujanpur, Khair,
 Aligarh, Uttar Pradesh
 Email: balwansinghnvs@gmail.com
 Mobile No: 09990219090

12/2/2014

Vs

Respondents:

The Commissioner
 Jawahar Navodaya Vidyalaya Samiti,
 B-15, Industrial Area,
 Block B, Sector 62, NOIDA,
 Gautam Budh Nagar, Uttar Pradesh-201309
 Email: commissioner.nvs@gov.in; jcadmn.nvs@gov.in

12/2/2015

1. GIST of the Case:

1.1 The Complainant Balwan Singh, a person with 44% Locomotor Disability has filed a complaint dated 29.01.2023, regarding harassment by the Principle of Jawahar Navodaya Vidyalaya. The Complainant is working as Divyang Physical Education Teacher in Jawahar Navodaya Vidyalaya Aligarh since 19th October 2021. The Complainant stated that since he joined, he is being harassed mentally, physically and financially by the Principal, Shri Omveer Singh and deliberately deprived of the basic facilities, which he is entitled from office. Whenever correspondence was done by him, either the authorities did not answer properly or they shied away from their responsibilities by saying that the questions were baseless and devoid of facts. The Principal and Mr. Sonesh Upadhyay -TGT Maths directed some students to address him as lame. When this matter was told to the Principal, he shown

[Signature]

helplessness to do anything. In Navodaya Vidyalaya, a teacher named Shri Chandra Prakash was training his son to drive a car on the athletics track at games time, at the same time the children were also playing football. When he requested the said teacher not to train his son on ground to avoid accident with the playing students, Shri Chandra Prakash, then, threatened to file a case against him under the SC/ST Act along with the Principal. His only fault was that he had stopped him from driving a car which is also the duty of a Physical Education Teacher to keep his playground safe.

1.2 The Complainant further submitted that on 04/12/2022, Assistant Commissioner namely Shri S.P. Shakaya orally called him in guest house of school at about 8:30 AM and shown a notice to him which related to an alleged harassment of a lady teacher (name withheld) by the Complainant. When he asked for a copy of the complaint on which the said notice was based, then Shri Shakaya refused to do so and neither did he disclose any incident mentioned in complaint. It seems that no complaint has been given by any person and then he harassed him by bad words by using his administrative powers of the Assistant Commissioner.

1.3 The Principal and Shri Sonesh Upadhyay, TGT Mathematics has threatened to kill him. The Complainant is deeply hurt by the above incidents and remains very upset. He lives alone in another state, Uttar Pradesh Aligarh away from Delhi which is his hometown. The Complainant is Divyang alongwith his divyang wife, have two daughters and old mother (88 years) in his family. He is scared for his safety and security because of regular conspiracies happening in the school against him. If any untoward incident happens to him, the Principal and Shri Sonesh Upadhyay and the lady teacher who complained against him will be responsible for it. The Complainant requested for his safety and strict action against the culprits after a proper investigation. The Complainant also questioned the bonafide of his being posted far away from his home town in spite of his physical condition vis-a-vis other similarly placed physically challenged teachers who joined with him.



2. The matter was taken up with the Respondent vide letter dated 14.02.2023 under Section 75 of the RPwD Act, 2016.

3. Submissions made by the Respondent:

3.1 In response, Assistant Commissioner (Establishment-3) vide email dated 11.04.2023 submitted that a staff quarter was made available on the ground floor for the Complainant without any delay. The Complainant PET has been extended the benefit of double TPTA in accordance with the NVS Regional office letter dated 16.09.2022 along with salary of January 2023 & Arrear of TPTA was also paid to him. The Respondent further submitted that no discrimination of any kind was pointed out by the Complainant with regard to any harassment concerning duties assigned to him. The Complainant could not produce any material evidence against Shri Sonesh Kumar, TGT (Maths) against whom he has alleged of instigating students to call him "LAME", threatening, and conspiring. No instigation from the side of staff is noticed. The Complainant, PET did not name any student who calls him "Lame". The Complainant could not produce any material evidence against the lady teacher against whom he has alleged conspiring & threatening.

3.2 The Respondent further submitted that the Complainant could not produce any material evidence against the Principal against whom he has complained of Mental, Physical & financial harassment. The Respondent stated that there has been no discrimination of any kind whatsoever by the Principal.

4. Submissions made in Rejoinder:

4.1. The Complainant has filed his rejoinder vide letter dated 02.05.2023 through email and submitted that the Complainant is a Physical Education Teacher as well as a Diploma Coach in Athletics NS, NIS Patiala (2013-14) and won many medals from 2004 to 2011 at the international level by representing his country. The reply given by Assistant Commissioner, HQR are wrong and denied. The Complainant who is person with disability was not provided ground floor which is mandatory to be given to person with physical disability. The Complainant was provided accommodation at First floor on dated 22.10.2021 which was also not maintained and in good condition. Further, complaints for maintenance vide dated 22.12.2021, 23.11.2021,



03.03.2022 and 09.05.2022 were given by Complainant but no action was taken and Complainant was forced to use someone else bathroom for his natural courses. The Complainant further submitted that the Respondent submitted wrong contents. The Complainant was eligible for double TPTA from the day of joining i.e. Dt. 19.10.2021 as per the guidelines of Govt. but since the Complainant gave Complaint against the ill human accommodation on dated 22.10.2021, the double TPTA was stopped from the very first month and his double TPTA was also given after many complaints. Wages against the employment is a fundamental right of every citizen of this country but the Complainant who belongs to Special disabilities was deprived from his basic needs. The Complainants filed complaint before the PwD Commission on 29.01.2023 after which the double TPTA was released on dated 04.03.2023. The Complainant submitted that he has always performed his duties with utmost dedication. The Complainant was made member of monthly activities i.e., sale purchase etc. verification committee. The Complainant was given few clothes stitching bills on dated 16.03.2022 without GST and other documents. The Complainants raised the question that bills were not under General Finance Rules upon which he was pressurized by Principal and in charge to sign the documents of bills of Rs. 2,82,181/- containing total 5 bills. The Complainant has requested once again to this Court to give direction to the Respondent and take action for harassment of Divyangjan employees and violation of such rules.

5. **Hearing:** The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 06.06.2023: The following were present:

- i) Shri Balwan Singh- **Complainant**
- ii) None appeared for **Respondent**

6. **Observations/Recommendations**

6.1 After perusal of the submissions and supporting documents filed by the Complainant and the Respondent, this Court concludes that the issue raised by the Complainant can be resolved amicably. This Court recommends that the Respondent and the Complainant shall conduct a meeting with each other. The



Respondent shall understand the needs and find the solution to the problems which are faced by the Complainant because of his disability.

6.2 Respondents are directed to submit the 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 of Persons with Disabilities Act, 2016.

6.3 The case is disposed of accordingly.


(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated:24.07.2023



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: 13846/1022/2023

Complainant:

Shri Vishal Ratan Gaikwad

Address : Gangarde Nagar,

Kate Puram Chowk,

Lane No 1, Near Sai Palace,

Pimple Gurav, Pune 411061

Mobile :- 9834250967/9922277697

Email :- vishalgaikwad5693@gmail.com

Respondent:

The Chairman & Managing Director

Life Insurance Corporation of India

Central Office, 'Yogakshema',

Jeevan Bima Marg, Nariman Point,

Mumbai - 400021

Email : co_complaints@licindia.com

Contact No. 022-22811049

1. GIST OF COMPLAINT

- 1.1 Shri Vishal Ratan Gaikwad, a person with 100% visual impairment, filed a complaint dated 21.02.2023, working at the Life Insurance Corporation of India, located in Warna Nagar Soduli Taluka Panhala, District Kolhapur. He has requested transfer to his native place. Furthermore, the complainant stated that he should be transferred closer to his place of residence in Pune. Regarding this transfer, he has completed 3 years on 07.02.2023. According to the rules of LIC, no one can receive a transfer without completing 3 years.

2. REPLY OF RESPONDENT

- 2.1 In response, the Secretary (Peradmin), LIC, vide letter dated 12.05.2023 has submitted that the employee has already been

transferred to Branch No. 987, Pune Divisional Office -I and necessary office order dated 03.05.2023 has been issued by the Senior Divisional Manger, Kolhapur, Divisional Office. The employee has also taken over the charge at Branch number 987 under Pune Division on 08.05.2023.

3. REJOINDER REPLY

- 3.1 In this regard, Shri Vishal Ratan Gaikwad has shown his satisfaction towards the action taken by the respondent.
- 3.2 Considering that the grievance of the Complainant has been redressed, no further intervention is required in this matter.
4. The case is disposed of accordingly.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 24.07.2023



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: 13854/1022/2023

Complainant:

Sh. Jivraj E. Patki,
Dy. Director,
Regional Institute of Cooperative Management
Sector-32, C. Chandigarh - 160030
Mobile No. 9423006473
Email ID: jivrajpune09@gmail.com

R4608

Respondents:

The Secretary,
Ministry of Cooperation,
Atal Akshay Urja Bhawan
CGO Complex, Lodhi Road,
Behind NIA Building,
New Delhi -- 110003
Email ID : secy-ccop@gov.in

R42009

Respondent.....1

The Additional Secretary & CRCS,
Ministry of Cooperation,
Atal Akshay Urja Bhawan.
CGO Complex, Lodhi Road,
Behind NIA Building,
New Delhi -- 110003
Email ID : ascoopn@gov.in

R42010

Respondent.....2

The Secretary, National Council for Cooperative Training,
Siri Institutional Area, August Kranti Marg,
New Delhi -- 110016
Email ID : secy.ncct@gov.in

R42011

Respondent.....3

1. GIST OF COMPLAINT

- 1.1 Shri Jivraj E. Patki filed a complaint dated 16.02.2023, requesting for his transfer to Institute of Cooperative Management (ICM) in Pune, nearest to his home town, in compliance with instructions on posting/transfer of care-givers citing that he is a care giver for his dependent son, Sh. Ajay Jivraj Patki, who is mentally challenged and has a disability (range 50-70), with an IQ of 67%.

1 | Page

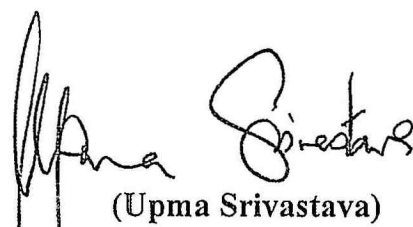
- 1.2 Furthermore, it is also submitted by the Complainant that he has only less than 2 years of service remaining before superannuation in November 2024 in the Respondent department. Therefore, he seeks transfer to ICM Pune on these sympathetic and genuine grounds.

2. REPLY OF THE RESPONDENT

- 2.1 In response, Shri Manish Bhatia, Administrative Officer, National Council for Cooperative Training vide letter dated 01.06.2023 submitted that the request of the complainant, for transfer was placed before the Placement Committee, alongwith other cases and the request of the complainant was considered by the Committee. Based on recommendations of the Placement Committee, and with the approval of Competent Authority, the complainant has been transferred to ICM, Pune vide Order No. 7-1/1/2023-Pers dated 23.05.2023 and the complainant has also joined his new place of posting i.e. ICM, Pune on 29.05.2023.
- 2.2 The Complainant vide his letter dated 24.05.2023 also submitted that the complaint of his posting in Pune has been considered and his grievance has been redressed by the respondent department. Further he has no grievance regarding the transfer and he is satisfied with his transfer to Pune.

3. OBSERVATION AND RECOMMENDATION

- 3.1 The request of Shri Jivraj E. Patki has been considered favourably by the Respondent and he has already been transferred to his hometown at his desired place of posting, i.e. the Institute of Cooperative Management (ICM), Pune.
- 3.2 Considering that the grievance of the Complainant has been redressed, no further intervention is required in this matter.
4. The case is disposed of accordingly.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 24.07.2023



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: 13678/1022/2023

Complainant:

Shri Om Shanker Mishra,
Associate. SBI ADB Fatehpur Branch,
R/o. H.No. 409 A K Block, Yashoda Nagar
Kidwai Nagar, Kanpur,
Uttar Pradesh - 208011
Email: omi0784@gmail.com

Respondent:

The General Manager,
State Bank of India,
State Bank Bhawan,
Madame Cama Marg,
Mumbai-400021.
Email: gm.customer@sbi.co.in

Respondent No. 1

The Zonal Head,
State Bank of India,
Local Head Office,
Motimahal Marg, Hazratganj,
Lucknow-226 001.
Email: sbi.06752@sbi.co.in

Respondent No. 2

1. GIST OF COMPLAINT :

- 1.1 Shri Om Shankar Mishra, a person with 50% hearing impairment, working as Associate in State Bank of India. ADB Fatehpur Branch, filed a complaint dated 16.12.2022 requesting for transfer to his native place Kanpur, Uttar Pradesh.
- 1.2 The Complainant submitted that he is a Person with Benchmark Disability, (hereinafter referred to as 'PwBD'), and presently posted as an associate in SBI ADB Fatehpur Branch. At the time of recruitment, he was allotted branch

80 K.Ms. away from his home town Kanpur Nagar despite guidelines of Govt. of India and SBI on the issue of transferring PwBD employees to home town. He further submits that on 13 Jan, 2020 many of his batchmates got posting in Kanpur Nagar but he was denied by flouting all guidelines. He further submits that he forwarded a transfer request through proper channel and his application reached Local Head Office Lucknow on 23 September, 2022, however no decision has been taken on his application.

- 1.3 He has requested O/o CCPD to issue necessary instructions to the authorities for his transfer to Kanpur Nagar.

2. SUBMISSIONS MADE BY THE RESPONDENT:

- 2.1 In response, General Manager (NW-II), State Bank of India submitted that the complainant has been transferred from Administrative Office, Prayagaraj to Administrative Office, Kanpur vide letter No HR/IR/SG/871 dated 15.02.2023.

3. SUBMISSIONS MADE IN REJOINDER:

- 3.1 The complainant in his rejoinder dated 05.04.2023 has submitted that his grievance has been redressed.

4. OBSERVATIONS /RECOMMENDATIONS:

- 4.1 Since the grievance raised by the Complainant has been redressed, no further intervention is warranted in the matter. The case is disposed of.


(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated: 24.07.2023



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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 – 14033/1141/2023

Complainant:

Shri Abhishek S/o Shri Dilip Kumar Singh

Email – mail2abhinitp@gmail.com

12/4/2023

Respondent:

The Chairman

National Highways Authority of India

G 5&6, Sector – 10, Dwarka

New Delhi - 110075

12/4/2024

Affected Person: Shri Dilip Kumar Singh, a person with 50% locomotor disability

1. Gist of Complaint:

1.1 Shir Abhishek filed a complaint dated 15.03.2023 submitting that his father requested for exempted fast tag through NHAI Portal having Application Number (RO-PAT-231137152479) for his car BR24U3761, which is used to visit doctors. The above request is rejected without any justifications.

2. Submissions made by the Respondent:

2.1 General Manager (CO), National Highways Authority of India filed their reply dated 06.06.2023 on behalf of the respondent and inter-alia submitted that Rule 11 of NH Fee Rules, as amended, provides exemption to mechanical vehicles specially designed and constructed for the use of a person suffering from physical disability or registered with Ownership Type as “Divyangjan” under Motor Vehicle Act, 1988 (59 of 1988) and the rules made there under.

2.2 Exemption is provided to vehicles of “Divyangjan” as per extant Rules as mentioned above. Further exemption beyond NH Fee Rules is not under purview of NHAI.

2.3 Shri Dilip Kumar Singh has submitted the application on online portal vide Application No. PO-PAT-231137152479. As per documents submitted on Portal, Vehicle is neither specially designed and constructed for "Divyangjan" nor registered with "Divyangjan" under Motor Vehicle Act, 1988 (59 of 1988). Therefore, the request was not approved.


3. Submissions made in Rejoinder:

The respondent reply was forwarded to the complainant vide letter dated 10.06.2023 with a direction to submit his rejoinder. However, no response was received from the complainant.

4. Observations & Recommendations:

4.1 The reply filed by the Respondent is satisfactory. No further intervention is warranted in this matter.

4.2 Accordingly, the case is disposed of.


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

Dated: 24.07.2023



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

परिवाद संख्या 13728/1103/2023/171231

के मामले में—

श्री अजीत सिंह
श्री फूल सिंह,
ग्राम - रातीपुर,
जिला - पलवल (हरियाणा)
पिन - 121102
Email: ajitkumar.kumar1989@gmail.com
मोबाइल - 9050961064

... परिवादी

बनाम

(1) मण्डल रेल प्रबन्धक / दिल्ली
कार्यालय मण्डल रेल प्रबन्धक, स्टेट एन्ट्री रोड,
नई दिल्ली - 110006
ईमेल - drm@dli.railnet.gov.in

... प्रतिवादी सं०1

(2) महाप्रबन्धक,
उत्तर रेलवे,
बरौदा हाऊस, नई दिल्ली - 110001,
ईमेल - gm@nr.railnet.gov.in

... प्रतिवादी सं०2

1. परिवाद का सार -

1.1 श्री अजीत सिंह, 85% चलन दिव्यांग व्यक्ति ने नई दिल्ली से मथुरा के बीच चलने वाली ईएमयू ट्रेनों में दिव्यांग डिब्बा नहीं होने और / अथवा ईएमयू के किसी डिब्बे पर दिव्यांग डिब्बा नहीं लिखे होने के विषय में एक शिकायत / ईमेल दिनांक 30.12.2022 इस न्यायालय में प्रस्तुत किया।

1.2 परिवादी का कहना था कि नई दिल्ली से मथुरा के बीच चलने वाली किसी भी ईएमयू ट्रेनों में दिव्यांग व्यक्तियों के लिए दिव्यांग डिब्बा नहीं लगा हुआ है जिसके कारण दिव्यांग व्यक्तियों को बहुत परेशानी का समना करना पड़ता है। कई बार तो दिव्यांग व्यक्तियों को चोट लग जाती है। जबकि सभी एक्सप्रेस / मेल रेलगाड़ियों में दिव्यांग डिब्बा लगा होता है। परिवादी ने यह भी कहा कि रेलवे अधिनियम, 1989 के अनुसार रेलगाड़ियों में दिव्यांग व्यक्तियों हेतु दिव्यांग डिब्बा लगाना अनिवार्य है। परिवादी ने ईएमयू रेलगाड़ियों में भी दिव्यांग व्यक्तियों हेतु डिब्बा लगवाने का निवेदन किया।

2. प्रतिवादी द्वारा प्रस्तुत उत्तर -

2.1 प्रतिवादी ने अपना उत्तर / शपथ-पत्र दिनांक 24.02.2023 प्रस्तुत किया और अन्य बातों के साथ कहा कि मथुरा जंक्शन रेलवे अनुभाग के अन्तर्गत चार ईएमयू रेलगाड़ियां संख्या 04420, 04419, 04446 और 04967 चलाई जा रही हैं। प्रत्येक ईएमयू में 12 डिब्बे होते हैं जिनमें से दो डिब्बे रोक के दूसरे और तीसरे स्थान पर दिव्यांग यात्रियों के लिए लगे हुए होते हैं जिन पर "दिव्यांग व्यक्तियों के लिए" लिखा हुआ होता है। प्रतिवादी ने यह भी कहा कि परिवादी के शिकायत के आलोक में दिव्यांग यात्रियों के डिब्बे पर ताज़ातरीन निर्धारण करा दिया गया है ताकि दूर से "दिव्यांग यात्रियों के लिए" लिखा हुआ दिखाई दे सके।

3. सुनवाई -

इस परिवाद में विडियो कान्फ्रेंसिंग के माध्यम से मुख्य आयुक्त दिव्यांगजन द्वारा दिनांक 22.06.2023 को सुनवाई की गई। सुनवाई में निम्नलिखित व्यक्ति उपस्थित हुए -

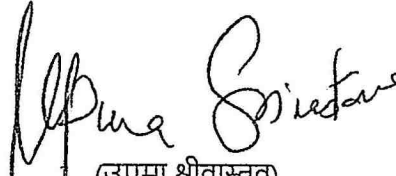
- (1) श्री अजीत कुमार सिंह, परिवादी
- (2) सुश्री स्तुती, वरिष्ठ मण्डल विद्युत अभियंता, ईएमयू, गाजियाबाद प्रतिवादी पक्ष की ओर से

4. अवलोकन/अनुशंसाएँ -

4.1 परिवादी की शिकायत और प्रतिवादी के उत्तर पर गौर करने के बाद यह प्रतीत होता है कि परिवादी की शिकायत का निराकरण अब हो गया है। इस प्रकरण में इस न्यायालय द्वारा अग्रिम हस्तक्षेप की आवश्यकता नहीं है।

4.2 तदनुसार इस वाद का निपटारा किया जाता है।

दिनांक - 24.07.2023


(उपमा श्रीवास्तव)
मुख्य आयुक्त दिव्यांगजन



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. 13947/1013/2023

In the matter of—

Shri Anant Kumar,
S/o Shri Alakh Deo Singh,
P.B. Road, Shanti Nagar, Mihijam
PO & PS : Mihijam,
District: Jamtara (Jharkhand)
Pin: 815354
Email: anantkummar@gmail.com

... Complainant

Versus

(1) The Chairman,
Railway Recruitment Cell, Kolkata
Eastern Railway,
56, Chaittaranjan Avenue,
Kolkata - 700012

... Respondent

1. Gist of Complaint:

1.1 Shri Anant Kumar, a person with 60% locomotor disability filed a Complaint dated 13.02.2023 against the Chairman, Railway Recruitment Cell, Kolkata [RRC Kolkata].

1.2 He submitted that he is a candidate with disability from Course Completed Act Apprentice (CCAA) category and had applied for Centralized Employment Notification (CEN) No.RRC-01/2019 Roll No.224191230002926 published by the Respondent. He appeared in the written examination and secured 38.06392 marks. The cut off marks were uploaded only for CCAA belonging to General and SC/ST/OBC categories which were 40 and 30 respectively. There was no cut off marks uploaded for PwD category. RRC Kolkata started issuing call letters from 06.02.2023 for documents verification and medical examination. He alleged that he did not receive the call letter for document verification and medical examination.

2. Submissions made by the Respondent:

2.1 The Respondent filed its Reply dated 02.05.2023 and submitted that the Complainant is a CCAA candidate and had completed Apprenticeship course in Railways. The CCAA candidates and PwBD candidates are both eligible for horizontal reservation, i.e. these candidates will cut across the vertical reservation. As per Para-2 of the Railway Board's Notification RBE No.71/2016 dated 21.06.2016, one candidate can be given advantage of horizontal reservation

for one category only. Advantage of horizontal reservation in two categories cannot be given simultaneously to a candidate.

2.2 The Complainant had scored a raw score of 14.66667 and normalized score of 18.45303 in CBT of CEN No.RRC-01/2019. He was treated as a CCAA candidate and was given weightage of one third marks of his NCVT exam in his final score as Railway Board's letter RBE No. 51/2022 and, therefore, his final score stood at 38.06392 which is way below the score of last CCAA candidate in UR category (since he is a UR candidate). If he was to be treated as PwBD candidate, his normalized score would have been 18.45303 and would not have been considered. Hence, the issue raised by the Complainant has no merit.

2.3 The Respondent further submitted that the Complainant has already approached Hon'ble CAT, Kolkata Bench, Kolkata for same grievances vide OA No.401 of 2023.

3. Submissions made in Rejoinder:

The Complainant filed his Rejoinder dated 08.05.2023 and inter-alia admitted that he had approached Hon'ble CAT Kolkata and filed O.A. No. 401 of 2023. The said O.A. has been disposed of on 30.03.2023 with a direction to the RRC to consider the aforesaid judgements and pass final order.

4. Observations & Recommendations:

4.1 Since the matter has already been adjudicated upon by the Hon'ble CAT, Kolkata Bench, Kolkata, no further intervention is required by this Court in this matter.

4.2 Accordingly the case is disposed of.

Dated: 24.07.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



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. 13838/1012/2023

In the matter of—

Dr. Renu Singh,
 R/o 315, Pocket 6, Sector-2,
 Rohini, Delhi-110085
 Email: renusinghbhu85@gmail.com
 Mobile: 8882289946

.... Complainant

Versus

General Manager,
 Northern Railway,
 Baroda House, New Delhi-110001
 Email: gm@nr.railnet.gov.in

.... Respondent

1. Gist of Complaint:

1.1 Dr. Renu Singh, a person with 100% Visual Impairment filed a Complaint dated 10.02.2023 regarding refusal of selection despite having secured 33 marks in the examination conducted on 12.12.2022 by DRM, Northern Railway.

1.2 The Complainant submitted that the eligibility criteria for SC, ST and other marginalised sections are 30 marks, but the Respondent is refusing to grant relaxation in her case. The Complainant requested this Court to consider her case.

2. Observations & Recommendations:

The matter was taken up with the Respondent and a Notice dated 15.03.2023 was issued to the Respondent for filing comments in the matter. However, the Complainant withdrawn her case vide email dated 26.05.2023. Hence no further intervention is required in this matter and the case is closed as withdrawn.

Dated: 24.07.2023

(Upma Srivastava)
 Chief Commissioner
 for Persons with Disabilities

Extra

3F



Case No.13749/1014/2023/24974

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. 13749/1014/2023

In the matter of—

Shri Madhu Sudan
S/o Shri Rakesh Kumar Sharma
Gram post Karoth
District- Rajgarh (Alwar)
Rajasthan -301408
Email: montyrohit07@gmail.com

.... Complainant

Versus

The Chief Postmaster General
Rajasthan Circle,
Sardar Patel Marg,
Jaipur- 302007
Email: cpmg_raj@indiapost.gov.in
Phone: 2379279

.... Respondent

1. Gist of Complaint:

Mr. Madhu Sudan, a person with 41% locomotor disability filed a complaint dated 24.11.2022 against the Respondent regarding denial of appointment to the post of Gramin Dak Sevak (GDS). He had applied for the post against the recruitment notification issued by the Respondent on 02.05.2022.

2. Submissions made by the Respondent:

2.1 The Respondent filed their reply dated 15.03.2023 and inter-alia submitted that the Complainant had applied under UR category under Alwar Postal Division and his registration Number was SR5A266F2E233. The said post of GDS is not identified for PH category.

2.3 The Respondent further submitted that as per the notification only 02 vacant posts were notified for PH category in Alwar Postal Division— (1) GDS BPM Phullawas Tijara S.O.; and (2) DGSABPM/DAK SEVAK Bhajera B.O. under Bahadurpur S.O. The Complainant/Applicant had not applied for the aforesaid posts. Further, two candidates who were having more marks than the complainant, have already been appointed on those posts. In case, if the complainant applied against these posts, he could not succeed due to his marks.

1 | Page

3. Submissions made in Rejoinder:

The Complainant filed his rejoinder dated 24.04.2023 and reiterated his complaint.

4. Observations & Recommendations:

4.1 After perusing the submissions made by the parties, this Court observes that the respondent has already appointed 02 PwBD candidates against the vacant posts reserved for PwBDs. It is also pertinent to note that the Complainant did not apply against the posts which were reserved. Moreover, in case the complainant had applied against the reserved post, he could not have been considered as his marks are much below the selected PwBD candidates. The reply of the respondent is satisfactory. Hence, no further intervention is warranted by this Court in this matter.

4.2 Accordingly the case is disposed of.

Dated: 24.07.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



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. 13759/1014/2023/183739

In the matter of---

Mohd. Shahnawaz Ahmad Ansari
Residing at Room No.24, East Wing,
Sir Syed South Hall,
Aligarh Muslim University,
Aligarh-202002,
Email: mohdshahnawazazmi883@gmail.com
Phone: 9559552388

.... Complainant

Versus

The Chairman,
Railway Recruitment Board,
Opposite GCS Hospital,
Near DRM Office, Amdupura,
Ahmedabad - 382 345;
Phone: 079-2294 0858;
Email: as-rrbadi@nic.in

.... Respondent

1. Gist of Complaint:

1.1 Mohd. Shahnawaz Ahmad Ansari, a person with 100% blindness filed a complaint dated 05.01.2023 regarding discrepancy in the selection to the post of Senior Clerk-cum-Typist by RRB Ahmedabad.

1.2 The Complainant submitted that he qualified all levels of the exam and qualified the same securing 69.24 marks out of total marks 120 for the post as the cut off for UR/VI candidates went 64.20 out of 120 and for OBC 59.83 out of 120 marks. When he found that he has been left out of the list of selected candidates, he submitted this complaint to be looked into.

2. Submissions made by the Respondent:

2.1 The Respondent filed their reply dated 15.03.2023 and submitted that as per the application form, the Complainant had applied for the post of Senior Clerk Cum Typist, Category No.05, for NAIR (National Academy of Indian Railway) only, not for WR. No visual impaired (Blind) candidate was selected for Category No.5 under NAIR as there was no post / vacancy for Visual Impairment under NAIR in the notification issued. Therefore, the Complainant could not be selected for WR.

3. Submissions made in Rejoinder:

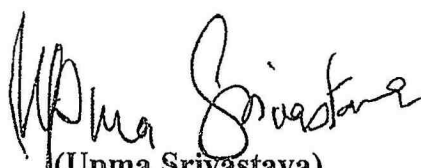
No rejoinder was received from the Complainant to the reply filed by the Respondent.

4. Observations & Recommendations:

4.1 The reply filed by the respondent is satisfactory and there appears no merit in the complaint. No further intervention is warranted by this Court in this matter.

4.2 Accordingly the case is disposed of.

Dated: 24.07.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



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. 13731/1014/2023

In the matter of—

Shri Tushar Singhal,
R/o Opposite Laxmi Palace,
Mandawara Road, Hindaun City,
District: Karauli,
Rajasthan – 322230
Email: singhals1997@gmail.com

... Complainant

Versus

(1) Chief Medical Officer (ENT),
Government Hospital,
Karauli, Rajasthan, 322255
Email: medicalcsr@gmail.com
phs@rajasthan.gov.in
rajmedcouncil@yahoo.in

... Respondent No.1

(2) Chief Medical Officer (ENT),
Government Hospital,
Hindaun City, Karauli,
Rajasthan, 322230

... Respondent No.2

(3) Administrative Section,
Ministry of External Affairs,
Janpath, J.N. Bhawan,
New Delhi, 111001
Email: pcsec@mea.gov.in

... Respondent No.3

(4) Staff Selection Commission (South Region)
2nd Floor, EVK Sampath Building,
DPI Campus, College Road,
Chennai, 600006
Email: sscsr.tn@nic.in

... Respondent No.4

1. Gist of Complaint:

1.1 Shri Tushar Singhal, a person having a disability certificate of 70 decibels (not 70%) issued by Medical & Health Department, Government of Rajasthan, filed a complaint dated 26.12.2022 regarding his selection in Ministry of External Affairs pursuant to SSC CGLE 2020 was cancelled due to not being a person with benchmark disability as the disability certificate issued by Govt. of Rajasthan shows 70 db.

1.2 The Complainant submitted that he has a disability certificate issued by the Government of Rajasthan on 28.09.2020. During the Document verification, SSC had asked for a certificate in the prescribed format. On 29.11.2022, he received a communication from MEA that his candidature is provisional with the remarks "PwD certificate submitted by the candidate not in the prescribed pro-forma".

1.3 The Complainant further submitted that he went to his District Government Hospital to get the certificate in the prescribed pro-forma. The Chief Medical Officer of the hospital said that since his hearing loss is only 70 dB he is not eligible for a disability certificate. The CMO said that a person having 100% hearing loss is eligible for Disability Certificate.

1.4 As per clause 20.1 of the Guidelines for Evaluation and Certification of Disabilities dated 8th July, 2016 issued by DEPWD/M/o SJ&E - (a) "Deaf" means persons having 70 DB hearing loss in speech frequencies in both ears; (b) "Hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;". So, the Complainant claimed that since his hearing loss is 70 db, he just wants a disability certificate in the prescribed format.

2. Submissions made by the Respondents:

2.1 The matter was taken up with the Respondent No.1 – Chief Medical Officer, Government Hospital, Karauli, Rajasthan; and with the Respondent No.2 - Chief Medical Officer, Hindaun City, Rajasthan. But no response was received.

2.2 Respondent No.3 – MEA - filed their reply on affidavit and inter-alia submitted vide letter dated 29.11.2022, the complainant was informed that his selection is provisional as he could not produce PwD certificate in the prescribed format and he was requested to furnish the PwD certificate in the prescribed proforma as per SSC's notification.

2.3 Respondent No.4 – SSC – filed their reply and submitted that since the status of disability i.e. 'Deaf' or 'Hard of Hearing' could not be ascertained from the certificate produced by the candidate during document verification held on 30.08.2022, he was requested to produce a certificate in the prescribed format as per recruitment notice. Initially, his sub-disability was considered as "Hard of Hearing" and kept his candidature 'provisional' for want of PwD certificate in the prescribed format. The candidate submitted an undertaking on the day of document verification on 30.08.2022 that he would produce the PwD certificate in the prescribed format within a week. However, he could not produce the same.

3. Hearing:

The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 22.06.2023. The following persons were present during the hearing:

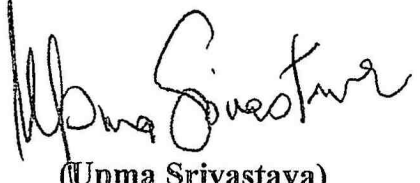
- (1) Shri Tushar Singhal, Complainant – Absent
- (2) Shri B.L. Bairwa, Establishment Officer, Rajasthan Medical Council, Jaipur for Respondent No.1
- (3) Shri Mukesh Kumar Ambashta, Under Secretary, Ministry of External Affairs, for Respondent No.2
- (4) None appeared for Respondent No.3 & 4.

4. Observations & Recommendations:

4.1 During online hearing, the Respondent No.2 submitted that the grievance of the Complainant has now been resolved as he has been given appointment. Further intervention of this Court in the present Complaint is not warranted.

4.2 Accordingly, the case is disposed of.

Dated: 24.07.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities