

I/2456/2024



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
 5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 13614/1024/2023**

**In the matter of—**

Shri G.V.S. Santosh Kumar  
 PF No. 794252, SWO (A)  
 2-29-9, MIG-2/74, Sector-6  
 Subba Lakshmi Plaza,  
 Beside A. R. Electricals,  
 MVP Colony  
 Vishakhapatnam- 530017  
 Email: gvssantosh@gmail.com  
 Mobile: 7993480732

**...Complainant**

The CEO & MD  
 Union Bank of India  
 Head Office: Mumbai, Union Bank Bhavan  
 239, Vidhan Bhavan Marg, Nariman Point  
 Mumbai- 400021  
 Email: gm.hrm@unionbankofindia.com

**...Respondent**

### 1. Gist of the Complaint:

1.1 Shri G.V.S. Santosh Kumar, a person with 80% locomotor disability, filed a complaint dated 26.10.2022 regarding discrimination, harassment, not confirming the service and removal from service.

1.2 The Complainant submitted that he is working in Union Bank of India , MVP Colony ECB Branch under Visakhapatnam FGMO, has completed the probation period as on date and the Respondent has neither confirmed his services nor released the yearly increments. Further, punishment of removal from service, which was levied by earlier organisation i.e. Andhra Pradesh Gramin Vikas Bank, which shall not be a disqualification from future employment, was taken on record by the Respondent. Based on that clause viz. suppression of material information, the Respondent denied the Complainant to apply for promotion from clerical to

I/2456/2024

officer cadre of PwD employees of the 2020 recruitment batch. The Respondent mention the cut off date for eligibility to apply as 01.08.2022 whereas the circular no: 07751 was of dated 18.08.2022. Therefore, he requested that his service in APGVB as officer cadre for 2 years 9 months and present two years service in Union Bank of India in All India merit channel may be considered for granting promotion as officer Scale-I by setting aside the order of removal from service passed by the punitive Authority immediately so as to avoid any discrimination as per section 20 and 21 of the RPWD Act 2016.

1.3 The Complainant further stated that the bank appeared to have proceeded on the basis that the Complainant ought to have indicated the fact that he was previously employed and removed from services of APGVB in the year 2016. He stated that in the original application form furnished by him to IBPS online application dated 02.10.2019, he mentioned about his previous employment of working as Assistant Manager in APGVB Bank and cited the reasons for leaving as a better career. The submissions of the Complainant were based on the fact that the APGVB has given him the penalty "removal from service which shall not be a disqualification from future employment" dated 04.08.2016 and also the APGVB bank has not disqualified and allowed him an opportunity to participate in any recruitment process by enhancing his skills.

1.4 The Complainant further stated that he joined in Union Bank of India in the month of November 2020 during Corona and lock down situation in the entire country. The 2020 recruitment batch employees were issued appointment letters by the Union Bank of India late by seven months though the results came in the month of May 20<sup>th</sup> 2020. Due to this he lost seniority by seven months. But now as per the Bank's promotion policy, the cut off date for internal promotions from clerical to officer cadre has been fixed as 01.08.2022, which is arbitrary and illegal. Because they had given appointment orders in the month of July 2020. He is a PwD employee of 2020 recruitment batch and will definitely be eligible for internal promotions from clerical to officer cadre in Union Bank which is due to a natural calamity but not a mistake of the differently abled employees.

## **2. Submissions made by the Respondent:**

2.1 Dy. General Manager- HR, Union Bank filed the reply vide letter dated 13.02.2023 and submitted that the Complainant was not given confirmation in the services w.e.f. 23.05.2021 as he was issued with a show cause memorandum dated 28.04.2021. A disciplinary action was contemplated against him, regarding extension of his probation period by a period of 06 months which was communicated to him vide letter dated 20.05.2021.

2.2 The Respondent further submitted that the annual increment was released to the

I/2456/2024

Complainant along with arrears at the time settlement of his terminal benefits i.e. in October, 2022 as per the guidelines of their Bank.

2.3 The Respondent further stated that the promotional vacancies and eligibility will be released after due deliberations in the board meeting and accordingly the eligibility and relaxations will be fixed. The minimum eligibility criteria to participate in the promotion process under Merit channel is 02 years as the Complainant joined the services of Union Bank of India on 23.11.2020 and has not completed minimum 02 years as on 01.08.2022. At the time of submission of application for recruitment of clerks, the Complainant committed to willful suppression regarding his penalty in the previous employment.

### 3. Submissions made in the Rejoinder

3.1 The Complainant filed Rejoinder dated 06.03.2023 and reiterated his complaint also stating that he was not satisfied with the reply filed by the Respondent. He inter-alia submitted that the clause 12(e)(iii) of MOS dated 10.04.2022 clearly and empathetically states the **“even though the misconduct is proved, the bank does not intend to give removal or dismissal”**. But, the Disciplinary Authority, unjustly awarded punishment of **“Removal from service which shall not be a disqualification for future employment”**. He submitted that the allegations are far from truth and incorrect from the deposition of MW1 during the cross examination. It is deposed by the MW1 that during the time of documents verifications the documents were collected as per the IBPS application and further to it is deposed by MW1 that “during the documents as per the details mentioned in the application and as per MEX-7/6 the verifying official certified that “he had made the scrutiny and verified the dossier of the Complainant with the original and found him/her eligible for the said post”.

3.2 The Complainant submitted that documents of all the eligible candidates were verified properly and only after satisfaction of the bank, the appointment order dated 21.09.2020 were issued to join in the participating organisation subject to IBPS notification. The Complainant submitted that the he has a right to continue in employment and shall be considered with reference to his right to livelihood. Article 21 of the Constitution of India reads as follows: Article 21: Protection of life and personal liberty--- No person shall be deprived of his life of personal liberty except according to procedure established by law.

3.3. The Complainant has also communicated vide mail dated 09.06.23 that the matter is sub-judice as he filed a writ bearing number 5893/2017 before Hon'ble High Court of Andhra Pradesh. The said writ is related with the penalty imposed by APGVB i.e. his earlier organisation. Later on, vide recent email, he requested to fix the date of hearing.

**4. Hearing (1):** An online hearing in the matter was conducted by the Chief Commissioner for Persons with Disabilities on 11.07.2023. The following were present during the hearing:-

I/2456/2024

1. Shri G V S Santosh Kumar with Shri Ranjan - **Complainant**
2. Shri Natraj, Deputy Zonal Head - **Respondent**

## 5. Record of Proceedings

The Complainant has emphasized the point that his past service in the bank was not considered for the purpose of granting promotion. However, the Complainant was not able to apprise this Court about the exact rule which provides for counting of past service at a Gramin Bank for the purpose of promotion. This Court granted opportunity to the Complainant to apprise of the rule of the bank, under which is he seeking relief, and enclose a copy of the rule in support of his claim.

## 6. Submissions made by the Complainant:

6.1 The Complainant vide email dated 25.08.2023 submitted that if there is an intelligible differentia having a rational relation to the object sought to be achieved, a provision will not be held to be discriminatory. It is clear that an exemption provision is based on such a classification and exempting any establishment from suppression of material information such as omission to mention the fact of previous employment in the Attestation form, not dispensing with service or reduction in rank or not granting promotions has a rational relation to the object sought to be achieved. The "type of work" carried on in an establishment may be such that a PwD employee's services may have to be dispensed with on the clause suppression of material information and/ or promotion denied. Therefore, no reason to accept such a contention. There was no specific requirement to mention as to whether the complainant cannot be found guilty of any suppression.

## 7. Hearing (2):

7.1 An online hearing in the matter was conducted by the Chief Commissioner for Persons with Disabilities on 16.01.2024. The following were present during the hearing:-

1. Shri G V S Santosh Kumar - **Complainant**
2. Shri K. Nataraj, Asstt. General Manager, ZO, Vishakhapatnam - **Respondent**

7.2 The Court observed that the Complainant did not cite any rule on counting of the past service rendered in the Gramin Bank as sought by this Court vide RoP dated 16.08.2023. The Court asked the Complainant if he could cite any rule based on which he is seeking counting of past service. The Complainant could not refer to any such rule. The Court also asked the Complainant whether any junior officer has been promoted by the Respondent, the Complainant said that he was not aware of any such promotions.

7.3 After this, the Court asked the Respondent to submit their version of the case. The Respondent submitted that the Complainant joined the Bank on 23.11.2020 and was removed from the service on 15.10.2022 on the charge of suppression of facts at the time of joining. He was removed from his previous employment with an established act of malafide, a fact, he did

I/2456/2024

not disclose. The Court asked from the Respondent, as to what would have been the stand of the Bank if the Complainant was not a person with disabilities. The Respondent submitted that the bank would not have offered a job in the first place, had it been aware that the individual has been removed from service by the previous employer on account of proven misconduct.

#### **8. Observation & Recommendation:**

8.1 Having heard both the parties, this Court concludes that the instant case does not fall into its mandate, as the Complainant has not been able to show any act of discrimination on the grounds of disability or denial of his rights as a person with disabilities. As such, no further intervention is required in the matter.

8.2 The Case is disposed of accordingly.

**Signed by Rajesh Aggarwal**

**Date: 18-01-2024 10:41:59**

**Reason: Approved**

(Rajesh Aggarwal)

Chief Commissioner

I/2295/2024



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

### Case No. 13616/1131/2023

In the matter of—

Shri Somnath Muduli,  
S/o - Khagapati Mudul,  
At: R.R. Colony, GP : Ranigada,  
Block: Jeypore, Dist : Koraput,  
State: Odisha - 764021,  
Contact No - 9078469080;  
Email: susantsuna59@gmail.com

**... Complainant**

### Versus

(1) The Branch Manager,  
Axis Bank, Jeypore Branch,  
Dist: Koraput,  
Branch ID – 633, IFSC – UTIB000633,  
At – NH- 43, Road,  
Landmark – Inspection Bungalow,  
Odisha – 764001

**... Respondent No.1**

(2) District Social Security Officer,  
Koraput District,  
At: Infront of Aurobindo High School,  
District: Koraput;  
Contact number - 9938416966,  
Email Id - dssossepdkt@gmail.com

**... Respondent No.2**

### 1. Gist of Complaint:

1.1 Shri Somnath Muduli, a person with 50% Locomotor Disability

1/2295/2024

filed a complaint dated 06.12.2022 regarding delay and negligence in providing a DRI Loan by Axis Bank, Jeypore Branch, At – NH- 43, Road, Landmark – Inspection Bungalow, District: Koraput-764001 (Odisha).

1.2 He submitted that he along with 9 other persons with disabilities from Ranigada village applied DRI LOAN at the Block Office, Jeypore two years ago; and the Block Social Security Officer, Jeypore forwarded their applications to the Axis Bank, Jeypore Branch. When their loan applications were not processed even after two years, they complained to the Sub-Collector, Jeypore. After that, the Axis Bank Jeypore Branch Manager called them and took some steps for their DRI Loan applications. But, even after three months since then, they had not received the DRI Loan.

1.3 The Complainant implored that they are traveling 35 kilometers from their village Ranigada to come to this bank, spending Auto fare of Rs.500/- continuously and requesting to the Branch Manager and filing Grievance to the District Collector, Koraput, but to date no one has taken any action.

## **2. Submissions made by the Respondents:**

2.1 The District Social Security Officer, District-Koraput (DSSO, Koraput) [Respondent No.2] filed its reply dated 25.01.2023 and forwarded to this Court the action taken report furnished by the Bank vide letter dated 21.01.2023.

2.2 The Respondent Bank submitted that 9 DRI loan applications were received in the Jeypore Branch on 11.12.2020 which were pending for unwarranted pandemic circumstances. The Branch had observed that the applicants do not have an account or any other banking relationship with the Respondent Bank. The matter was brought to the notice of the competent authorities in the SLBC Meeting held in July 2022. The competent authorities advised the bank not to return the files and to facilitate account opening of 4 numbers of interested applicants (including the Complainant, Shri Somnath Muduli) to process of the DRI Loan applications as early as possible. The accounts were opened on 27.09.2022. As per bank's internal guidelines, a minimum vintage of the bank account

1/2295/2024

relationship of 3 months is required to process the loan applications. Hence, the application was processed on 10<sup>th</sup> of January, 2023 after competition of necessary verification procedure. The respondent bank assured that they would ensure disposal of the DRI Loan case as per the Credit Policy within 15 working days from the date of processing the application as mentioned.

### **3. Submissions made in Rejoinder:**

The replies of the respondents forwarded, vide email dated 10.03.2023, to the Complainant for rejoinder, but no response was received.

### **4. Current Status of the Case :**

4.1 A letter dated 05.06.2023 was issued to the Complainant as well as the Respondents to submit the present status of the case.

4.2 The District Social Security Officer, Collectorate Koraput, vide letter dated 23.06.2023 forwarded to this Court a letter dated 16.06.2023 of Axis Bank Ltd., Jeypore. In the said letter the Respondent Bank submitted that on conducting an inquiry they found the following discrepancies in the loan proposal of the Complainant, Shri Somnath Muduli:- (1) Name mismatch in the loan application form with the account details with the bank, and (2) Signature of loan application form differs with the signature in the bank. The Respondent Bank also submitted that the proposed borrower as well as the Block Development Officer, Jeypore were intimated to submit a rectified application to proceed in processing of the same.

4.3 No response was received from the Complainant.

### **5. Observations & Recommendations:**

5.1 After perusal of the Complaint and the Reply on record, this Court concludes that the Complainant has not submitted any evidence of discrimination of any rights of persons with disabilities. Denial of loan product to the Complainant is not because of his disability. Further intervention of this Court in the present Compliant is not warranted.

5.2 Accordingly, the present Complaint is disposed of with the



I/2295/2024

approval of the Chief Commissioner for Persons with Disabilities.

**Signed by Praveen Prakash  
Ambashta**

**Date: 03-01-2024 20:33:49**

**Reason: Approved**

**(P.P.Ambashta)  
Deputy 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 & Empowerment  
भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 13631/1024/2023**

### **Complainant:**

Shri Vikas Nain  
Mob-9896393941  
Email- vknain1991@gmail.com

### **Respondents:**

The Chairman  
Central Board of Indirect Taxes & Customs  
North Block,  
New Delhi-110001  
Email-chmn-cbic@gov.in. .... Respondent No. 1

The Principal Chief Commissioner  
Department of Revenue, Ministry of Finance  
Central GST Zone, GST Bhavan  
Ambawadi, Ahmedabad  
Gujarat-380015  
Phone-079-26301540  
Email-ccu-cexamd@nic.in .... Respondent No. 2

The Principal Chief Commissioner  
Central GST Audit Commissionerate  
Hotel Royal Inn, Phulchab Chowk  
Race Course Road  
Rajkot-360001  
Email-commradt3-cexamd@nic.in .... Respondent No. 3

### **1. Gist of the Complaint:**

1.1 Shri Vikas Nain, a person with 52% hearing impairment filed a complaint dated 01.12.2022 regarding the denial of

1/2266/2024

Transport Allowance at double the normal rate to a person with disability and non-transfer on loan/deputation basis to place nearest native place.

1.2 The Complainant further submitted that he is presently working at the post of Inspector CGST Audit Commissionerate, Rajkot, and was issued with disability certificate on 12.05.2022. He had submitted a letter on 13.05.2022 to the record office about updating his disability in service records. He further requested to grant the benefit of Transport Allowance at double the normal rates for a person with disabilities but no reply has been received till date.

1.3 The Complainant further submitted that he is posted in Bhavnagar which is nearly 1250 Kms away from his native place. Due to disability, he is facing a lot of difficulty in routine life. The CBIT has issued a circular dated 20.09.2018 imposing a ban on Inter-Commissionerate Transfer in the grade of Inspectors and did not provide any exception for PwDs. It was submitted that the Complainant had applied for a transfer to a place near his hometown, Jind (Haryana) but no reply was received yet.

1.4 The Complainant made the following prayers:

- (1) Formation of clear policy on Inter Zonal Transfer for PwDs.
- (2) Transfer him on a loan/deputation basis to a station near his hometown in CGST Rohtak Commissionerate.
- (3) Grant him the benefit of Transport Allowance at double the normal rates for PwD employees with effect from the date of disability.

## **2. Submissions made by the Respondent:**

2.1 Additional Commissioner, Office of the Principal Chief Commissioner vide their letter no. dated 07.02.2023 filed a reply

1/2266/2024

and submitted that The Central Board of Indirect Taxes & Customs is the final authority for the formulation of the policy.

2.2 The Respondent further submitted that the Complainant had submitted an application for transfer to the place nearest to his hometown and it will be considered in due course.

2.3 The Respondent further submitted that the Complainant had applied for the grant of benefit of Transport Allowance at double the normal rates with effect from the date of disability which is sanctioned w.e.f. 12.05.2022

### **3. Submissions made in Rejoinder:**

3.1 The Complainant submitted a rejoinder vide letter no. dated 24.04.2023 that the department has not issued any order of transfer till date. The Complainant requested that the department be directed to issue the order of transfer.

3.2 Subsequently, while the matter was listed for hearing on its turn, the Complainant submitted an email dated 04.11.2023 for withdrawal of the complaint stating that he has resigned from the post and joined a new organization in his home State.

### **4. Observation & Recommendation:**

4.1 Considering that the Complainant has withdrawn his complaint, further intervention of this Court is not warranted. Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by

Praveen Prakash Ambashta

Date: 01-01-2024, 16:26:38  
(Praveen Prakash Ambashta)

Dy. Chief Commissioner for Persons with Disabilities

I/2267/2024



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

### Case No.13722/1024/2023

#### Complainant:

Shri G.Kishore  
President,  
Aadarana Welfare Association  
Dr. No. 254, Lig-2, Uda Colony, Rajiv Nagar,  
Payakapuram, Vijayawada- 520015  
Phone: 9491963555  
Email: aadharanawelfareassociation@gmail.com

#### Respondent:

The General Manager (HR),  
UCO Bank  
Human Office, 10 BTM Sarani,  
Kolkata- 700001,  
Phone: 033-4455-8434  
Email: hohrm.mptp@ucobank.co.in

### 1. Gist of the Complaint:

1.1 Shri G. Kishore, Aadarana Welfare Association, filed a complaint dated 09.01.2023 regarding the Promotion Policy & Training Policy of the UCO Bank being discriminatory for Persons with Visual Impairment

1.2 He submitted that in the UCO Bank, to perform the role of Branch Head or any of the above mandatory assignments, the functionality of vision is essential and it is technically impossible for a Divyangjan with severe Visual Impairment to perform such assignments. The weightage in the form of marks concerning work experience in branches is discriminatory to the employees with Visual Impairment because many of such employees are posted in establishment offices such as Head Offices, Zonal Office, etc. and such employees will automatically lose marks at the very beginning stage itself. This will result in a situation where employees with Visual Impairment will be strategically excluded from the promotion process.

1.3 He submitted that the selection of faculty in scale II/III/IV for Central Staff College, Kolkata (CSC) and Regional Training Center (RTCs) shall be through a suitable selection

1/2267/2024

process. The selection process for faculty members will ensure that selected individuals have served as Branch Head in the Bank for a minimum specified period.

1.4 It is observed that the Bank's promotion and training policy is in contradiction with its own Equal Opportunity Policy and it has set up a discriminatory ground for the employees with Visual Impairment in the ongoing promotion process by incorporating mandatory assignment of 02 years as Branch Manager and also experience as a Branch Head for selection of faculty members.

1.5 He had submitted the following prayer:

**A) Promotion Policy:**

1. Exempt the Branch Head tenure as an eligibility requirement for the promotion from MMGS-III to SMGS-IV to SMGS-V.
2. Exempt the component of branch experience/Branch Head experience/posting in rural/semi-urban areas in arriving at the final merit list in case.
3. Identify roles/jobs that are performed by visually impaired officials and consider the jobs/ work experience of visually impaired officers relating to marketing, recoveries, digital promotions, HR, training, research, monitoring and follow-up up, etc. as equivalent to the current mandatory assignment introduced by the impugned policy concerning visually impaired employees, as a reasonable accommodation.

**B) Training Policy:**

Exempt the Branch Head eligibility requirement for persons with visual impairment as part of the selection process of faculty in the Bank.

**2. Submissions made by the Respondent:**

2.1 The General Manager, HRM, PSD, Training & OL filed a reply dated 04.04.2023 and submitted that there is no discrimination in the Bank's Promotion Policy for visually impaired employees as alleged by the Complainant. The Bank is a commercial organization involved in the business of lending and depositing; broadly for garnering profitability to support the economy of the Country. The branch of the Bank is a front Office or a primary unit of the Bank that vertebrates the Banking business and the person posted as the Branch Head is responsible for generating business and achieving corporate goals, for which he takes commercial risks and is accountable for his acts & omissions. Hence, promotion to a higher scale required branch head experience for all employees working in the bank, save & except, person appointed under specialist segment.

2.2 The Respondent submitted that it is not out of place to mention here that in their bank 74 persons with disabilities are working as Branch Heads and out of this 7 Branch Heads are visually impaired as on the date and they are rendering their services to the best of their ability.

**2 . 3** The Respondent further submitted that the selection of faculty members is

I/2267/2024

neither any recruitment nor any post, rather the same is in nature of special assignment within the bank to train/educate the banking staff whether they are novices or refreshers to the working staff.

**3. Submissions made in Rejoinder:**

3.1 No rejoinder has been received from the Complainant.

**4. Observation and Recommendation:**

4.1 Upon considering the written submissions of the parties, this Court is of the opinion that the complainant has not been able to establish any discrimination on account of his disability or a case of deprivation of his rights as a person with disability. Without commenting on the representative capacity of the Complainant, this Court has also not found that the policies of the bank are discriminatory to the visually impaired employees as 7 of them are given the assignments as Branch Heads. As such, no further action in this matter is warranted.

4.2 Accordingly, this case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by  
Praveen Prakash Ambashta  
Date: 01-01-2024 16:23:09

**(Praveen Prakash Ambashta)**

Dy. Chief Commissioner

I/2415/2024



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
**5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364**  
**Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in**

**Case No. 13738/1014/2023/186076**

### Suo-motu

In the matter of denial of appointment of Persons with Disabilities to non-executive positions in NLCIL pursuant to the Advertisement No.01/2022 published by NLCIL

### Versus

The Chairman and Managing Director,  
NLC India Limited  
Block - 1, Neyveli - 607 801  
Cuddalore District (Tamilnadu)  
Email: cmd@nlcindia.in;  
Phone: 04142-252221

... Respondent

### 1. Gist of Complaint:

1.1 A letter dated 08.02.2023 from Shri M. Shanmugam, Hon'ble Member of Parliament (Rajya Sabha) was received that NLCIL had issued a notification in January 2022, vide Advt. No.01/2022 for recruitment of non-executive positions for persons with Benchmark disabilities under Special Recruitment Drive. But so far, no recruitment has been done though thousands of Physically disabled persons have applied for the posts. NLCIL had neither issued any call letter nor organized interviews of the candidates who had applied for the reserved posts.

### 2. Notice for Reply:

2.1 A Notice dated 10.02.2023 was issued by this Court to the Respondent to file a reply on affidavit before this Court presenting the status of implementation of the RPwD Act 2016 in the Respondent establishment in a table with the given headings.

### 3. Submissions made by the Respondent:

3.1 The Respondent filed their reply dated 10.03.2023 and inter-alia submitted that in response to the advertisement, applications were received for various posts in Group 'C' and Group 'D'.



I/2415/2024

Scrutiny committees scrutinized the applications and submitted their report in June 2022. Based on the report, it was decided to conduct a Written/Practical/Skill Test, but they could not find a suitable agency for conducting tests. NLCIL prayed to this Court for granting 30 days more time to submit the information/documents sought by this Court.

3.2 The Respondent filed their reply dated 12.04.2023 and submitted that NLCIL had carried out a Special Recruitment Drive for PwBD in the year 2015 and subsequently in the year 2022 vide Advt. No.01/2022 in question. The information sought by this Court regarding year-wise data of posts pertaining to the past 7 years for Group-A, Group-B, Group-C and Group-D, NLCIL submitted as under:

**TABLE-A : (Group-A)**

S. No.	Year	Year-wise Notifications	Total Number of Vacancies Advertised	Total Number of Vacancies Reserved for Divyangjan	Total Number of Candidates Finally Appointed	Total Number of Divyangjan Appointed	Remarks
1.	01.01.2016-31.12.2016	Advt. No.07/2016 (GS & DGS & other Special Doctors)	15	0	88	5	Out of 88 candidates, 87 joined against previous year notifications, i.e. 05/2015, 08/2015, 09/2015, 09/2014 in which 5 joined as PwBD candidates.
2.	01.01.2017-31.12.2017	Advt. No.03/2017 (W3 Hindi & E3-E7 various disciplines), Advt. No.07/2017	154	5	29	0	Out of 29 candidates, 19 joined against previous year notifications i.e. 07/2016, 11/2016 and 09/2015.
3.	01.01.2018-31.12.2018	Advt. No.05/2018 (E3-E8 Various Disciplines)	67	0	94	0	All the 94 candidates were joined against previous year notifications, i.e. 03/2017, 11/2016 and 07/2018.
4.	01.01.2019-31.12.2019	Advt. No.01/2019 (WS & W and E3-E5 various disciplines), Advt. No.04/2019 (E1-E8 various posts)	54	0	59	0	Out of 59 candidates, 40 joined against previous year notifications, i.e. 03/2017 and 05/2018.
5.	01.01.2020-31.12.2020	No notification has been issued.	0	0	22	0	All the 22 candidates were joined against previous year notifications i.e.

I/2415/2024

							01/2019, 04/2019 and 05/2018.
6.	01.01.2021-31.12.2021	No notification has been issued.	0	0	1	0	1 candidate joined against previous year notification i.e. 04/2019.
7.	01.01.2022-31.12.2022	Advt. No.04/2022 (Finance E3-E7), Advt. No.07/2022 (E3 & E4 various disciplines)	261	10	Under process	Under process	04/2022, 07/2022 – Under process.
8	01.01.2023-31.12.2023	-	-	-	-	-	-

**TABLE-B : (Group-B)**

S. No.	Year	Year-wise Notifications	Total Number of Vacancies Advertised	Total Number of Vacancies Reserved for Divyangjan	Total Number of Candidates finally Appointed	Total Number of Divyangjan Appointed	Remarks
1.	01.01.2016-31.12.2016	Advt. No.05/2016 (GET Mining Campus), Advt. No.08/2016 (GET Finance Campus)	29	0	87	11	Out of 88 candidates, 65 joined against previous year notifications, i.e. 06/2015, 07/2015 and 08/2015 in which 11 joined as PwBD candidates. 15 posts were notified in Mining area.
2.	01.01.2017-31.12.2017	Advt. No.01/2017 (GET Finance Campus), Advt. No.05/2017 (GET 2018), Advt. No.06/2017 (GET Finance Campus), Campus Selection, advt. No.10/2016 (GET GATE 2017), Advt. No.11/2016 (E2-E8 various disciplines)	291	16	87	2	Out of 87 candidates, 41 joined against previous year notifications, i.e. 08/2016, 11/2016, 06/2015 in which 02 joined as PwBD candidates.
3.	01.01.20	Advt. No.01/20	24	0	95	4	Out of 95 candidat

I/2415/2024

	18-31.12.2018	18 (GET Finance Campus), Advt. No.03/2018 (GET Mining Campus), Campus Selection					es, 75 joined against previous year notifications, i.e. 10/2016 in which 04 joined as PwBd candidates. 05 posts were notified in Mining area.
4.	01.01.2019-31.12.2019	Advt. No.02/2019 (GET Finance Campus), Advt. No.04/2019 (E1-E8 various posts)	15	0	142	0	Out of 142 candidates, 131 joined against previous year notifications, i.e. 05/2017, 10/2016.
5.	01.01.2020-31.12.2020	Advt. No.02/2020 (GET GATE)	259	11	0	0	-
6.	01.01.2021-31.12.2021	No notification has been issued.	0	0	244	9	All the 224 candidates were joined against previous year notifications, i.e. 04/2019, 02/2020 in which 09 joined as PwBD candidates.
7.	01.01.2022-31.12.2022	Advt. No.02/2022 (GET GATE), Advt. No.06/2022 (GET Finance – Campuses)	313	6	153	0	173 posts were notified in Mining area.
8	01.01.2023-31.12.2023	-	-	-	-	-	-

**TABLE-C : (Group-C)**

S. No.	Year	Year-wise Notifications	Total Number of Vacancies Advertised	Total Number of Vacancies Reserved for Divyangjan	Total Number of Candidates finally Appointed	Total Number of Divyangjan Appointed	Remarks
1.	01.01.2016-31.12.2016	No Notification has been issued.	0	0	36	34	All the 36 candidates were joined against previous year notifications, i.e. 01/2015, 05/2015, 08/2015 in which 34 joined as PwBD candidates.

1/2415/2024

2.	01.01.2017-31.12.2017	Advt. No.03/2017 (W3 Hindi & E3-E7 various disciplines)	8	0	0	0	-
3.	01.01.2018-31.12.2018	No Notification has been issued	0	0	7	0	All the 7 candidates were joined against previous year notifications, i.e. 03/2017.
4.	01.01.2019-31.12.2019	Advt. No.01/2019 (W5 & W & E3-E5 various disciplines), Advt. No.03/2019 (W6-Mining Sirdar)	15	0	1	0	-
5.	01.01.2020-31.12.2020	Advt. No.05/2020 (W5 Pharmacist Ayur), advt. No.06/2020 (W5 Horticulture Asst.)	6	0	0	0	-
6.	01.01.2021-31.12.2021	No notification has been issued.	0	0	17	0	All the 17 candidates were joined against previous year notifications, i.e. 03/2019, 05/2020 and 06/2020.
7.	01.01.2022-31.12.2022	Advt. No.01/2022 (SRD PwD), Advt. No.02/2022 (GET GATE), Advt. No.06/2022 (GET Finance – Campus), Advt. No.12/2022 (Mining Statutory Posts)	228	15	Under process	Under process	01/2022 (SRD PwD), 12/2022 – under process.
8	01.01.2023-31.12.2023	-	-	-	-	-	-

**TABLE-D : (Group-D)**

No direct recruitment was made in Group-D except compassionate employment through DEDE Scheme and Absorption through Indcoserve was made

**4. Hearing (1):**

4.1 An online hearing through Video Conferencing was conducted on **04.09.2023**. Shri Pankaj Kumar, General Manager (HR) appeared for the Respondent

4.2 The Respondent was heard. The court examined the respondent's reply, in response to

1/2415/2024

the notice issued and found it to be self-contradictory. The data submitted indicated that, in some instances, the total appointments made exceeded the total vacancies notified. During an online hearing, the respondent disclosed that out of approximately 10,200 employees in their establishment, only 208 were persons with benchmark disabilities (PwBDs). This revealed a significant lack of representation of PwBDs in the respondent's establishment, which goes against the spirit of Section 34 of the RPwD (Rights of Persons with Disabilities) Act, which mandates a minimum of 4% representation of PwBD employees in the workforce.

4.3 Although the respondent highlighted the appointment of 6 PwBDs during a recent recruitment process, the court was not satisfied due to the overall under-representation of PwBDs in the establishment. Consequently, the Court directed the respondent to prepare and share an action plan addressing the issue of under-representation of PwBD employees, to increase the representation up to a minimum of 4% of the total number of employees in the establishment. The respondent is also encouraged to share any recent initiatives aimed at increasing PwBD representation in their establishment.

4.4. This Court also directed the Respondent to share the details of the training program conducted for their HR official on the reservation in service for Persons with Benchmark Disabilities and also the details of posts in their establishment that have been identified as suitable to be held by the PwBDs within one month.

## 5. Response to the RoP filed by the Respondent:

5.1 The General Manager (HR/Gr.A), NLCIL filed its reply dated 30.09.2023 and inter-alia submitted that the core business of NLCIL is Mining (Lignite & Coal), Thermal Power generation, and Renewable energy. The total manpower engaged is 10482, out of which 4801 are engaged in mines and the rest 5681 belong to Thermal Power Plants, Renewable Energy units, and other offices of NLCIL. Out of 4801 mine manpower, only 589 manpower are positioned in offices such as HR, Finance, Planning & Technical & Survey, etc., and the rest 4212 manpower are posted in core mining areas. PwBD persons are not deployed to work in opencast coal/lignite mines as per the medical standard of fitness under the Mines Rules, 1955. Accordingly, the total manpower working in NLCIL excluding the manpower working in the core mining area works out to 6270 and the 4% representation of PwBD employees against this manpower works out to 250. At present the total PwBDs in NLCIL are 208 i.e. around 3.3% and efforts are being made to increase the PwBD representation.

5.2 About the observation made by this Court that the total appointments made exceeded the total vacancies notified in the data provided from the year 2016 to 2021, the Respondent submitted that the total number of vacancies reserved for Divyangjan is the PwBD vacancies notified in the Advertisements during that particular year and the total number of divyangjan joined during the particular year is against the advertisements of previous years mentioned in the table as under:

Sl. No.	Advt. No.	Recruitment	Group	Total No. of vacancies reserved for Divyangjan	No. of Divyangjan selected against the Advt.	No. of Divyangjan joined against the Advt. till date
1.	01/2022	SRD-PwBD Non-Executive positions	C	15	07	Joining for all Divyangjan is under process.
2.	02/2022	Recruitment of Graduate Executive	B	06	03	No Divyangjan joined.

1/2415/2024

		Trainee through GATE 2022				
3.	07/2022	Recruitment of Executives in various disciplines through lateral mode	A	10	02	01

5.3 Training programmes conducted to concerned HR officials and Liaison Officers on reservation in services for SC/ST/OBC/PwDs were shared as under:

TRAINING PROGRAMS			
Sl. No.	Program	From	To
1.	Workshop on Reservation Policy	06 June, 2018	06 June, 2018
2.	Workshop on Reservation Policy	27 December, 2019	28 December, 2019
3.	Workshop on Reservation Policy	05 March, 2021	05 March, 2021
4.	Workshop on Reservation Policy	06 March, 2021	06 March, 2021
5.	Reservation Policy in PSU	04 March, 2022	04 March, 2022
6.	Reservation Policy in PSU	05 March, 2022	05 March, 2022

5.4 The Action Plan aimed to increase the representation of PwBD in NLCIL till 31.03.2024 is presented as under:-

NLCIL Action Plan 2023-24				
Sl. No.	Advt. No.	Recruitment	Group	Total number of vacancies reserved & to be reserved for Divyangjan
1.	01/2022	SRD-PwBD Non-Executive positions	D	20
2.	04/2023	Recruitment of Executives through lateral	A	19
3.	08/2022	Recruitment of Graduate Executive Trainees through Gate 2023	B	11 (approximate, as the detailed advertisement yet to release)
<b>Total number of vacancies reserved and to be reserved for Divyangjan for the year 2023-24</b>				<b>50</b>

## 6. Hearing (2):

6.1 The case was heard online through video conferencing on **05.01.2023**. Shri Pankaj Kumar, General Manager (HR); Shri Kumardasan, Liaison Officer; Shri Belwan, DGM (HR) appeared for the Respondent

6.2 The General Manager (HR) from the Respondent submitted that at the time of the last hearing in the month of September 2023, there were 208 divyang employees on the roll of NLCL. In between 07 divyang candidates joined out of a total of 35 positions of SRD notified. Since a lesser number had appeared for the evaluation, 21 more PwBD candidates were taken and verification of documents and medical examinations are under process. 20 more divyang candidates are going to join and it is expected that within this month provisional letters will be issued. In addition to this, vacancies for 19 Group A and 11 Group B posts have been also notified against which a sufficient number of divyang candidates have applied. As per directions of the Hon'ble Supreme Court, contractual workers are regularized every year on a seniority basis. So far 1648 contract workers have been regularized which were the parts of

I/2415/2024

the total manpower of 10643. After COVID-19 and due to the accidental cases also, 137 wards of the employees were taken as regular employees where the PwD clause could not be made applicable. 27 more employees have been taken and now this number is going to be 233 and efforts are being made to complete the ongoing recruitment before the notification of the Model Code of Conduct.

#### **7. Observations & Recommendations:**

This Court observed that the status of implementation of the statutory provisions and instructions on the reservation for persons with benchmark disabilities efforts being made to achieve adequate representation, which is the subject matter of the instant case, is satisfactory.

Accordingly, the case is disposed of.

**Signed by Rajesh Aggarwal**

**Date: 16-01-2024 11:36:35**

**Reason: Approved**

**(Rajesh Aggarwal)**

Chief Commissioner  
for Persons with Disabilities

I/2457/2024



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
 5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No.13958/1024/2023**

**In the matter of —**

Shri Manoj Kumar Yadav  
 Ganj Sahida, Post-Ujhani,  
 Dist: Badayun  
 Pin: 243639 (UP)  
 Email: my7999988@gmail.com

**...Complainant**

### **Versus**

1. Director General  
 Border Roads Organization  
 HQ DGBR/E1C  
 Ring Road, Delhi Chawni,  
 New Delhi, Pin- 110010  
 Email: bro-dg@nic.in  
 bro-adg@nic.in **... Respondent No. 1**
2. GREF Records (NER Group)  
 Dighi Camp, Pune  
 Maharashtra-411015  
 Phone- 020-27170795 **...Respondent No. 2**
3. Headquarters  
 Chief Engineer,  
 Project Himank,  
 Pin- 931710 C/o 56 APO  
 Email- bro-hmk@nic.in **...Respondent No. 3**
4. Headquarters  
 50 Border Roads Task Force,  
 PIN-930050 C/o 56 APO  
 Email- bro-50brtf@nic.in **...Respondent No. 4**
5. Officer Commanding  
 553 TPT PL (GREF),  
 Pin- 930553 C/o 56 APO  
 Email- oc-1023iespl@bro.gov.in **...Respondent No. 5**



I/2457/2024

6. Office of the Principal Controller of Defence Accounts  
Draupadi Ghat, Civilian G-1 Civil Section,  
Allahabad, Pin-211014 (UP)  
Email- cda-albd@nic.in **...Respondent No. 6**
7. Chief Manager  
State Bank of India,  
CPPC 10385,  
4 Kutchery Road, Allahabad,  
Uttar Pradesh-211002 **...Respondent No. 7**
8. Chief Manager  
State Bank of India,  
ADB 05310 Branch,  
Badayun,  
Uttar Pradesh- 243601 **...Respondent No. 8**

## 1. Gist of the Complaint:

1.1 Shri Manoj Kumar Yadav, a person with 100% Hearing Impairment filed a Complaint dated 12.02.2023 regarding family pension.

1.2 The Complainant submitted that his father Late Shri Siya Ram was working in the Border Roads Organization as a driver and expired in the year 2015 and his mother expired in 2017. He depends on the pension of his father and mother. The Complainant submitted that the Respondent delayed the disbursement of the family pension due from 01 March 2022. He also submitted that he is mentally disabled and has permanently lost his hearing abilities and has no alternate source of income.

## 2. Submissions made by the Respondents:

2.1 Chief Engineer, Project Himank C/o 56 APO, filed the reply dated 13.05.2023 and submitted that the Complainant was drawing the pension w.e.f. 01.03.2001 vide PCDA Allahabad PPO No. C/GREF/17285/2000 dated 14.12.2020. Details of family pension were not notified in the ibid PPO being re-employed case. The Respondent submitted that Shri Sia Ram expired on 16.04.2015 as per the Death Certificate issued by Nagar Palika, Ujhani. After the death of the above-named pensioner, Smt. Praga Devi W/o Late Sia Ram was drawing dual family pension w.e.f. 17.04.2015.

2.2 Respondent No. 3 submitted that Smt. Praga Devi also expired on 18.12.2017 as per the Death Certificate issued by Nagar Palika, Ujhani. Thereafter, an application dated 21.07.2018 was received from the Complainant for the grant of the family pension. As the name of the Complainant was not found declared/mentioned in family details and DCRG form

I/2457/2024

by Late Sia Ram while proceeding on retirement, the case was taken up with GREF Records regarding the entry of the name of the Complainant in documents by publishing DO Part-II for granting family pension. In response, GREF Records vide letter dated 30.11.2018 has clarified that under Rule 54 of CCS 1972 "it has been decided to allow the spouse of the deceased/pensioner Govt servant, if the details of such children were not furnished by the latter, to furnish the details of eligible children to the pension sanctioning authority as it will help in settling family pension case". Considering these rules, the name of the Complainant has already been submitted by Smt. Praga Devi.

2.3 The Respondent No.3 submitted that after obtaining clarification from GREF Records and requisite documents from the Complainant, the Data Sheet along with disability certificate dated 09.03.2017 issued by Chief Medical Officer, Badaun and all connected documents for granting Disability pension was forwarded to PCDA (P) Allahabad. The same was verified vide letter dated 30.11.2019. PCDA (P) Allahabad granted family pension with the normal rate of Rs. 9000/- and medical allowance of Rs. 1000/- w.e.f 19.12.2017 was ordered.

2.4 Respondent No. 8, State Bank of India, ADB, Badaun vide letter dated 11.05.2022 intimated Respondent No. 5 to re-check the genuineness of disability certificate of the pensioner and his physical medical examination needs to be done to obviate any possibility of fraud in this matter.

2.5 Respondent No.8 submitted that Respondent No. 5 vide letter dated 08.06.2022 approached the Chief Medical Officer District Hospital, Badaun regarding the genuineness of disability Certificate No. 742/2017 dated 09.03.2017 issued to the Complainant. In reply, Chief Medical Officer Badaun vide letter dated 12.07.2022 informed that no such Disability Certificate has been issued by the Chief Medical Officer, Badaun.

2.6 The Respondent No. 3 submitted that a letter was issued to State Bank of India ADB, Badaun Branch for stoppage of family pension in respect of the Complainant and a copy of the same was endorsed to PCDA Allahabad vide 553(I) TPT PL vide letter dated 08.06.2022. Accordingly, the pension of the Complainant was stopped by the State Bank of India, Badaun w.e.f. 01.03.2022. HQ 50 BRTF directed to 553 (I) TPT PL for taking up the case for cancellation of PPO issued to the Complainant and recovery of pension payment paid to the individual under intimation to GREF Records and State Bank of India, ADB, Badaun Branch vide dated 25.07.2022. According to the State Bank of India, ADB Badaun Branch letter dated 02.09.2022, the amount of family pension fraudulently drawn from 19.12.2017 to 31.03.2022 by the Complainant based on a false disability certificate for his left leg was assessed to be to the tune of Rs. 5,78,544/-.

I/2457/2024

2.7 Respondent No. 3 further submitted that Respondent No. 5 has sent a letter to District Magistrate/Collector, Badaun for lodging FIR against the Complainant vide letter dated 11.08.2022 with copy to Police Station Ujhani amongst all concerned. Meanwhile, PCDA Allahabad vide letter dated 01.09.2022 requested HQ 50 BRTF for detailed migration/verification and to intimate outcome/action taken by AAO, OC 553 (I) TPT PL to their office.

2.8 The Respondent No. 8 submitted that the Complainant forwarded a new disability certificate dated 21.10.2022 showing his disability as "Hearing Impairment" issued by Medical Authority, New Delhi, Delhi vide application dated 07.11.2022 in which the Complainant accepted that he submitted false disability certificate no. 742/2017 dated 09.03.2017 for which he asked for pardon and requested to grant of family pension on the basis of his new disability certificate.

2.9 The Respondent No. 8 further submitted that the Complainant has not visited their branch since starting of his pension in Aug 2020. All pension-related documents viz- life certificate, Non-Employment Certificate undertaking, etc. were sent by the Complainant to the bank by post or by e-mail. Annual Life Certificates and Non-employment certificate were also sent by email.

### **3. Submissions made in the Rejoinder:**

The Complainant filed the Rejoinder vide email dated 28.05.2023 and reiterated his Complaint.

4 . **Hearing:** An online hearing through Video Conferencing was conducted on 05.01.2024. The following parties/representatives were present during the hearing:

- (1) None appeared for the Complainant
- (2) Shri R. V. Raju, Senior Administrative Officer, for Respondent No. 4
- (3) Shri S.P. Yadav, Assistant Director, HQ, DGBR, Respondent No. 1
- (4) Shri Santosh Kumar Arun, Administrative Officer, for Respondent No. 1
- (5) Shri Rajkumar Pal, Officer Commanding, 553 TPT PL, Respondent No. 5
- (6) Shri Shyam Lal, Branch Manager, ADB, Badayun, Respondent No. 8

### **5. Submission of the Parties:**

5.1 Respondent No. 8 further submitted that in the year 2019, the Complainant sent the Life Certificate directly to Pension Cell Allahabad by endorsing the fake signature of the Bank Manager. The Pension Cell Allahabad returned the certificate to the bank stating that the

I/2457/2024

signature number of the branch manager was not mentioned. Then only the bank came to know about the fake life certificate and sent an investigation team to his residence. He was not available at his residence. The neighbors informed us that the Complainant is not a person with a disability. Further, it is submitted that the Complainant never visited a bank branch or ATM to withdraw cash but transferred money online to different accounts and withdrew from other bank branches. Respondent No.5 issued instructions to recover the amount assessed to be to the tune of Rs. 5,78,544/- paid to him but there is no money in his pension account. A FIR has been lodged against him.

5.2 The Complainant did not appear physically before the bank despite several intimations. Respondent No. 8 informed that the Complainant sent the Annual Life Certificate and disability certificate through email and post only. His disability certificate was sent to CMO Badayun for verification and it was declared fake by the issuing authority. His birth Certificate was also declared fake by the issuing authority, Badayun. The Complainant admitted that the certificate was false and asked pardon for the mistake.

## **6. Observations and Recommendations:**

6.1 After hearing the Respondents, this Court observed that the Complainant has not established that he is a person with a disability. As such, this matter is not within the mandate of this Court. The inquiry of the respondents has prima facie established that he obtained two different types of disability certificates by fraudulent means. The Court recommended that the Respondents may continue with the ongoing proceedings for appropriate legal action against the Complainant regarding recovery and fraud. The Respondent may also initiate action under Section 91 read with sections 84 and 89 of the RPwD Act, 2016.

6.2 The Case is accordingly disposed of.

**Signed by Rajesh Aggarwal**  
**Date: 18-01-2024 10:43:37**  
**Reason: Approved**

**(Rajesh Aggarwal)**  
Chief Commissioner for  
Persons with Disabilities

I/2294/2024

**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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No.: 13964/1033/2023****Complainant:**

Smt. Aradhana Chakrawarty  
M/o Shri Atharv Chakrawarty  
Kaveri Sangam  
Shilaj, Ahmedabad - 380058  
Mobile No - 8779118793  
Email - aradhanabsingh@gmail.com

**Respondent:**

The Commissioner  
Kendriya Vidyalaya Sangathan  
18, Institutional Area  
Shaheed Jeet Singh Marg  
New Delhi - 110016  
Telephone No - +91-11-26858570  
Email - commissioner-kvs@gov.in; kussoacad@gmail.com

**Affected Person:** Shri Atharv Chakrawarty, a person with 75% mental retardation

**1. Gist of the Complaint:**

1.1 Smt. Aradhana Chakrawarty mother of Shri Atharv Chakrawarty, a person with 75% mental retardation filed a complaint dated 01.04.2023 and submitted that her son had been admitted to K.V. Vastrapur, Ahmedabad School.

1.2 Thereafter she made an application to the K.V. Regional office and HQ Delhi to attend as a shadow teacher to her child. The application was accepted and she was allowed w.e.f. July 2022. Grievance is that since the day she joined as a 'shadow teacher', the principal K.V. Vastrapur, Ahmedabad has been selectively targeting her and her child to harass them. Post admission, several times principal

1/2294/2024

had told her to withdraw her son's admission and also stated that she had submitted false certificates.

1.3 Complainant further claims that the Principal has taken her child out of the classroom during the examination and made the child go up and down the stairs several times. Further, the Complainant claims that the Principal said that there is no such rule in KV for allowing parents as shadow teachers and hence threatened to not allow her entry into the school. She submitted that if that is the case then why she was being allowed in K.V. Powai (my child's earlier school) and since July 2022 till date in this school as a shadow teacher?

## **2. Submissions made by the Respondent:**

2.1 Assistant Commissioner (Acad.) filed interim reply vide letter dated 21.04.2023 on behalf of the Respondent and submitted that the establishment has requested the Regional Office, Ahmedabad to conduct a fact-finding inquiry in the matter and submit the report along with comments and supportive documents from his office within 10 days of receipt of this letter for taking necessary action.

2.2 Assistant Commissioner (Acad.) filed another interim reply vide letter dated 08.06.2023 and submitted that the fact-finding committee could not complete the inquiry as the statement of Mother and few teachers could not be taken due to summer vacation for all KVs in Ahmedabad Region till 18.06.2023. The school in Ahmedabad Region will open from 19.06.2023 and instructions have been issued from this office to complete the inquiry within one week of the opening of the school and send a report forthwith.

2.3 However, no report or response was received in this Court till the time and as such, this Court sent a final reminder vide letter dated 27.06.2023 with direction to forward a copy of the inquiry report, however, no response could be received by the stipulated time limit.

## **3. Submissions made in Rejoinder:**

The Complainant vide email dated 28.06.2023 reiterated her complaint and requested to provide the class V report card of his son along with the TC certificate. She submitted that she has now withdrawn her child's admission from the school as her child has been affected psychologically since the incident. She prayed to take action against the Principal to ensure that Justice is served so that no other special child has to ever go through this kind of harassment and humiliation.

**4. Hearing:** The matter was heard by the Chief Commissioner for Persons with Disabilities through virtual mode on 06.09.2023. The following were present:

1/2294/2024

Smt. Aradhana Chakrawarty : Complainant  
Smt. Shruti Bhargava, Dy. Comm. : Respondent

## **5. Record of Proceedings:**

5.1 The Court took serious notice of the respondent's failure to submit the inquiry report within the specified time frame. During the online hearing, the respondent submitted that an inquiry had indeed been conducted into the alleged incidents. According to the findings of the inquiry, the parents of the PwD child, who are the complainants in this case, were requested to leave the examination hall on the day of the examination. Further, the Respondent submitted that as per the SoP, parents of all children are not allowed to sit along with them on the day of examination, however during normal classes, they are allowed to sit along with the child. The respondent establishment submits that there was no ill intention on the part of any of its employees to harass the PwD child. However, it appears that the inquiry conducted by the respondent establishment may have been more of a procedural formality than a genuine attempt to uncover the truth behind the allegations.

5.2 Therefore, the Court directed the respondent to submit a copy of the inquiry report within 10 days from the date of proceedings. Furthermore, the respondent was directed to clarify whether they intended to uphold the findings of the current report or if they planned to take any action against the Principal of the school where the alleged incident took place.

5.3 Additionally, the respondent was further directed to clarify their stand on the matter of readmitting the child into the school where the alleged incident took place. This issue requires careful consideration by the respondent establishment, and their input on this matter was sought within the stipulated time.

## **6. Submissions made by the Respondent:**

6.1 The Joint Commissioner (Acad.) filed its reply dated 21.09.2023 and submitted that the Committee requested the complainant to appear before the Committee. However, she did not report despite several efforts by the committee. Hence, the report submitted by this officer may be treated as final. Further, based on the Committee report, action has been initiated against the Ex-Principal for acts of omission/commission and for laxity on her part in handling the issue in a sensitive matter.

6.2 The Deputy Commissioner, KVS RO Ahmedabad, has directed the Principal KV SAC Vastrapur to readmit the child immediately. Further,

I/2294/2024

a Committee has already been constituted at the KVS (HQrs.) level to prepare an SOP to address the requirements of Children with Special Needs.

6.3 The charge sheet under Article 59(1), (2), (10), (12), (34(a) (ii & iii) of the Education Code and Sub-rule (i), (ii), (x), (xvii) and (xxi) of Rule 3 (1) of CCS (Conduct) Rules 1964 has already served to the concerned Principal on 15.09.2023 by this office.

## **7. Observations & Recommendations:**

7.1 From the facts mentioned above, it appears that the action taken in the matter by the respondent appears satisfactory, and as such no further intervention is warranted in this case as of now except that the Respondent should organise online and physical sensitisation training programme on disability matters for all principals of its schools.

7.2 Accordingly, the case is disposed of.

**Signed by Rajesh Aggarwal**

**Date: 03-01-2024 20:12:38**

**Reason: Approved**

**(Rajesh Aggarwal)**

Chief Commissioner for  
Persons with Disabilities



I/2275/2024



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14054/1024/2023**

### Complainant:

Shri Ratan K. Kamble  
F-1, D Square Apartment,  
Wadali Naka, Behind Sai Villa Society,  
Amravati-444606  
Email- ratank1961@gmail.com

### Respondent:

The Chairman  
Life Insurance Corporation of India,  
Central Office 'Yogakshema' Jeevan Bima Marg,  
Nariman Point, Mumbai- 400021  
Email-chairman@licindia.com

### 1. Gist of Complaint:

1.1 The Complainant, Shri Ratan K. Kamble, a person with 100% visually impaired has filed a complaint on 11.04.2023 regarding special benefits under Section 80 U of the Income Tax Act, 1961 under the Pension Scheme.

1.2 The Complainant submitted that he is an ex-employee of ECGC Ltd and retired on 30.06.2021. He is getting a pension from the LIC office and while computing total income in respect of total pension earned during the financial year, LIC is not considering the benefit of disability in tax deduction.

1.3 The Complainant further submitted that he has taken up the issue with the official of ECGC. The official informed him that though LIC is not considering deduction under

I/2275/2024

section 80U of the Income Tax Act, 1961, the concerned person may seek benefits while filing Income Tax Return.

## **2. Submissions made by the Respondent:**

2.1 The Executive Director, LIC vide their letter no. dated 02.06.2023, has filed the reply and submitted that the Complainant is an ex-employee of ECGC Ltd. The employer has purchased a group superannuation scheme with LIC and on retirement of the employee on 30.06.2021, the employer has purchased an annuity for the employee.

2.2 The Respondent further submitted that the disability certificate of the Complainant was received by LIC for the first time on 31.05.2023 along with the notice issued by the Office of the Chief Commissioner for Persons with Disabilities.

2.3 The Respondent further submitted that the income tax for the financial year 2022-2023 was deducted as per the Income Tax Rules and remitted to Income Tax Authorities. Now the Complainant can claim a refund of income tax as per the Income Tax Act, 1961 section 80U, while filing his income Tax Return. Further, the request of the Complainant for exemption has been noted and it will be taken care of in the future.

## **3. Submissions made in Rejoinder**

3.1 The Complainant has filed the rejoinder vide email dated 28.09.2023 and submitted that the Reply by LIC is acceptable to him.

## **4. Observations and Recommendations:**

4.1 Since the grievance of the Complainant has been resolved to his satisfaction, this Court is of the opinion that further intervention by this Court is not warranted.

4.2 Accordingly, this case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by  
Praveen Prakash Ambashta  
Date: 01-01-2024 16:47:24  
(P.P Ambashta)  
Dy. Chief Commissioner

I/2306/2024



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14083/1024/2023**

### Complainant:

Shri Md. Sarfaraz Ahmad  
Email- msabpsc@gmail.com

### Respondents:

- (1) The Commissioner  
Central Board of Indirect Taxes,  
J684-843, North Block,  
Central Secretariat,  
New Delhi-110001  
Phone: 011-23092849  
Email-chairperson-cbec@nic.in
- (2) The Addl. Commissioner of Income Tax  
Range-2, Aayakar Bhawan, Poorva,  
110, Shantipalli,  
Kolkata-700107  
Email: kolkata.cit.ittp@incometax.gov.in

### 1. Gist of the Complaint:

1.1 The Complainant, Shri Md. Sarfaraz Ahmad, a person with 40% visual impairment filed a complaint on 15.04.2023 regarding payment of transport allowance at double the normal rate to a person with disability.

1.2 The Complainant submitted that he joined the Income Tax Department on 15.02.2016 and is presently posted at the Income Tax Office, Patna for which the sanctioning authority is Commissioner of Income Tax, Kolkata. The Complainant has not been paid with Transport Allowance at double the normal rate since his joining. He

1/2306/2024

applied in 2017 and 2018 but no reply has been received. He could not apply in 2020 and 2021 due to covid situation. The Complainant had applied again on 11.10.2022 but his application was rejected.

## **2. Submissions made by the Respondent:**

2.1 The Joint Director of Income Tax, New Delhi, vide their letter dated 20.07.2023 has filed the reply and submitted that the Complainant had applied on 11.10.2022 to CIT, Kolkata. He had attached two certificates for Persons with Disabilities vide Certificate no. 1765 dated 26.08.2008 and 4930 dated 06.12.2012 respectively. The disability mentioned is 40% visual impairment on account of congested Nystagmus and also mentioned VR-6/56 and VL-6/60.

2.2 The Respondent further submitted that the transport allowance at double the normal rate may be granted to a visually impaired employee when certain conditions may be fulfilled as per GOI, MOF, O. M. no. 19029/1/1978-E IV (B) dated 31.08.1978 as under:

“In case of a visually impaired employee, the allowance will be admissible on the recommendations of the Head of Ophthalmological Department of less than 3/60 or field vision less than 10 in both the eyes is also eligible for grant of the allowance in terms of the above order.”

2.3 The Respondent further submitted that in this case there is no certificate recommendation of the Head of Ophthalmological Department for blindness of less than 3/60 or field vision less than 10 in both eyes. The Commissioner of Income Tax, Kolkata vide their letter dated 14.12.2022 conveyed that in this case, the transport allowance at double the normal rate is not admissible.

## **3. Submissions made in Rejoinder:**

3.1 The Complainant has filed the rejoinder vide email on 07.08.2023 and submitted that he joined the Income Tax department on 15.02.2016 under the visually impaired category and submitted his Disability certificate at the time of appointment.

## **4. Additional Submission by the Respondent:**

4.1 The Respondent had further issued an order dated 30.08.2023, thereby sanctioning payment of double transport allowance w.e.f the date of appointment or from the date of receipt of valid disability certificate whichever is later subject to the outcome of the case filed before the Court.

## **5. Observations and Recommendations:**

5.1 Since the grievance of the Complainant has been resolved by the respondent by

I/2306/2024

issue of Order dated 30.08.2023, a copy of which is being enclosed for the information of the Complainant, this Court is of the opinion that further intervention by this Court is not warranted.

5.2 Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by  
Praveen Prakash Ambashta  
Date: 04-01-2024 15:23:10  
(P.P Ambashta)  
Dy. Chief Commissioner

**Encl.: As above**

I/2268/2024



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14096/1014/2023**

**In the matter of —**

Dr. Priyanka Sharad Mahangade,  
At & Post: Pasarani,  
Tal.: Wai, District: Satara (Maharashtra)  
Pin: 412803  
Email: priyamahangade94@gmail.com

**... Complainant**

**Versus**

The Chairman,  
Agricultural Scientists Recruitment Board,  
Department of Agricultural Research and Education,  
Ministry of Agriculture and Farmers Welfare,  
Krishi Anusandhan Bhavan-I,  
Pusa, New Delhi –110 012  
Email: chairman@asrb.org.in  
Director's Email: rajinderkumar.icar@nic.in  
Ph:011-2584025

**... Respondent**

### **1. Gist of the Complaint:**

1.1 Dr. Priyanka Sharad Mahangade, a person with 65% Locomotor Disability filed a complaint dated 22.05.2023 regarding denial of opportunity to write the Agricultural Research Service Mains Examination (ARS Mains) under the PwBD category.

1.2 The Complainant submitted that she could not be allotted a seat as the discipline of Agricultural Structure and Process Engineering (Code No. 56) was not among the identified disciplines for persons with disabilities. The ARS-Examination Notification-2021 dated 20.03.2021 mentioned that the appointment of PwBD candidates in disciplines, other than the disciplines identified as suitable for them, shall not be considered. She wrote to the concerned authorities requesting for inclusion of PwBD for the major

I/2268/2024

disciplines that are allegedly left out of the purview of ARS even as the post is identified as suitable for PwBD in the list of identified posts on Page No. 1161 and SI Nos. 128, 133, 147, 148, 153,154, 159, 166, 75, 76, 502-524, 812, 818 and 819 of the Notification No. 38-16/2020-DD-III dated 4th January, 2021.

1.3 The Complainant further submitted that after receipt of her representation, the ASRB changed the eligibility criteria vide addendum dated 28.04.2021 stating that all the ARS Disciplines (as mentioned in Annexure-VII of the Notification dated 30.03.2021) were identified as suitable for the eligible for PwBD candidates. However, in the last nine ASRB Notifications i.e. 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2021, and 2023, ARS vacancies were not allotted for the OH candidates under the PwBD category. No seat is allotted to OH candidates despite allotting a total of 104 posts to Agricultural Process Engineering from the year 2011 to 2023.

1.4 The Complainant prayed to consider her complaint against ASRB to ensure equal opportunities and protection of the rights of PwBD.

## **2. Reply filed by the Respondent:**

2.1 The Controller of Examinations, ASRB endorsed a copy of the letters dated 12.06.23 and 07.07.2023 addressed to the Joint Secretary (Per.), ICAR, New Delhi requesting to furnish suitable comments to this Court by 14.07.2023. However, no reply was received from the Respondent till time.

## **3. Rejoinder submitted by the Complainant:**

3.1 The Complainant vide email dated 19.08.2023 expressed her gratitude to this Court and submitted that the intervention of this Court made a significant impact as ASRB & ICAR allotted one seat for OH category for the discipline of agricultural structure and process engineering vide addendum dated 18.08.2023 issued by the Controller of Examinations ASRB, New Delhi.

## **4. Observation and Recommendation:**

4.1 This Court is concerned at the indifference of the Respondent in not responding properly to the Notice for Reply dated 01.06.2023 and Reminder dated 30.06.2023 apart from an acknowledgment and endorsement of internal communication. No response has been received from the Respondent on framing, registering, and publishing their Equal Opportunity Policy as per Section 21 of the RPwD Act, 2016, or on the appointment of a Grievance Redressal Officer as per Section 23 of the Act despite clear mention of the same at Para 6 and 7 of the Notice dated 01.06.2023 and requisition of an ATR on the same at para 9 of the Notice.

I/2268/2024

4.2 The attention of the Respondent is brought to the provisions of Section 77 (2) of the Act, according to which every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974). Further, Section 93 of the Act makes non-furnishing of information sought under the provisions of the Act a punishable offence.

4.3 Accordingly, the Respondent is directed to conduct an inquiry to fix the responsibility of erring officials who failed to comply with a statutory provision and submit a report within 3 months of the issue of this Communication failing which this Court will be constrained to initiate penal proceedings under Section 89 and 93 of the Act, besides reporting the non-compliance to the Parliament under Section 76 of the Act.

4.4 In so far as the grievance of the Complainant is concerned, the same has been resolved to her satisfaction, and as such further intervention by this Court is not warranted.

4.5 Accordingly, this case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by  
Praveen Prakash Ambashta  
Date: 01-01-2024 16:21:32

**(Praveen Prakash Ambashta)**  
Dy. Chief Commissioner



I/2302/2024



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14102/1092/2023**

**In the matter of —**

Shri L. R. Bhaskara,  
Email: bhaskargowda040@gmail.com  
Contact: 8553113252

**... Complainant**

**Versus**

(1) The Secretary,  
Department of Heavy Industry,  
Ministry of Heavy Industries and Public Enterprises,  
Room No. 428, Udyog Bhawan,  
New Delhi – 110001;  
Email: m.subramaniam@nic.in

**... Respondent No.1**

(2) The Chairman,  
Central Board of Indirect Taxes,  
J684-843, North Block,  
Central Secretariat,  
New Delhi – 110001,  
Email: chairperson-cbec@nic.in

**... Respondent No.2**

(3) The Manager,  
Kalyani Motors Pvt. Ltd.,  
Nexa RR Nagar,  
Bangalore – 560039,  
Email: sm.nexa.myr@kalyanimotors.com

**... Respondent No.3**

### **1. Gist of Complaint:**

1.1 Shri L. Bhaskara, a person with 80% locomotor disability filed a complaint dated 25.05.2023 regarding the denial of GST Concession facility for the purchase of a car by the dealer M/s Kalyani Motors Pvt. Ltd., Bangalore despite submitting the necessary GST Concession Certificate issued by the Department of Heavy Industries (DHI).

1/2302/2024

1.2 The Complainant submitted that as per the Central Government Scheme F.No. 12(42)/2015-AEI dated 24.10.2019 implemented for the benefit of persons with disabilities he is entitled to get certain concessions including GST exemption on the purchase of a car. To avail of the concessions, he visited M/s Kalyani Motors Pvt. Limited, Bangalore, and presented the original GST Concession Certificate dated 18.05.2023 issued by DHI along with other requisite documents. However, the staff at the said dealer/showroom refused to acknowledge the GST Concession Certificate and declined to provide him with the GST exemption. The staff of the dealer insisted the Complainant to pay the full amount disregarding his entitlement of GST concession under the said scheme.

1.3 The Complainant requested to intervene in the matter to ensure that justice is served and the rights of a person with disability are protected.

## **2. Reply filed by the Respondents:**

2.1 The Under Secretary, DHI (for Respondent No.2) filed a reply dated 09.06.2023 and inter-alia submitted that the Complainant had applied on DHIG ECS Portal for GST Concession Certificate on 04.05.2023 and the same was issued on 18.05.2023. As per the functioning of the portal, when an application gets approved, a system-generated GST Concession Certificate is automatically emailed to the applicant and a copy of this certificate is simultaneously mailed to the dealer and RTO on their respective email IDs i.e. sales.nexa2@kalyanimotors.com and rtomndy-ka@nic.in respectively in this case as provided by the Complainant. Hence, the Certificate dated 18.05.2023 was mailed to the applicant/Complainant with a copy thereof and also endorsed to the dealer and RTO on their respective email IDs through automatic system generation. As per the Complaint, the dealer is denying to have received the Certificate on his email ID and hence refusing to deliver the car which appears to be an incorrect statement as when the applicant had received the Certificate, it is not possible that the dealer did not receive it.

2.2 The Joint Commissioner, O/o the Principal Chief Commissioner of Central Tax, Bengaluru Zone filed a reply dated 26.06.2023 (for Respondent No.2) and inter-alia submitted that the dealer M/s Kalyani Motors Pvt. Ltd., Bengaluru are registered with GSTN: 2911CCK9165B1ZG and are under State GST administration. Hence, they forwarded the notice along with the Complaint and attachments to the Commissioner of Commercial Taxes, Gandhinagar, Bengaluru for submission of comments and documents.

1/2302/2024

2.3 The Manager - Sales, Kalyani Motors Pvt. Ltd., Bangalore (Respondent No.3) filed a reply dated 14.08.2023 and submitted that they delivered the car to the Complainant, Mr. Bhaskar L with all the amenities specified.

### **3. Rejoinder submitted by the Complainant:**

3.1 The Complainant emailed his Rejoinder on 19.10.2023 and submitted that after the intervention of this Court, he has been provided all the benefits as per law. He requested to close the case.

### **4. Observation and Recommendation:**

4.1 Since the grievance of the Complainant has been resolved to his satisfaction, this Court is of the opinion that further intervention by this Court is not warranted beyond recommending to the Respondents to take appropriate measures including conducting sensitization and awareness training for its personnel to mitigate the disadvantage the persons with disabilities suffer due to lack of awareness and sensitization of the human resource at the interface level.

4.2 Accordingly, this case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by  
Praveen Prakash Ambashta  
Date: 04-01-2024 11:40:02

(Praveen Prakash Ambashta)  
Dy. Chief Commissioner



## 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  
5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14250/1022/2023**

### Complainant:

Shri Midhun Joy  
Chemmanoor House, Muthuvatoor Road  
Palayur, Chavakkad, Thirissur  
Kerala – 680506  
Email – midhunjoy20@gmail.com

### Respondent:

- (1) Chief of the Army  
IHQ of MoD (Army)  
E-in-C Branch/E (Trg)  
Kashmir House, Rajaji Marg  
New Delhi – 110011
- (2) The Chief Record Officer  
Defence Security Corps Records  
Mill Road, Burnacherry PO  
Kannur District  
Kerala – 670013  
Email – veretan.2014@nic.in

### 1. Gist of the Complaint:

1.1 Shri Mithun Joy, a person with 40% locomotor disability has filed a complaint dated 27.06.2023 and submitted that he was appointed as Lower Division Clerk in Defence Security Corps Records, Kannur District under General Category on 17.10.2023. He has completed more than 10 years of regular service in Defence Security Corps Records, Kannur District, Kerala. While in service he required locomotor disability due to Ankylosing Spondylitis disease and he has been issued a Certificate of Disability from Medical Board Government District Hospital, Thrissur District, Kerala with a permanent disability of 40% and his disability has been published in his service records after verification of his disability certificate.

1.2 He approached his office for processing compassionate posting on disability grounds to any establishment in Ernakulam District so that he could look after his family and follow his treatment. Even after more than one year, his case is still pending in his parent's office. As per Army Order dated 03.08.2020 and IHQ of MoD (Army) letter dated 28.04.2017 issued by Army Headquarters, it is mentioned that applications in respect of individuals seeking

I/2313/2024

posting/transfer on compassionate grounds cannot be withheld at the unit level for whatever reasons and also priority should be given to the applications submitted by disabled persons.

## **2. Submissions made by the Respondent:**

2.1 The Chief Record Officer for Officer-in-charge Records filed a reply dated 16.08.2023 and submitted inter-alia that the Complainant, a native of Thrissur Dist (Kerala) was appointed on 17.10.2012 in the grade of LDC and further promoted to UDC on 01.01.2021. Later he submitted a personal application that he was diagnosed with 'Ankylosing Spondylitis' and due to the above disease, he had acquired locomoted disability along with a copy of the Medical Board held on 14.11.2019 at Government General Hospital, Thrissur (Kerala).

2.2 Application for posting in respect of the Complainant has been submitted twice by this office first for interdepartmental transfer to the Defence Accounts Department on 16.08.2021 and second posting on compassionate grounds on 22.11.2022 after the cancellation of his earlier application, both were processed as per request of the individual despite heavy deficiency of clerks in this office. 58 civilian employees are posted against the authorization of 177 civilian employees. As per documents and evidence held with this office individual has given a declaration stating that his parents, wife and son are fully dependent on him and are residing with him. As per the Army order dated 03.08.2020, priority over other applicants for posting to their choice station will be given where the applicant is physically disabled and does not have anybody to look after him/her at the station where he/she is serving. IHQ of MoD (Army) letter dated 28.04.2017 gives powers to not recommend the applications which has also not been exercised by this office. The respondent showed their inability to consider the application of transfer due to administrative constraints as mentioned in GOI instructions.

## **3. Submissions made in Rejoinder:**

3.1 The Complainant filed his rejoinder dated 01.09.2023 reiterating his complaint. However, in his subsequent email dated 30.10.2023, he conveyed that he had received an offer of appointment in the office of the Registrar General, Thiruvananthapuram, which is a better career option for him. He prayed for the withdrawal of his complaint dated 26.06.2023 and the disposal of his case.

## **4. Observations and Recommendations:**

4.1 Since the Complainant has withdrawn his complaint vide email dated 30.10.2023, no further intervention is required.

4.2 Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

**Signed by Praveen Prakash  
Ambashta  
Date: 05-01-2024 15:23:14  
Reason: Approved**

**(P.P. Ambashta)**  
Dy. Chief Commissioner



## 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  
5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No.: 14272/1022/2023**

### Complainant:

Shri Anand Kumar  
GE New Delhi, SP Marg  
Gate No 05, New ABHM  
New Delhi – 110021  
Mobile No – 9462332438  
Email – anandkumar1811@gmail.com

### Respondents:

- (1) DG (Pers)  
E-in-C's Branch  
IHQ of MoD (Army)  
Kashmir House, Rajaji Marg  
New Delhi – 110011
- (2) Chief Engineer (HQ)  
Western Command Chandimandir  
Pin – 908543 c/o 56 APO  
Email – ceengrcl-mer@nic.in

### 1. Gist of the Complaint:

1.1 Shri Anand Kumar, a person with 50% locomotor disability has filed a complaint dated 19.06.2023 and submitted that he had requested for cancellation of posting to Chief Engineer, HQ Western Command, Chandimandir vide letter dated 28.11.2022 and 17.03.2023 through proper channel. Neither any reply nor any confirmation regarding the cancellation of the posting order has been received by the Complainant.

1.2 He prayed to retain his posting at his present duty station i.e., GE New Delhi, or issue posting to any nearby station.

### 2. Submissions made by the Respondent:

2.1 SE (SAG), Dir (Legal) for Chief Engineer, Western Command filed a reply dated

1/2304/2024

19.08.2023 and submitted inter-alia that the Complainant has been posted to Delhi as per his requirement vide this HQ letter dated 16.08.2023.

### **3. Submissions made in Rejoinder:**

3.1 The Complainant filed his rejoinder dated 21.09.2023 and submitted that due to the intervention of this Court, his posting order has been changed by the competent authority to Delhi area.

### **4. Observations and Recommendations:**

4.1 Since the grievance of the Complainant has been resolved to his satisfaction, this Court is of the opinion that further intervention by this Court is not warranted.

4 . 2 Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by  
Praveen Prakash Ambashta  
Date: 04-01-2024 15:12:04

**(P.P Ambashta)**  
Dy. Chief Commissioner



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14290/1023/2023**

### Complainant:

Shri Surulikumar Vellaichamy  
Chief Manager (IE),  
RCF Ltd.  
Email-suruli.kumar.vellaichamy@gmail.com

### Respondent:

The Chairman & Managing Director  
Rashtriya Chemical & Fertilizers Ltd,  
Administrative Building, Mahul Road,  
Chembur, Mumbai- 400074  
Phone: 022-2552 3000  
Email: cmd@rcfltd.com

### 1. Gist of the Complaint:

1.1 The Complainant, Shri Surulikumar, a person with 49% locomotor disability has filed a complaint on 13.07.2023 regarding harassment.

1.2 The Complainant submitted that he is an employee of Rashtriya Chemical & Fertilizers Ltd and the company is not accommodating to persons with disabilities and creates barriers. The company has given a charge sheet regarding the concealment of facts of disability during the appointment.

1.3 The Complainant further submitted that he had mentioned in his medical records while joining RCFL about polio in his left leg causing disability. After more than 25 years of appointment, the company states that a person with disability is not suitable to work as an Industrial Engineer in RCFL. In contrast, persons with disabilities have already joined the industrial engineering department under the PwD quota. Now the Complainant has been issued a false charge sheet of misconduct.

1.4 The Complainant further submitted that he requires a personal assistant to help him at



1/2307/2024

the company-provided residence round the clock to help him with mobility and taking care of his disability. The Complainant requested to direct RCFL to permit him to keep a helper for assistance at his residence round the clock.

## **2. Submissions made by the Respondent:**

2.1 The Executive Director (HR), RCFL vide their letter no. dated 12.08.2023, has filed the reply and submitted that the Complainant is an employee of RCFL (a Government of India Undertaking), and at present, he is under suspension and a departmental Inquiry against him is under process.

2.2 The Respondent further submitted that the Complainant did not disclose his disability while applying for the post of Management Trainee (Industrial Engineering) in RCFL. A person with disability is not suitable for the post of Industrial Engineer. He was informed about his disability in the year 2021 and not at the time of joining in the year 1995 to derive benefits given to PwD employees and hence committed misconduct under RCF Employees (Conduct, Discipline & Appeal) rules, 2005.

2.3 The Respondent further submitted that the Complainant has not performed the job assigned to him and neglected the work and instructions of the superior. The Complainant had sent various communications directly to the top management of the company without following a proper channel of communication. The Complainant has allowed unauthorized outsiders to stay in the company-provided quarter without prior permission and thus violated the Accommodation Allotment Rules of the Company. The Complainant has made false allegations against the officials of the Company.

## **3. Submissions made in the Rejoinder:**

3.1 The Complainant has filed the rejoinder vide email dated 07.09.2023 and withdrawn his complaint.

## **4. Observations and Recommendations:**

4.1 Since the Complainant has withdrawn his complaint vide email dated 07.09.2023, no further intervention is required. Non-furnishing of requisite details at the time of appointment is a serious issue and this Court would not like to interfere with the decision of the administration in that regard or in the departmental proceedings of the Respondent.

4.2 However, this Court does not agree with the contention of the Respondent that the post of Management Trainee (Industrial Engineering) is not suitable for the Complainant, a person with 49% disability in one leg. As per the list of jobs suitable for persons with disabilities, notified by the Central Government in pursuance to the mandate of Section 33 of the RPwD Act, 2016, hereinafter referred to as "the Act", vide MSJE Notification No. 38-16/2020-DD-III dated 04.01.2021, the posts of Industrial Engineer (Group A) is shown as suitable for One Leg affected (OL) category at SI No. 255 and 833. The post of Jr. Engineer, Industrial Engineering

1/2307/2024

(Group B) is also suitable for the OL at SI NO. 297. This Court is of the view that the Respondent should also investigate and inquire against its officers who have suggested otherwise than what is mandated under the Notification of the Central Government issued under a statutory directive. The Respondent needs to find out if such a conclusion was a result of a malafide intention or an attitudinal barrier in the minds of its officers looking into the case of the Complainant.

4.2 The Respondent is directed to submit an Action Taken Report on the recommendation of this Court made at para 4.2 above within 3 months from the date of issue of this Order failing which this Court will be constrained to initiate proceedings as laid down in Section 76 and Section 93 of the Act read with Section 84 and 89 of the Act.

4.3 Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by  
Praveen Prakash Ambashta  
Date: 04-01-2024 15:34:45

**(P.P Ambashta)**  
Dy. Chief Commissioner



## 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  
5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14306/1022/2023**

### Complainant:

Shri Shankar Suman Singh  
CB – 12, Ring Road  
Naraina, Delhi – 110028  
Mobile No – 7717786623  
Email – sumanshankaribps@gamil.com

### Respondent:

The Managing Director and CEO  
Bank of Maharashtra  
Head Office 'Lokmangal' 1501  
Shivajinagar, Pune – 411005  
Tele No – 020 – 25514501, 020 – 25514510  
Email – gmfislbcb@mahabank.co.in

### 1. Gist of the Complaint:

1.1 Shri Shankar Suman Singh has filed a complaint dated 04.07.2023 and submitted that it has become very difficult for him to stay at his current posting due to the Chronic Neurological Conditions of his 3-years-old son Shri Aanav Singh, a person with 80% disability. His wife is also a government servant working in Delhi. She is facing several difficulties in taking care of their son while living separately. He has requested for his transfer from Jabalpur to Delhi multiple times to remain closer to his family and take care of his son. However, the bank has not considered his request.

### 2. Submissions made by the Respondent:

2.1 Asst. General Manager, HRM, Bank of Maharashtra filed a reply dated 11.08.2023 and submitted inter-alia that as per Regulation 47 of Bank of Maharashtra Officers' Services Regulation, 1979, says that "Every officer is liable for transfer to any office or branch of the bank or any place in India. However, the bank shall sympathetically consider his request for transfer to the Delhi Zone, subject to administrative limitations.

### 3. Submissions made in Rejoinder:

3.1 The Complainant filed his rejoinder dated 17.08.2023 and reiterated his complaint. Further, the Complainant, through an email dated 15.11.2023, submitted that he joined Delhi Zone on 2nd November 2023 and like to withdraw his complaint.

I/2296/2024

**4. OBSERVATIONS & RECOMMENDATIONS:**

4.1 Since the grievance of the complainant has been redressed, no further intervention is required in the matter and as requested by the Complainant, case is closed.

4.2 This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

**Signed by Praveen Prakash  
Ambashta**

**Date: 03-01-2024 20:32:09**

**Reason: Approved**

**( P.P. Ambashta )  
Dy. Chief Commissioner**

I/2305/2024



**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  
5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No.: 14323/1022/2023**

**Complainant:**

Shri Dharmveer Singh  
42, Smriti Vihar, Sector – K1  
Aashiyana, Lucknow – 226012  
Mobile No – 9415484209  
Email – Dheeraj\_lko99@yahoo.co.in

**Respondents:**

- (1) The Chairman  
State Bank of India  
State Bank Bhavan  
16<sup>th</sup> Floor, Madam Cama Road  
Mumbai – 400021  
Email – chairman@sbi.co.in
- (2) The Chief General Manager  
State Bank of India  
Moti Mahal Marg  
Hazratganj, Lucknow – 226001  
Tele No – 0522 – 2234146; 2202884  
Email – cgm.lholuc@sbi.co.in

**1. Gist of the Complaint:**

1.1 Shri Dharmveer Singh has filed a complaint dated 20.07.2023 and submitted that his father Shri Brijesh Kumar, a person with 40% low vision, and his mother Smt. Meera Singh, a person with 70% locomotor disability, both are dependent on him and require constant care and supervision for their survival.

1.2 He was promoted from MMGS-III to SMGS-IV on 26.04.2023 but unfortunately he was transferred from Lucknow Circle to Chennai Circle vide Office order dated 03-05-2023 upon promotion and also relieved from his current branch BM Bhikharipur Patasia Branch vide letter dated 08.05.2023.

1.3 Without taking cognizance that he is the sole caregiver of his old age disabled & critically ill parents even though he has been consistently informing the medical condition of his parents to the Bank and also mentioned the same in the online Bio-data form submitted to the Corporate Center before the interview of SMGS-IV.

I/2305/2024

1.4 He has submitted various representations to the competent authority on 04.05.2023, 29.05.2023, 26.06.2023, 26.06.2023 & 05.07.2023 with the request for exempting him from the routine exercise of transfer/rotational transfer as per the RwPD Act 2016 and also Bank's e-circular dated 07-02-2019. After a lapse of considerable time, no positive response was received from the competent authority or any written communication to him. During this period, they also stopped his salary from 01.06.2023.

## 2. Submissions made by the Respondent:

2.1 Chief General Manager (HR), SBI filed a reply dated 22.08.2023 and submitted inter-alia that the Complainant has already challenged his transfer dated 03.05.2023 to Chennai Circle before the Hon'ble High Court of Allahabad, Lucknow Bench. Hon'ble High Court after hearing both the parties passed the Order dated 28.07.2023. The Operative portion of the Order is reproduced as under:

*"Accordingly, without entering into the merit of the case, the present petition is disposed of leaving it open to the petitioner to submit a comprehensive representation against the impugned transfer order dated 03.05.2023 before the appropriate authority within a period of one week from today.*

*In case of a representation is made, the appropriate authority shall proceed to decide the same in accordance with law considering the ground taken by the petitioner in the representation, which would be decided within a period of two weeks from the date of representation no coercive action shall be taken by the respondents against the petitioner in pursuance of the impugned transfer order.*

*It is made clear that if the petitioner does not submit his representation within the time specified, then the benefit of this order shall not be available to him."*

2.2 In compliance with the Hon'ble High Court order the competent authority Chief General Manager (HR) has passed an order dated 17.08.2023 on the representation of the Complainant which was received at this office on 04.08.2023.

## 3. Submissions made in Rejoinder:

3.1 The Complainant in his rejoinder dated 02.09.2023 submitted that the Complainant does not wish to press the present case due to personal problems and as such the case may dismissed as withdrawn on behalf of the Complainant.

## 4. Observations and Recommendations:

4.1 Since the Complainant has withdrawn his complaint vide email dated 02.09.2023, no further intervention is required.

4.2 Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by  
Praveen Prakash Ambashta  
Date: 04-01-2024 15:10:17  
(P.P. Ambashta)  
Dy. Chief Commissioner



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
**5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364**  
**Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in**

**Case No. 14380/1031/2023**

**In the matter of —**

Shri Mohan Lal Sharma,  
 R/o 491-A, Gopal Nagar,  
 Khajuri Kalan Road,  
 Piplani, Bhopal – 462022 (Madhya Pradesh)  
 Mobile No – 9461938893  
 Email - sharmasarita1977@gmail.com

**... Complainant**

**Versus**

(1) The Director,  
 National Medical Commission  
 Pocket-14, Sector-8, Dwarka Phase-1,  
 New Delhi – 110077  
 Email: director.nmc@nmc.org.in

**... Respondent No.1**

(2) The Medical Superintendent,  
 Atal Bihar Vajpayee Institute of Medical Sciences,  
 Ram Manohar Lohia Hospital  
 Baba Kharak Singh Road,  
 New Delhi – 110001,  
 Email: diary.section@rmlh.nic.in  
 Ajaysharma63@yahoo.in,  
 med.sup.rmlh@gmail.com

**... Respondent No.2**

(3) The Secretary,  
 Ministry of Health and Family Welfare  
 Nirman Bhawan  
 New Delhi – 110001  
 Email: secyhw@nic.in

**... Respondent No.3**

**1. Gist of Complaint:**

1.1 Shri Mohan Lal Sharma father of Shri Lakshay Sharma, a person with 70% low vision filed a complaint dated 02.08.2023 regarding denial of admission in NEET-UG courses.

1.2 The Complainant submitted that his son has appeared in NEET-UG Examination 2023 and secured 548 marks out of 720 marks as per his score card issued by Senior Director, National Testing Agency (NTA) on 13.06.2023 in the category of persons with disability (PwD) category. His Roll Number is 3001030363 and All India Rank is 65947. His PwD Rank is 60.

1.3 Shri Lakshay Sharma was referred to Dr. RML Hospital, New Delhi for medical examination as per National Medical Commission (NMC) Guidelines for admission to medical course in All India Quota. The Eye Department of Dr. RML Hospital issued a certificate on 21.07.2023 as per which Shri Lakshya Sharma was declared eligible to pursue medical education but it was also certified that he would not be eligible to claim PwD reservation under visual impairment.

1.4 Dr. RML Hospital on one hand declared Shri Lakshya Sharma eligible for MBBS course and on the other hand declared him ineligible for reservation on the ground of 0% visual disability. In this regard, the Complainant submitted that Shri Lakshya Sharma was declared visually 60-70% visual impairment without advanced low vision aids by J. P. Hospital Bhopal and Civil Surgeon, Bhopal.

1.5 The Complainant prayed that Shri Lakshya Sharma may be declared eligible for MBBS admission in All India Quota through NEET-UG-2023 under PwD category.

## **2. Notice issued to the Respondent:**

A Notice dated 07.08.2023 was issued to the Director, National Medical Commission, New Delhi for forwarding their comments on affidavit on the complaint within 30 days.

## **3. Reply filed by the Respondent:**

The Respondent filed its reply on affidavit dated 30.08.2023 and inter-alia submitted that the Complainant has entirely failed to even remotely show as to how on account of his son's disability, his son had been aggrieved/discriminated against necessitating the present complaint. **The Complainant's son is a person who is not suffering from any disability and has been assessed to have 0%o visual impairment as mentioned in his disability certificate dated 21.07.2023 issued by the designated Disability Certification Centre under the Ram Manohar Lohia Institute of Medical Sciences & Dr. RML Hospital, New Delhi and the complaint deserves to be rejected on this**



**ground only.**

**4. Hearing (1):**

4.1 The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **12.09.2023**. The following were present in the hearing:

(1) Shri Mohan Lal Sharma, Complainant; and Dr. A.B. Sharma on behalf of the Complainant

(2) Shri Shambhu Sharan Kumar, Director, UG Medical Education Board, NMC for the Respondent

4.2 During online hearing, the Complainant brought to the attention of the Court various Disability certificates issued by other medical boards. One such Disability Certificate is issued by 'Medical Board Zila Chikitsalaya Bhopal' dated 03.10.2019 as per which disability of the affected person is assessed as 'Visual Impairment' – 60%. Another disability certificate is dated 10.04.2023 issued by Civil Surgeon, Bhopal as per which the disability of affected person is 'Low Vision' – 70%. Another document is OPD report issued by AIIMS, New Delhi dated 01.07.2023 which assess the disability of the affected person as '6/36' in both eyes, which as per Para 19.3 of the Guidelines for the purpose of assessing the extent of specified disability, issued by D/o Empowerment of Persons with Disabilities, M/o Social Justice & Empowerment, by Notification dated 04.01.2018 is assessed as 40%.

4.3 After hearing the parties, the Court took note of the difference among the disability certificates dated 03.10.2019 & 10.04.2023 vis-à-vis NEET Disability certificate issued by the hospital. On perusal of the NEET Disability certificate the parameters or vision assessment on the basis of which the affected person has been assessed as 0% is not clear. This Court is inclined to note that prima facie NEET Disability certificate issued by the Dr. RML Hospital seems arbitrary and bereft of reason. There is need to look more closely into the tests and reports relied upon by Dr. RML Hospital to issue that 0% disability documents.

4.4 The Court using powers conferred upon it by section 77 of the Rights of Persons with Disabilities Act, 2016 (hereinafter "the Act") directed to implead the Medical Superintendent, Dr. Ram Manohar Lohia Hospital, New Delhi as one of the respondents (Respondent No.2) who would produce all the documents relating to medical examination of the affected person namely, Lakshay Sharma, pursuant to which Certificate No. 2023-Jul/002002 dated 21.07.2023 titled as 'Certificate of Admission for

NEET Admissions' was issued. Respondent No.2 was further directed to inform this Court whether guidelines dated 04.01.2018 issued by D/o Empowerment of Persons with Disabilities, M/o Social Justice & Empowerment were followed during the medical examination/evaluation of Lakshay Sharma and if any other guidelines were followed. Details of such guidelines highlighting the exact rule number on which the reliance was placed be submitted along with the documents sought above on an affidavit by 15<sup>th</sup> September, 2023.

#### **5. Reply filed by Respondent No.2:**

The Respondent No.2 submitted its reply vide letter dated 14.09.2023 and furnished the following documents:- (1) Single Field Analysis in respect of Left Eye and Right Eye; (2) Disability Certificate dated 21.07.2023; and (3) Eyes Testing Report dated 14.09.2023 issued by Dr. Shikha Jain & Dr. Deepa Sharma, Members and Dr. Ashok Pathak, Chairman. It was submitted that the Medical Board evaluated all the tests & documents of Shri Lakshya Sharma on 14.09.2023. The report of the Medical Board reads as under:-

*"As per the detailed review of tests and documents of candidate LAKSHYA SHARMA S/o MOHAN LAL SHARMA, 18/Male, the following conclusions are drawn:-*

- 1. His Best corrected visual acuity for distance is 6/60 both eyes (Right-5cyl@180) (Left+1.5sph/-5cyl@180)*

*His vision remains the same even on varying the distance. This test appears to be positive for malingering.*

- 2. Without Low Vision Aids his near vision is N/10 both eyes. This almost normal near vision cannot be explained with such poor distance vision.*
- 3. With use of Low Vision Aids there is a gross restriction of visual fields.*

*All the above findings make him ineligible to apply under disability quota."*

#### **6. Hearing (2):**

6.1 From the perusal of the reply / documents filed by the Respondent No.2, it was not clear as to how the percentage was shown as 0% when the visual acuity was shown as 6/60 in both the eyes, which according to the MSJE Notification dated 04.01.2018 should be 40% (para 19.3). The defence of Respondent No.1 (NMC) was based entirely on the

ground that the medical board has certified the candidate as having 0% disability and hence he is not a person with benchmark disability. Hence the case was heard online through video conferencing on 09.10.2023 and the following persons were present during the hearing:

**Complainant:**

1. Shri Mohan Lal Sharma, Complainant;
2. Shri Lakshya Sharma

**Respondents:**

1. Shri Shambhu Sharan Kumar, Director, NMC
2. Dr. M.K. Jha, Addl. Medical Superintendent, Dr. RML Hospital
3. Dr. Deepa Sharma, CMO, Dr. RML Hospital

6.2 During the hearing, the Court sought to know as to how can there be so much of variation in the disability certificate issued by Respondent No.2 which mentions the disability at 0% vis-à-vis earlier certificates issued by JP District Hospital Bhopal on 03.10.2019, which has assessed the disability at 60%, UDID Card issued on 10.04.2023 based on the assessment of the Civil Surgeon, Bhopal, which pegs the disability at 70% and assessment done by Respondent No.2, which states that the distance vision of the student is 6/36 in both eyes, which according to the parameters given at Para 19, Chapter – II of the MSJE Notification No. SO. 76 (E) dated 04th January, 2018 comes to be 40% disability.

6.3. Dr. Deepa Sharma, CMO (NFSG) on behalf of Respondent No. 2 submitted that they had examined the candidate and that they would like to stick with their assessment. She submitted that during their investigation they found that his vision was same with varying distance. His near vision is very good without using any Low Vision Aid. So, it was concluded that there was something intentional behind not seeing. The Court asked Dr. Sharma to confirm that the child could read a book without the help of any gadgets or magnifier and if the child is saying that he cannot read then he is actually lying. Dr. Sharma answered in affirmative.

6.4 The Court thereafter asked the Complainant to submit his version briefly. The Complainant began by saying that in the report the medical board of RML has stated that the case appears to be positive for malingering (pretending to be ill in order the escape duty or work). From the early childhood the boy has been suffering from Nystagmus as well as he is suffering from deformity and visual deprivation since 2018. Then how can the doctor say that the boy's near vision is very good and he can read without any aid.

He also submitted that this certificate given by the Respondent No.2 says that the best corrected visual acuity for distance is 6/60 in both eyes of the child. As per para 19.3 of the MSJE notification dated 04.01.2018 Visual assessment should be done after best possible correction (medical, surgical or usual/ conventional spectacles). The Ophthalmologist shall circle the vision Status and the Percentage Impairment and mark the Disability category according to the parameter provided in the table thereunder. As per the said table under para 19.3, a visual acuity of 6/24 to 6/60 in the better and worse eye at the best corrected state is shown as 40% impairment and Category III a (Low Vision). Then how can the doctor say that it is a case malingering and be rejected.

6.5. The Court asked the Dr. Sharma to confirm that the child can see the blackboard from the distance of 10-20 feet. Dr. Sharma said that the child would not be able to see correctly from the distance of 20 feet. However, the child was able to see 6/18 with magnifier and only 6/60 without the magnifier and that his near vision was N/10, without magnifier, which is as good as 6/12 distance vision and he was seeing only 6/60 as distance vision. The Court sought confirmation from Dr. Sharma that according to her the child does not fall under any benchmark disability in so far as the near vision is concerned. Dr. Sharma confirmed the same. When asked about the distance vision of the child, Dr. Sharma that if he was not able to see from a conventional point of distance, i.e. 6 feet then he should have seen better from a reduced distance. But he was seeing the same from 4 feet, 3 feet and 2 feet.

6.6 The Court wanted to hear the child, Master Lakshay Sharma. Master Lakshay Sharma submitted that he has been using telescope and a magnifier since 4th standard and he can read books by bringing it very close to his eyes. Even from the first bench, he is not able to see the board. He also showed the two devices to the Court. He further submitted that from his early childhood, he has been suffering from both albinism and Nystagmus. In addition, there is involuntary moment and constant flickering in both his eyes, which is so apparent for anyone who sees him. Both these diseases affect the vision. Therefore, the allegation of malingering by the medical board is very unfair. He further submitted that in all other hospitals his disability was assessed based on his distance vision and not near vision. He also submitted that the Low Vision is not further categorised as Low Near Vision or Low Distance Vision. Perfect low vision is N/6 then comes N/8 and then it is N/10. The N/10 is not a perfect vision. He also refuted the averment of the Respondent that his vision was tested for distance by varying the distance and said that all test was done from the same distance. There is no correlation between near or distance vision. He submitted that even if only his distance vision is low, he is still a person with disability.

6.7 The Court observed that Dr. Jha had a smirk on his face when the boy was making his statement and expressed its displeasure over the same. The Court informed the respondents of the provisions of Section 92 of the Act, according to which humiliating a person with disability in public view is a punishable offence. Thus, the respondents cannot be casual during such quasi-judicial proceedings. Dr. Jha submitted that if he did not have any intention to humiliate anyone, but if his demeanour was received as such, then he submitted his apologies.

6.8 After hearing the child and seeing his apparent state of disability, the Court gave another opportunity to the respondents to clarify whether they really think it is a case of 0% disability. Dr. Deepa Sharma of the Respondent No.2 clarified that the 0% assessment was done to indicate that the child is not entitled under the disability quota. She also submitted that there is a correlation between near and distance vision. N/10 is not a normal vision, but it correlates to 6/12 in distance vision. So, if the child is able to read N/10 in near vision than he should be able to read 6/12 and he was able to read 4 lines without low vision aid. This is not normal.

6.9 The Court found it very intriguing that the Medical Boards of prominent government hospitals both basing their assessment on the same government notification can give such a dramatically different percentage and conclusion in respect of the same person. It is very clear that at least one of the boards has not understood the guidelines properly or used inadequate measures or casual approach with regard to the assessment. This affects legal rights of persons with disabilities which may at times adversely affect their livelihood also. In the instant case this is likely to affect the career of the child who has been denied a seat in the NEET UG Course.

6.10 The Court decided to treat this case not an individual case but as a class case as it involves the larger issue of denial of rights of many persons with disabilities. The Court decided to implead the Secretary, Ministry of Health and Family Welfare as Respondent No.3 in the matter with a direction to constitute a special and independent medical board — (i) to reassess the disability Master Lakshay Sharma, and give clear cut opinion about which doctors erred in interpretation of the SOPs for assessing disability; (ii) to find out the reason for such large variation in the assessment of the medical boards; and (iii) to suggest remedies against recurrence of such erroneous assessment by any medical board in future.

6.11 The Court directed that Action Taken Report be submitted to this Court within 4 weeks of the issue of this Order. Copies of all relevant document including the medical

assessment and certificates available on the record of this case shall be sent to Respondent No. 3 to enable them to comply with the above direction.

6.12. The date of next hearing, required if any, would be communicated in due course.

**7. Notice issued to Respondent No.3:**

7.1 A Notice dated 17.10.2023 was issued to the Secretary, Ministry of Health & Family Welfare for submission of Action Taken Report within 4 weeks as directed by the Court. However, no response was received so far.

**8. Hearing (3):**

8.1 An online hearing through video conferencing was conducted on **18.12.2023**. The following parties / representatives were present during the hearing:—

- (1) Shri Mohan Lal Sharma, Complainant; and Shri Ajay Bharat Sharan for the Complainant
- (2) Shri Shambhu Sharan Kumar, Director, NMC for the Respondent No.1
- (3) Dr. Deepa Sharma for Respondent No.2
- (4) None appeared for the Respondent No.3

8.2 During the hearing, the representative appearing for the Respondent No.2 submitted that the distance of near vision of Master Lakshay is not mutually correlating. It cannot be said that the child is not having any vision problem, but within the terms of the MSJE Notification in the Gazette of India, there comes no disability. Dr. RML Hospital has full sympathy with the child he would be helped as far as possible. The report of AIIMS was not shared with us where 40% disability has been given to him. It was informed that the child has been certified 70% somewhere from Bhopal and, therefore, a discrepancy is there in the certificate. As per the Gazette Notification, where his near vision is N-10 then accordingly, his distant vision should be 6/18. Moreover, if one has 6/18 vision in both the eyes, in that case the disability amounts to be 0%. A report in this regard has already submitted to the M/o Health.

8.3 The representative of the Respondent No.1 suggested that in this particular case the matter should be placed before the other expert committee for examination; and if it is found that they were at fault then it would be placed before the full Commission of NMC to take action against those doctors.

8.4 The Complainant prayed that the child should be got re-examined as early as possible as he is feeling very depressed because no solution is coming out.

8.5 This Court observed that there would be no resolution in case of non-appearance of any representative from Ministry of Health & Family Welfare because Dr. RML Hospital has already said 0% disability. In this matter, it is manifestly clear that some disability is there, yet the disability certificate showing 0% disability has been issued. It is not being said that false disability certificate be issued, but how can 0% disability certificate be issued where the disability certificate issued by Civil Surgeon, Bhopal in the same case is showing 70% disability. The NMC should look into the things and get it checked within 15 days from a separate board of experts.

### **9. Reply filed by the M/o Health (Respondent No.3):**

9.1 The Respondent No.3 filed its reply dated 09.01.2024 and submitted that a medical board was constituted vide letter dated 15.11.2023 under the Chairpersonship of Dr. Kirti Singh, Director, Guru Nanak Eye Centre consisting the members, Dr. Anuj Mehta, Dept. of Ophthalmology, VMMC and SJH and Dr. Omprakash, HOD, Ophthalmology, LHMC to assess the disability of the candidate. The Medical Board, vide letter No.F.PS/DIR/GNEC/2023/19237 dated 29.12.2023 certified his disability as 40% Visual Impairment. 9.2 In their report, the board stated as under:

*"Mr. Lakshay's was examined by the experts.*

*Answer point wise*

*1. Disability - is 40% with glasses, as assessed by 3 experts in GNEC on 28th December, 2023. On perusal of documents provided by patient (pages 1-27), in chronological sequence he was examined in :*

- a. AIIMS, New Delhi, Delhi 3rd May, 2018 with BCVA 6/36, with Low vision aids, it was 6/12 Both eyes (page no. 4)*
- b. Jai Prakash District Hospital, BHopal MP, 2nd January, 2019, where his disability was 60% (page 1)*
- c. Civil Surgeon, Bhopal on 10th April 2023, disability of 70% (page 26)*
- d. RML Hospital, New Delhi on 21st July 2023, disability of 0% (page 27)*

*2. The board opines that error/ wide variation could be due to misinterpretation of Gazette of India Extraordinary No. 61 Jan 5, 2018 (page 90)*

*3. Remedy for preventing such recurrence, is that GOI guidelines are to (be) interpereted with expert examination during giving disability.*

*As per latest Gazette of India Extraordinary 162 May 13, 2019 (page 5-6), regarding rights of persons with disability for admission into MBBS course, he has low vision and he fulfills the criteria for admission in visual disability category."*

#### **10. Hearing (4):**

10.1 An online hearing was held in the matter on 16.01.2024 in which the following were present:

##### **Complainant:**

1. Shri Mohan Lal Sharma, Complainant;
2. Shri Lakshya Sharma, affected person

##### **Respondents:**

1. Dr. Vijayendra Kumar, Member, UG, Medical Education Board, NMC
2. Dr. Deepa Sharma, CMO,
3. Dr. Ashok Pathak, RML Hospital (Respondent No. 2)
4. Dr. Shikha Jain
5. None appeared on behalf of the Respondent No. 3

#### **5. Submissions of the Parties :**

5.1 The representative of Respondent No. 1 submitted that a candidate with disabilities can appear in the NEET and stake his claim on a reserved seat for PwBD on the basis of a certificate issued by any competent medical board. However, on their qualifying the examination, they need to get their disability evaluated afresh by one of the 16 centres which are authorised by the NMC for this purpose. Respondent No. 2 issued the certificate based on the guidelines issued by the Ministry of Social Justice.

5.2 At this stage, the Court sought from the Respondents whether they have gone through the report of the board constituted by Respondent No. 2 on the recommendation of this Court made vide Notice dated 17.10.2023. The representatives of Respondent No. 1 and 2 confirmed that they have not received the report. The contents of the report as contained in para 9.2 above were read out for the benefit of the Respondents.

#### **6. Observation & Recommendation:**

6.1 The Chief Commissioner expressed his deep disapproval and anguish on the manner in which this case was handled by respondents, as a result of which, the affected child was made to run from pillar to post to get his dues, and his crucial time



was wasted. The Court took exception to the fact that Respondent No. 1 tried to justify the errors of the medical board at Respondent No. 2 in the assessment of the disability of the candidate on the pretext that the same was done as per the gazette notification of the MSJE. It observed that the certificates issued by other boards including the specially constituted medical board under the chairpersonship of Dr. Kirti Singh also followed the same guidelines.

6.2 The Court concludes that the Respondents No. 1 and 3 shall conduct an inquiry against the officials of Respondent No. 2 to find out if there was any malafide in refusing a proper disability certificate to the candidate and as to why penal action including suspension or withdrawal of license, and/or filing of an FIR denial of the rights of a person with disabilities should not be resorted to in respect of the doctors of Respondent No. 2. Inquiry should also be conducted on the genuineness of all other assessments of disability done in last two years by the medical board concerned of Respondent No. 2.

6.3 At this stage Master Lakshay Sharma requested that NMC be directed to allot him a seat in a college according to his marks in the NEET UG. He also requested the Court to not impose any penalty on the members of the medical board of RML as they may not have had any wrong intention and they might just have made errors in interpreting the gazette. The court appreciates that despite such harassment, the boy bears no ill-will towards the doctors.

6.4 The Court also directs that Respondent No.1 shall accept the evaluation of the special medical board constituted by Respondent No. 3 on the intervention of this court and allow admission of Master Lakshya Sharma to a college according to his entitlement as per rules. Respondent No. 1 is directed to submit an Action Taken Report on this within 1 month from the date of this Order.

6.5 Respondents No. 1 and 3 are also directed to submit an Action Taken Report on the recommendation made by this Court at para 6.2 above within 3 months from the date of this Order.

6.6 The case is disposed of accordingly.

**Signed by Rajesh Aggarwal**  
**Date: 17-01-2024 08:35:27**  
**Reason: Approved**

(Rajesh Aggarwal)  
Chief Commissioner



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14438/1022/2023**

### Complainant:

Shri Rajneesh Gupta  
V.P.O. – Bhambla,  
Tehsil- Sarkaghat  
Dist- Mandi, Himachal Pradesh-175004  
Email: rju\_71@yahoo.com  
Mobile: 9418050700

### Respondent:

The Chairman and Managing Director  
Bharat Sanchar Nigam Limited,  
Bharat Sanchar Bhavan,  
Harish Chandra Mathur Lane,  
Janpath, New Delhi-110001  
Email: cmdbsnl@bsnl.co.in

### 1. Gist of the Complaint:

1.1 The Complainant, Shri Rajneesh Gupta, a person with 40% visual impairment has filed a complaint on 28.08.2023 regarding the cancellation of the ICT transfer from Himachal Pradesh Circle to Uttarakhand Circle on medical grounds.

1.2 The Complainant submitted that he is an employee in BSNL, Sarkaghat, Mandi (H.P.), and working as a Divisional Engineer (Telecom). The Complainant further submitted that he had submitted an advance representation through the proper channel on 30.03.2022, seeking exemption from transfer but the Respondent did not consider his representation and transferred to UKD Circle.

1.3 The Complainant further submitted that on 17.09.2022, he again represented through the proper channels for exemption from transfer but again it was not considered for cancellation of transfer order. The Complainant again submitted a request on 10.02.2023 for cancellation of the transfer order but again it was not considered.

I/2314/2024

1.4 The Complainant submitted a request for relief and prayed for cancellation of his transfer.

## **2. Submission made by the Respondent:**

2.1 Deputy General Manager, BSNL vide letter dated 20-10-2023 has filed the reply and submitted that the application of the Complainant has been examined by the BSNL Corporate Office, New Delhi, and the transfer order of the Complainant has been canceled on 25.09.2023.

2.2 The Respondent further submitted that the grievance of the Complainant has been resolved and requested to close the complaint.

## **3. Submission made in the Rejoinder:**

3.1 The Complainant had submitted its rejoinder vide email dated 27.10.2023 and requested to withdraw his complaint as his grievance has been resolved and requested to pass orders not to repeat such instances.

## **4. Observations and Recommendations:**

4.1 Since the grievance of the Complainant has been resolved to his satisfaction, this Court is of the opinion that further intervention by this Court is not warranted.

4.2 Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

**Signed by Praveen Prakash  
Ambashta  
Date: 05-01-2024 15:19:27  
Reason: Approved**

**(P.P Ambashta)**  
Dy. Chief Commissioner

I/2456/2024



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
 5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 13614/1024/2023**

**In the matter of—**

Shri G.V.S. Santosh Kumar  
 PF No. 794252, SWO (A)  
 2-29-9, MIG-2/74, Sector-6  
 Subba Lakshmi Plaza,  
 Beside A. R. Electricals,  
 MVP Colony  
 Vishakhapatnam- 530017  
 Email: gvssantosh@gmail.com  
 Mobile: 7993480732

**...Complainant**

The CEO & MD  
 Union Bank of India  
 Head Office: Mumbai, Union Bank Bhavan  
 239, Vidhan Bhavan Marg, Nariman Point  
 Mumbai- 400021  
 Email: gm.hrm@unionbankofindia.com

**...Respondent**

### 1. Gist of the Complaint:

1.1 Shri G.V.S. Santosh Kumar, a person with 80% locomotor disability, filed a complaint dated 26.10.2022 regarding discrimination, harassment, not confirming the service and removal from service.

1.2 The Complainant submitted that he is working in Union Bank of India, MVP Colony ECB Branch under Visakhapatnam FGMO, has completed the probation period as on date and the Respondent has neither confirmed his services nor released the yearly increments. Further, punishment of removal from service, which was levied by earlier organisation i.e. Andhra Pradesh Gramin Vikas Bank, which shall not be a disqualification from future employment, was taken on record by the Respondent. Based on that clause viz. suppression of material information, the Respondent denied the Complainant to apply for promotion from clerical to

I/2456/2024

officer cadre of PwD employees of the 2020 recruitment batch. The Respondent mention the cut off date for eligibility to apply as 01.08.2022 whereas the circular no: 07751 was of dated 18.08.2022. Therefore, he requested that his service in APGVB as officer cadre for 2 years 9 months and present two years service in Union Bank of India in All India merit channel may be considered for granting promotion as officer Scale-I by setting aside the order of removal from service passed by the punitive Authority immediately so as to avoid any discrimination as per section 20 and 21 of the RPWD Act 2016.

1.3 The Complainant further stated that the bank appeared to have proceeded on the basis that the Complainant ought to have indicated the fact that he was previously employed and removed from services of APGVB in the year 2016. He stated that in the original application form furnished by him to IBPS online application dated 02.10.2019, he mentioned about his previous employment of working as Assistant Manager in APGVB Bank and cited the reasons for leaving as a better career. The submissions of the Complainant were based on the fact that the APGVB has given him the penalty "removal from service which shall not be a disqualification from future employment" dated 04.08.2016 and also the APGVB bank has not disqualified and allowed him an opportunity to participate in any recruitment process by enhancing his skills.

1.4 The Complainant further stated that he joined in Union Bank of India in the month of November 2020 during Corona and lock down situation in the entire country. The 2020 recruitment batch employees were issued appointment letters by the Union Bank of India late by seven months though the results came in the month of May 20<sup>th</sup> 2020. Due to this he lost seniority by seven months. But now as per the Bank's promotion policy, the cut off date for internal promotions from clerical to officer cadre has been fixed as 01.08.2022, which is arbitrary and illegal. Because they had given appointment orders in the month of July 2020. He is a PwD employee of 2020 recruitment batch and will definitely be eligible for internal promotions from clerical to officer cadre in Union Bank which is due to a natural calamity but not a mistake of the differently abled employees.

## **2. Submissions made by the Respondent:**

2.1 Dy. General Manager- HR, Union Bank filed the reply vide letter dated 13.02.2023 and submitted that the Complainant was not given confirmation in the services w.e.f. 23.05.2021 as he was issued with a show cause memorandum dated 28.04.2021. A disciplinary action was contemplated against him, regarding extension of his probation period by a period of 06 months which was communicated to him vide letter dated 20.05.2021.

2.2 The Respondent further submitted that the annual increment was released to the

I/2456/2024

Complainant along with arrears at the time settlement of his terminal benefits i.e. in October, 2022 as per the guidelines of their Bank.

2.3 The Respondent further stated that the promotional vacancies and eligibility will be released after due deliberations in the board meeting and accordingly the eligibility and relaxations will be fixed. The minimum eligibility criteria to participate in the promotion process under Merit channel is 02 years as the Complainant joined the services of Union Bank of India on 23.11.2020 and has not completed minimum 02 years as on 01.08.2022. At the time of submission of application for recruitment of clerks, the Complainant committed to willful suppression regarding his penalty in the previous employment.

### 3. Submissions made in the Rejoinder

3.1 The Complainant filed Rejoinder dated 06.03.2023 and reiterated his complaint also stating that he was not satisfied with the reply filed by the Respondent. He inter-alia submitted that the clause 12(e)(iii) of MOS dated 10.04.2022 clearly and empathetically states the **“even though the misconduct is proved, the bank does not intend to give removal or dismissal”**. But, the Disciplinary Authority, unjustly awarded punishment of **“Removal from service which shall not be a disqualification for future employment”**. He submitted that the allegations are far from truth and incorrect from the deposition of MW1 during the cross examination. It is deposed by the MW1 that during the time of documents verifications the documents were collected as per the IBPS application and further to it is deposed by MW1 that “during the documents as per the details mentioned in the application and as per MEX-7/6 the verifying official certified that “he had made the scrutiny and verified the dossier of the Complainant with the original and found him/her eligible for the said post”.

3.2 The Complainant submitted that documents of all the eligible candidates were verified properly and only after satisfaction of the bank, the appointment order dated 21.09.2020 were issued to join in the participating organisation subject to IBPS notification. The Complainant submitted that the he has a right to continue in employment and shall be considered with reference to his right to livelihood. Article 21 of the Constitution of India reads as follows: Article 21: Protection of life and personal liberty--- No person shall be deprived of his life of personal liberty except according to procedure established by law.

3.3. The Complainant has also communicated vide mail dated 09.06.23 that the matter is sub-judice as he filed a writ bearing number 5893/2017 before Hon'ble High Court of Andhra Pradesh. The said writ is related with the penalty imposed by APGVB i.e. his earlier organisation. Later on, vide recent email, he requested to fix the date of hearing.

**4. Hearing (1):** An online hearing in the matter was conducted by the Chief Commissioner for Persons with Disabilities on 11.07.2023. The following were present during the hearing:-

I/2456/2024

1. Shri G V S Santosh Kumar with Shri Ranjan - **Complainant**
2. Shri Natraj, Deputy Zonal Head - **Respondent**

## 5. Record of Proceedings

The Complainant has emphasized the point that his past service in the bank was not considered for the purpose of granting promotion. However, the Complainant was not able to apprise this Court about the exact rule which provides for counting of past service at a Gramin Bank for the purpose of promotion. This Court granted opportunity to the Complainant to apprise of the rule of the bank, under which is he seeking relief, and enclose a copy of the rule in support of his claim.

## 6. Submissions made by the Complainant:

6.1 The Complainant vide email dated 25.08.2023 submitted that if there is an intelligible differentia having a rational relation to the object sought to be achieved, a provision will not be held to be discriminatory. It is clear that an exemption provision is based on such a classification and exempting any establishment from suppression of material information such as omission to mention the fact of previous employment in the Attestation form, not dispensing with service or reduction in rank or not granting promotions has a rational relation to the object sought to be achieved. The "type of work" carried on in an establishment may be such that a PwD employee's services may have to be dispensed with on the clause suppression of material information and/ or promotion denied. Therefore, no reason to accept such a contention. There was no specific requirement to mention as to whether the complainant cannot be found guilty of any suppression.

## 7. Hearing (2):

7.1 An online hearing in the matter was conducted by the Chief Commissioner for Persons with Disabilities on 16.01.2024. The following were present during the hearing:-

1. Shri G V S Santosh Kumar - **Complainant**
2. Shri K. Nataraj, Asstt. General Manager, ZO, Vishakhapatnam - **Respondent**

7.2 The Court observed that the Complainant did not cite any rule on counting of the past service rendered in the Gramin Bank as sought by this Court vide RoP dated 16.08.2023. The Court asked the Complainant if he could cite any rule based on which he is seeking counting of past service. The Complainant could not refer to any such rule. The Court also asked the Complainant whether any junior officer has been promoted by the Respondent, the Complainant said that he was not aware of any such promotions.

7.3 After this, the Court asked the Respondent to submit their version of the case. The Respondent submitted that the Complainant joined the Bank on 23.11.2020 and was removed from the service on 15.10.2022 on the charge of suppression of facts at the time of joining. He was removed from his previous employment with an established act of malafide, a fact, he did

I/2456/2024

not disclose. The Court asked from the Respondent, as to what would have been the stand of the Bank if the Complainant was not a person with disabilities. The Respondent submitted that the bank would not have offered a job in the first place, had it been aware that the individual has been removed from service by the previous employer on account of proven misconduct.

#### **8. Observation & Recommendation:**

8.1 Having heard both the parties, this Court concludes that the instant case does not fall into its mandate, as the Complainant has not been able to show any act of discrimination on the grounds of disability or denial of his rights as a person with disabilities. As such, no further intervention is required in the matter.

8.2 The Case is disposed of accordingly.

**Signed by Rajesh Aggarwal**

**Date: 18-01-2024 10:41:59**

**Reason: Approved**

(Rajesh Aggarwal)

Chief Commissioner





## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
**5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364**  
**Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in**

**Case No. 14571/1102/2023**

**In the matter of —**

Shri Rajesh Kumar Garg,  
R/o C-10, Bangalow Road,  
Adarsh Nagar,  
Delhi- 110033  
Email: amanrajeshgarg@gmail.com

**... Complainant**

**Versus**

(1) The Managing Director & CEO,  
Bank of India,  
Head Office: Star House,  
C-5, G-Block, Bandra Kurla Complex,  
Bandra (East)Mumbai – 400051  
Email: md.ceo@bankofindia.co.in

**...Respondent No.1**

(2) The CEO/Director/Head Operations,  
BOI Shareholding Ltd.,  
4<sup>th</sup> Floor, Bank of India House,  
70/80, M.G. Road, Fort,  
Mumbai – 400001 (Maharashtra)  
Email: boisl dp@boisl dp.com

**... Respondent No.2**

### **1. Gist of the Complaint:**

1.1 Shri Rajesh Kumar Garg, a person with 47% Locomotor disability filed a complaint dated 11.10.2023 regarding denial of updation of KYC for his following accounts:-

1. Demat Account ID 130208000048020 of Mr. Rajesh Kumar Garg
2. Demat Account ID 130208000148041 of Mrs. Bindu Garg (his wife)

1.2 The Complainant submitted that he submitted KYC form along with KYC documents at the Bank of India, Kamla Nagar, Delhi on 19.09.2023. The bank acknowledged the same vide email dated 25.09.2023.

1.3 The Complainant alleged that till date his KYC was not updated for the aforesaid

I/2274/2024

accounts.

**2. Reply filed by the Respondents:**

2.1 No reply was received from the Respondent No.1 despite issuance of Reminder on 04.12.2023.

2.2 The Respondent No.2 filed its reply dated 27.10.2023 and submitted that the details of KYC was already updated as per the request received from the Complainant for his accounts mentioned above.

**3. Rejoinder submitted by the Complainant:**

The complainant vide email dated 07.12.2023 requested this Court to close his case as his grievance was resolved by the bank.

**5. Observations & Recommendations:**

5.1 From the perusal of the Reply filed by the Respondent and the Rejoinder from the Complainant, it is evident that the grievance raised by the Complainant has been resolved.

5.2 No further intervention of this Court is warranted.

5.3 Accordingly, this case is disposed of with the approval of Chief Commissioner for Persons with Disabilities.

Signed by

Praveen Prakash Ambashta

Date: 01-01-2024 16:46:51

(P. P. Ambashta)

Dy. 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 & Empowerment  
भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
**5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364**  
**Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in**

### Case No. 14581/1141/2023

Suo-motu cognizance in the matter of harassment and insensitivity towards a wheelchair-bound passenger who was not allowed boarding by the Indigo staff and made to wait for hours at Biju Patnaik International Airport

### Versus

(1) The Chief Executive Officer,  
Indi Go Airlines, Level 1, Tower C,  
Global Business Park,  
Mehrauli-Gurgaon Road,  
Gurgaon – 122 002 (Haryana);  
**Email: [customer.relations@goindigo.in](mailto:customer.relations@goindigo.in);**  
**[rono.dutta@goindigo.in](mailto:rono.dutta@goindigo.in);**

... Respondent No.1

(2) The Director General of Civil Aviation,  
Office of the Director General of Civil Aviation,  
Technical Centre,  
Opposite: Safdarjung Airport,  
Aurobindo Marg, New Delhi-110003  
Email: [dgoffice.dgca@nic.in](mailto:dgoffice.dgca@nic.in)

... Respondent No.2

A Suo-motu cognizance was taken in the matter and a Notice dated 20.10.2023 was issued to the respondents on news published on 20.10.2023 by the Express News Service, Odisha that a wheelchair-user teacher (female) of National Law University, Odisha (NLUO) was not allowed boarding by the Indigo staff and made to wait for hours at the Biju Patnaik International Airport (BPIA), Bhubaneshwar. The Respondent was advised to get the matter inquired into and forward their comments on the above along with remedial action taken on receipt of this notice, if any, to this Court within 30 days more particularly in terms of sections 4(1), 41(1) of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"] read with Rule 15 of the RPwD

Rules, 2017 as amended from time to time.

## **2. Reply submitted by the Respondents:**

2.1 The Head - Litigation, Inter-Glob Aviation Limited, New Delhi (Respondent No.1) filed a reply dated 16.11.2023 on behalf of the Respondents and inter-alia submitted that the affected person with disability, namely, Ms. Shams was unable to board flight 6E-7482 on 19.10.2023 at BPIA on account of a miscommunication between the IndiGo boarding gate staff and the IndiGo ramp staff. However, immediately thereafter, the arrangement for the next available alternate Flight 6E-7117 from Bhubaneswar to Kolkata and IndiGo Flight 6E-447 from Kolkata to Guwahati, the final destination of Ms. Shams, was made without any additional charge. Ms. Shams was offered other facilities too such as refreshments, hotel accommodation, and transportation which was duly accepted by her.

2.2 Respondent No.1 further submitted that vide email dated 21.10.2023 the Director - Customer Experience and Training had expressed apology to the affected person for that unfortunate incident of missing the flight on 19.10.2023 the Company. He had also ensured taking strict remedial action to avoid any such experience shared by the Complainant. The Company further submitted that they are reinforcing training modules and sensitizing staff regarding the needs and rights of persons who are customers with disabilities.

2.3 Further, the respondent submitted an email of the affected person dated 21.10.2023 wherein she accepted the apology of the respondent considering it to be a human error subject to the firm assurance given to take care that no such harassment or inconvenience would be caused to any other person in need to special assistance in Indigo in future.

2.4 The Director (AE), Directorate General of Civil Aviation (Respondent No.2) filed a reply dated 24.11.2023 and inter-alia submitted that they had taken up the matter with Respondent No.1. The Respondent No.1 vide their reply dated 16.11.2023 reiterated the reply as submitted to this Court. Further, a compensation of INR 10,000/- was provided to the passenger in accordance with CAR Series M, Part IV titled "Facilities to be provided to passengers by airlines due to denied boarding, cancellation of flights and delays in flights." Respondent No.2 is a regulatory body to oversee the safety of aircraft operations as per provisions of the Aircraft Act, 1934. The instant matter is a dispute between a passenger and an airline. However, DGCA has issued CAR Section 3 Series M, Part-1 on, "Carriage by Air of Persons with Disability and/or Persons with Reduced Mobility" as revised from time to time. The latest revision 7 of CAR was done on

I/2452/2024

21.07.2022 which is available on the website of DGCA - [www.dgcs.gov.in](http://www.dgcs.gov.in).

### **3. Observations & Recommendations:**

3.1 After perusal of the Reply and supporting documents filed by the Respondents, it has been observed that Respondent No. 1 has accepted the responsibility for the lapse and has undertaken adequate remedial measures. Respondent No. 2 has also taken action to get compensation to for the loss of time and harassment of the affected person with a disability. Since the person with disability concerned has accepted the apologies and is satisfied with the action of the Respondent, no further intervention of this Court is warranted apart from recommending the respondents to conduct awareness and sensitization training for all its manpower with regard to disability matters.

3.2 Accordingly, this case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

**Signed by Praveen Prakash  
Ambashta**

**Date: 18-01-2024 01:15:04**

**Reason: Approved**

**(P.P. Ambashta)  
Dy. Chief Commissioner**



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

### Case No. 14619/1031/2023

#### In the matter of —

Ms. Meera Soni,  
D/o Shyam Lal Soni,  
MIG-204, EWS Colony,  
Sejbahar, Phae -2, Sector,  
Raipur – 492015 (Chhattisgarh)  
Email: msoni6948@gmail.com  
Contact: 7470387511

...Complainant

#### Versus

The Registrar,  
National Institute of Technology Raipur,  
G.F. Road, Raipur – 492010 (Chhattisgarh)  
Email: registrar@nitrr.ac.in

...Respondent

### 1. Gist of the Complaint:

1.1 Ms. Meera Soni, a person with 40% visual impairment filed a complaint dated 09.11.2023 regarding denial of admission on the grounds of disability in NIT Raipur.

1.2 The Complainant submitted that she had been admitted to M.Tech. Electrical under disability category. The NIT Raipur got her disability verified in its own institute as in the disability certificate of the Complainant "40% blindness" has been mentioned instead of "Low Vision". The Complainant alleged that in the name of disability verification, she has been harassed and humiliated. Her disability has been wrongly verified/examined as "zero" in both her eyes and her admission was canceled vide letter dated 26.10.2023.

1.3 The Complainant prayed that she may be admitted to M.Tech. under the OBC category and be transferred to another state.

### 2. Reply filed by the Respondent:

2.1 The Registrar (I/c), NIT Raipur [Respondent] filed its reply dated 30.11.2023 and inter-alia submitted that Ms. Meera Soni (Complainant) had applied for admission against

1/2416/2024

a seat in the Open PwD category in M.Tech (Power System and Control) under Electrical Engineering Department and she was given provisional admission on 23.08.2023.

2.2 As per Point 7.3 of the Brochure of Centralized Council for M.Tech (CCMT), the Complainant was referred to the Institute's Medical Board for examination where she was found ineligible for seeking admission to a seat reserved for persons with disability category. However, the Medical Board recommended a second opinion from the State Medical Board. Accordingly, her case was referred to the Chairman of the State Medical Board. The State Medical Board in its report dated 19.10.2023 stated her visual disability as "Zero". Then, vide letter dated 26.10.2023 she was informed that her admission was cancelled.

2.3 As regards the misbehavior with her by the Ophthalmologist of the Institute Medical Board, the matter was examined. She had not cooperated with him in the matter of verification of her disability on 31.08.2023. She did not raise any complaint at that time or thereafter until her complaint was filed before this Court. Her allegation of misbehavior is an afterthought to counter the report of the Expert Medical Officer of the Institute Medical Board.

2.4 Further, although her admission was cancelled in the PwD category, on reconsideration of her case, she was allowed to deposit the fees on or before 21.11.2023 to enable her to pursue her studies which she had not deposited yet. Instead, the Complainant again submitted representation dated 21.11.2023 alleging that the Ministry of Social Justice & Empowerment in its letter dated 15.11.2023 had directed the Institute to give her admission in the PwD category which is far from the truth as there was no such direction. Her claim for a seat in the M. Tech Course in PwD quota on a false disability certificate is liable to be dismissed.

### **3. Rejoinder filed by the Complainant:**

The Complainant filed her rejoinder on the reply of the respondent vide her mail dated 09.12.2023 and reiterated her complaint.

### **4. Hearing:**

4.1 An online hearing through video conferencing was conducted on **05.01.2024**. The following parties/representatives were present during the hearing:—

- (1) Ms Meera Soni, Complainant
- (2) Shri Sirish Verma, Registrar (I/c), NIT Raipur for the Respondent

### **5. Observations & Recommendations:**

5.1 During the hearing in reply to the questions the Complainant submitted that she had a disability in her eyes since his childhood but she used to wear spectacles to see. She was issued the Disability Certificate on 28<sup>th</sup> August 2023 by the District Hospital, Raipur. She never availed help of a scribe/writer during her schooling and college education.

5.2 The representative appearing on behalf of the Respondent submitted that as per the seat matrix, normally the reservation for persons with disabilities is specified for each category of disabilities.

I/2416/2024

5.3 As submitted by the Respondent in its reply that the Complainant had applied for admission in M.Tech against a seat in the **Open PwD category**, the point is not understood. Firstly, the applicants do not restrict their applications to a particular seat. They inform their categories and then it is for the agencies concerned to allot them a seat according to their merit and the categories. Secondly, the Respondent appears to have made a class within the class of PwBDs and restricted the application of the Complainant for a seat that is unreserved in the vertical category and reserved for PwBD. Such classification with PwBD is not permissible.

5.4 This Court apprised that the reservation for persons with disability both in employment and in education is first applied horizontally, and then adjusted on the vertical line in the respective categories of the selected candidates. For example, if a candidate is selected against a PwD seat, he/she would have adjusted against a seat reserved in vertical category according to the category to which the persons with disabilities belong. The reserved seats cannot be earmarked in the beginning for both horizontal and vertical categories, such as SC & OH, ST & VH and so on and so forth.

5.5 In so far as the individual complaint is concerned, the Complainant has a disability certificate issued on 28.08.2023 by the Chief Medical and Health Officer, Raipur Chhattisgarh. The disability was assessed again by the Respondent and was subsequently reviewed by a Competent Medical Board. The Complainant is free to file her appeal as per the provisions of Section 59 of the Act and the rules framed thereunder.

5.6 From the facts submitted by the parties, there does not appear to be adequate grounds for intervention by this Court. Hence, no further action is warranted in this case.

5.7 The case is accordingly disposed of.

**Signed by Rajesh Aggarwal**

**Date: 16-01-2024 11:39:32**

**Reason: Approved**

**(Rajesh Aggarwal)**

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 & Empowerment  
भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14647/1022/2023**

**In the matter of —**

Shri Ashish Ranjan  
Quarter No. J/82/1,  
Chakradharpur,  
West Singhbhum,  
Jharkhand-833102  
Email: ashishranjan9163@gmail.com  
Mobile: 9939409163

**... Complainant**

**Versus**

1. The Secretary  
Railway Board,  
Room No. - 256-A,  
Rail Bhavan, Raisina Road,  
New Delhi- 110001,  
Email: secyrb@rb.railnet.gov.in

**... Respondent No. 1**

2. The General Manager  
South Eastern Railway,  
11, Garden Reach Road,  
Kolkata-700043  
Email- gm@ser.railnet.gov.in

**... Respondent No. 2**

**1. Gist of the Complaint:**

Shri Ashish Ranjan, a person with 40% locomotor disability filed a complaint on 13.11.2023 regarding transfer to his native place. The Complainant submitted that he is working as an Accounts Assistant in the office of Sr. Divisional Finance Manager, Chakradharpur, South Eastern Railway. He applied three times for his posting to Ranchi Division but it was not considered. His family resides in Ranchi.

I/2450/2024

**2. Submissions made by the Respondent:**

Assistant Financial Advisor (Admin), South Eastern Railway, Kolkata vide their letter dated 18.12.2023 filed its reply and submitted that the Complainant has been transferred to his desired place i.e. Ranchi vide office order dated 22.11.2023.

**3. Submissions made in the Rejoinder:**

The Complainant filed the Rejoinder vide email dated 08.01.2024 and submitted that his grievance has been resolved and his transfer order has been issued for the requested place. The Complainant requested to withdraw his Complaint.

**4. Observations & Recommendations:**

From the perusal of the reply filed by the Respondent and the rejoinder from the Complainant, it is evident that the grievance of the Complainant has been redressed. No further intervention of this Court is warranted. Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

**Signed by Praveen Prakash  
Ambashta**

**Date: 18-01-2024 00:35:22**

**Reason: Approved**

**(P. P. Ambashta)**  
Dy. Chief Commissioner



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14693/1102/2023**

**In the matter of —**

Shri Manoj Kumar Vajpai  
H No – 1471, Gali No – 15,  
Nathu Colony Burari,  
Delhi – 110084  
Email: manojkumarvajpai@gmail.com

**... Complainant**

**Versus**

The Managing Director and CEO  
Canara Bank,  
112, J C Road,  
Bengaluru – 560002 (Karnataka)  
Email – hoir@canarabank.com

**... Respondent**

### **1. Gist of the Complaint:**

1.1 Shri Manoj Kumar Vajpai, a person with 100% Visual Impairment filed a Complaint dated 11.12.2023 regarding the denial of a change of account type from savings to salary account by the Canara Bank, Sant Nagar Burari Branch, Delhi.

1.2 The Complainant submitted that for the last three months, he had been requesting the bank authority of the Canara Bank, Branch Sant Nagar, Burari, Delhi to convert his Saving Bank Account No.24112010008297 (IFSC Code CNRB0002925) into a Salary Account. However, the bank authorities were not paying attention to his request. Thereafter the Complainant also emailed to the head office of the Canara Bank but all remain in vain.

### **2. Notice issued to the Respondent:**

I/2364/2024

A Notice dated 14.12.2023 was issued to the Managing Director and CEO, Canara Bank, Bengaluru (Karnataka) for forwarding their comments on the affidavit on the complaint within 30 days.

**3. Rejoinder filed by the Complainant:**

Meanwhile, the Complainant vide email dated 08.01.2024 informed that on 27.12.2023 the Manager, Canara Bank, Branch Sant Nagar, Burari, Delhi took action and resolved his request relating to the conversion of his account.

**4. Observations & Recommendations:**

Since the Complainant has withdrawn his complaint stating that his grievance has been redressed, no further intervention is required. Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

**Signed by Praveen Prakash  
Ambashta**

**Date: 11-01-2024 13:43:12**

**Reason: Approved**

**(P.P. Ambashta)**  
Dy. Chief Commissioner



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364  
5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364  
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 14717/1041/2023**

**In the matter of —**

Captain (IN) A.S. Gudimani,  
Service No.: 41759-F,  
Room No. 504, D-Block,  
Defence Office Complex,  
Naval Headquarters,  
Africa Avenue,  
New Delhi – 110023  
Email: rahul.gudimani@gmail.com

**... Complainant**

**Versus**

(1) The Registrar,  
Pandit B.D. Sharma University of Health Sciences,  
UH2, PGIMS Road, Dariyao Nagar,  
Rohtak – 124001 (Haryana)  
Email: registrar@uhsr.ac.in

**... Respondent No.1**

(2) The Chairman,  
University Grants Commission,  
Bahadur Shah Zafar Marg,  
New Delhi – 110002  
Email: cm.ugc@nic.in; contact.ugc@nic.in

**... Respondent No.2**

(3) Department of Empowerment  
for Persons with Disabilities (Divyangjan)  
Through: Secretary,  
5<sup>th</sup> Floor, B Wing, Pt. Deen Dayal Antyodaya Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110003  
Email: secretaryda-msje@nic.in

**... Respondent No.3**

**1. Gist of the Complaint:**

1.1 Captain (IN) A.S. Gudimani filed a complaint dated 05.12.2023 regarding denial of granting computer typing as a means to submit answer sheets to his son Shri Rahul Gudimani, a person with 40% Specific Learning Disabilities (SLD) by Pundit B.D. Sharma University of Health Sciences, Rohtak.

1.2 The Complainant submitted that Shri Rahul is very slow in writing and the same can be illegible which has affected his self-confidence at school and he has developed a stammering/speech cluttering issue, particularly when he felt stressed/nervous. Due to his disability, CBSE exempted him from giving written answer sheets and granted to submit computer-typed answer sheet printouts in his 10th and 12th standard Board Exams.

1.3 Shri Rahul cleared the National Eligibility Entrance Examination (NEET) for MBBS undergraduate program and got selected into the ESIC Medical College, Faridabad on 22.10.2022. Although, the College permitted Shri Rahul to submit computer-typed answer sheets, the permission from the Controller of Examination, Pundit B.D. Sharma University of Health Sciences, Rohtak was needed for the University examination. The University vide letter No. UHSR/Exams/AE-III/23/2/21664 dated 08.11.2023 disallowed him.

1.4 The Complainant further submitted that in case Shri Rahul does fail in any of the subjects in the University examination, he would be debarred from attending the 2nd year classes until he clears the supplementary examination. In view of the above, the Complainant prayed that Shri Rahul may be allowed to sit for second-year classes in the event of him repeating any of the first-year subjects in the supplementary exam.

**2. Notice issued to the Respondents:**

2.1 As Clause VIII of the Guidelines for conducting written examinations for Persons with Benchmark Disabilities [the Guidelines] issued by the Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice & Empowerment vide Office Memorandum No. 34-02/2015-DD-III dated 29.08.2018 stipulates that "Persons with benchmark disabilities should be given, as far as possible, the option of choosing the mode for taking the examinations i.e. in Braille or in the computer or in large print or even by recording the answers as the examining bodies can easily make use of technology to convert question paper in large prints, e-text, or Braille and can also convert Braille text in English or regional languages, a notice dated 21.12.2023 was issued to the respondents

### 3. Reply received from the Respondents:

3.1 The Registrar, Pt. B.D. Sharma University Health Sciences, Rohtak [Respondent No.1] filed its reply dated 12.01.2024 and inter-alia submitted that the Committee constituted by the Hon'ble Vice Chancellor in the matter of Shri Rahul inter-alia recommended as under:-

(1) The computer/laptop having a basic facility for typing text duly certified by the Centre Superintendent may be allowed to Shri Rahul Sharma under Point No. VIII & IX of the Guidelines for conducting written examination dated 29.08.2018 without any storage media/data/without any internet connection, without previously stored data or any examination-related material.

(2) The candidate is allowed to bring his own scribe/writer to copy the answers from the computer-printed copies to the University OMR Based Answer Book and the qualification of the scribe/writer should be one step below the qualification of the candidate as per the point VI of the said Guidelines.

(3) Compensatory time of one hour of examination would be provided as per point XII of the said Guidelines.

3.2 The Candidate has to follow the guidelines/ instructions at the examination center.

4 . **Hearing:** An online hearing was held in the matter on 16.01.2024 in which the following were present:

- (i) Captain (IN) A.S. Gudimani, the Complainant
- (ii) Dr. Amrish, Controller of Examination from the Respondent No. 1
- (iii) Adv. Sahil Garg Narwana for Respondent No. 1
- (iv) Dr. GS Chauhan, Joint Secretary, from Respondent No. 2
- (v) Dr.Nand Kishore, Under Secretary, from Respondent No. 2

### 5. Submissions of the Parties :

5.1 The Complainant at the outset submitted that he was satisfied at the decision of the Respondent No. 1 to allow his son, the affected person in this case, Shri Rahul Gudimani, to use a computer to write his Supplementary examination after the intervention of this Court. However, he flagged that said decision has come with a new condition, which is to engage a scribe who will have to rewrite the computer-typed answers in his or her handwriting. This condition has been put forward ostensibly to

protect the identity of the child so as to avoid any possibility of bias in the evaluation of the answer sheets. He submitted that the answer sheet of a child with dyslexia or dysgraphia is required to be evaluated with additional care and sensitivity as such children are known to make spelling errors. As long as the gist of the answer is not compromised, the spelling or grammatical errors should be ignored. The evaluator needs to be briefed accordingly. As such, the question of secrecy does not arise. In so far as the question of bias is related, Respondent No. 2 may appoint two separate evaluators. One may do the initial evaluation and the other can counter-check. The whole process of evaluation may take place in the chamber of the Controller of Examination.

5.2 The learned counsel submitted that they are the well-wishers of the student. Their only concern is that if one answer sheet is computer typed while all other sheets are handwritten, then the secrecy will not be maintained and which will not be in conformity with the rules of the University.

## **6. Observation & Recommendation:**

6.1 The Chief Commissioner expressed his appreciation for the prompt response of the Respondent to this Court's Notice by allowing the student to write his examination using a computer, which is in line with the DEPwD OM dated 29.08.2018. These instructions have been issued by the department in pursuance of the RPwD Act, 2016. Any rule of the University or the UGC is subordinate to the statutory provisions of the Act or instructions issued thereunder by the nodal ministry. The Court observed that the condition of converting a computer-typed answer sheet to a handwritten one is not only a regressive step, but it is also restrictive for the student with disability as it makes him dependent on others. The authorities have to work towards providing opportunities to the children with disabilities to record their responses with absolute flexibility, in the medium and in the way they can best express, whether it is braille, sign language, computer typed, or audio recordings. The Court also observed that it is the responsibility of all in society to ensure equal opportunity with reasonable accommodation to persons with disabilities. Only then the nation will be able to arrest the dropouts of Children with Special Needs after their school education.

6.2 The Court observed that the Respondent will be setting good precedence by allowing the child to write his examination using a computer and accordingly recommended that the Respondent shall review their decision communicated to this Court vide their reply dated 12.01.2024 by not insisting on a scribe transcribing the computer typed answers in a handwritten one. Taking note of the request of the Complainant for a direction to the Respondent to dispose of their request for re-



I/2424/2024

evaluation before the supplementary examination commences on 23rd January 2024, this Court recommends that the University shall make necessary efforts to conclude on the request at the earliest and preferably before the commencement of the supplementary examination. Respondent No. 1 shall submit an Action Taken Report in the matter within 7 days from the date of the proceedings.

6.3 The case is disposed of accordingly.

**Signed by Rajesh Aggarwal**

**Date: 17-01-2024 08:22:06**

**Reason: Approved**

(Rajesh Aggarwal)

Chief Commissioner