



सत्यमेव जयते

EX 10

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.: 7280/1041/2016

Dated

2017

03.01.2018

In the matter of:

Shri Bhupendra Singh Mehta,
Village – Udiyar, Post – Jarti, RS 825
District – Bageshwar
Uttarakhand – 263634
Email - bhupendra1982.vk@gmail.com

.... Complainant

Versus

The Secretary,
National Council of Educational Research and Training,
NCERT Campus, Shri Aurobindo Marg,
New Delhi - 110016 RS 826

.... Respondent

Date of hearing: 13.12.2017

Present:

1. Shri Bhupendra Singh, complainant
2. None appeared for the respondent

ORDER

The above named complainant, a person with 75% visual impairment filed a complaint vide email dated 08.12.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, regarding denial of extra time in the LDC Exam conducted by the respondent on 04.12.2016. The complainant further alleged that the Invigilator/Exam Controller did not provide him extra time due to which he had to leave the questions.

2. The matter was taken up under Section 59 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 with the respondent, vide this Court's letter dated 03.04.2017 followed by reminder dated 22.06.2017.

3. The respondent filed his reply vide letter dated 19.07.2017 and submitted that NCERT invited applications for filling up vacancies of LDC [PB-1 of Rs.5200-20200 with GP of Rs.1900/-] under SC/ST/OBC categories except persons with disabilities through Employment News dated 9-15 January, 2016. In total, 1,75,597 candidates applied online for the post. All applicants were admitted to take examinations on 04.12.2016 purely on

provisional basis pending verification of qualifications and other relevant documents as per the advertisement. No post was reserved for the persons with disabilities under this recruitment process. The complainant, however, did not submit any written request to NCERT for grant of extra time applicable under rules. NCERT would have considered his request, had a request for the same would have been received before hand and the concerned centre would have been instructed accordingly. Written/Typing Exam has been completed and the result shall be announced shortly.

4. NCERT further intimated that applications were invited through news papers on 28.11.2015 for filling up 5 vacancies reserved for persons with disabilities (04-HH and 01-VH) under Special Recruitment Drive. Written/Typing Exam was held on 07.06.2016 in which only 02 candidates of HH category were qualified against 04 vacancies. Remaining 02 posts were readvertised in the Employment News on 8-14 April, 2017 and written exam was conducted.

5. The complainant through email dated 07.10.2017 filed his rejoinder to the aforesaid respondent's reply and submitted that the respondent did not inform him about his application form while he had applied for the post of LDC nor did they mention in the Admit Card. However, he requested the respondent for providing him compensatory time to write his exam.

6. Upon considering the aforesaid reply of the respondent and the rejoinder submitted by the complainant, the case was listed for personal hearing on 13.12.2017.

7. During the hearing, the complainant reiterated his submissions that he was not provided compensatory time during the examination.

8. From the documents and information provided by the parties to the case, it is observed that respondent invited application for filling up vacancies of LDC, under various categories i.e. SC/ST/OBC and no post was reserved for the persons with disabilities under that recruitment. Further, since the applications were received in large numbers, all the applicants were permitted provisionally in written exam held on 04.12.2017, subject to verification of qualifications and other relevant documents as per advertisement.

9. In view of the above, NCERT is advised to explore the possibility of giving scribe / extra time at the time of examination even on the basis of his disability certificate. It is further advised that in such cases the Council should be more sensitive towards the rights of PwDs and give them relief accordingly.

10. The case is, accordingly, closed.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No: 7920/1022/2017

Dated : 10 .01.2018
Dispatch No.

In the matter of :

✓ Shri Deshpal Singh,
Plot No. 442,
Flat No. UG-1,
Shalimar Garden Extension 1,
Sahibabad,
Ghaziabad – 201 005

R-6103Complainant

Versus

Syndicate Bank,
(Through the Chief Managing Director & CEO),
Door No.16/355 & 16/365A,
Manipal,
Udupi District,
Karnataka – 576 104

R-6104Respondent

Date of Hearing : 21.12.2017 at 15:00 Hrs

Present :

1. Shri Deshpal Singh, Complainant.
2. Shri Muthu J. DGM, Syndicate Bank, Corporate Office, on behalf of Respondent

ORDER

The above named complainant, a person with 40% locomotor disability had filed a complaint dated 21.04.2017 under the Rights of Persons with Disabilities Act, 2016, against his posting to Udaipur.

2. The complainant submitted that he is working as Chief Manager in Syndicate Bank, Regional Office, Neelam Bata Road, Faridabad. He is residing at Sahibabad in Ghaziabad. On 18.04.2017, he received a Transfer Order from Faridabad to Udaipur, Rajasthan. Being a disabled person, he finds difficulty in moving to Udaipur along. His is also a heart patient and has undergone Angioplasty at Metro Hospital, Noida in June 2016 and is still under regular treatment at Metro Hospital. He had given representations to this bank to transfer him to Ghaziabad, Noida or Delhi RO.

3. The matter was taken up with the respondent under Section 75(1) of the Rights of Persons with Disabilities Act, 2016 vide letter of this Court dated 19.06.2017.

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4. The General Manager, Syndicate Bank vide his letter no. PD PAD GT 19930087 dated 10.07.2017 submitted that the complainant had joined the Bank in the year 1981 and worked at various places as Clerk/Asst. Manager/Manager/Senior Branch Manager/Chief Manager at Tauru, Delhi Dhaulana, Moradabad, Pilkhuwa, Duggalpur, Patna etc and is at present working at Regional Office, Faridabad without expressing any grievance about his disability and he has been promoted to Executive Cadre in the Bank. The complainant had also worked as Chief Manager at Patna during the period November 2015 to June 2016. He was posted to Udaipur Regional Office as Deputy Regional Manager for grooming for his next promotion, but taking into consideration his request, they have cancelled his posting to Udaipur RO and he was retained at Faridabad RO. They submitted that since the complainant is at present in Executive Cadre, there are no vacancies immediately available at Ghaziabad/Delhi/Noida. They have noted to examine the complainant's request at an appropriate time once the suitable vacancy arises at these places.

5. The complainant vide his rejoinder dated 31.08.2017 submitted that he had worked at different places during his tenure in the bank. He had expressed his grievance to the Bank from time to time about his disability. While working as Chief Manager at Patna during November 2015 to June 2016, he had requested his Bank to transfer him to Ghaziabad/Noida or any branch in East Delhi. After joining Faridabad Branch on 20.06.2016, he gave a representation on 21.06.2016 for his transfer to any branch in East Delhi or Delhi RO and was duly recommended by the Dy. General Manager, RO, Faridabad on 23.06.2016, but his request was not considered favourable by the Bank. He was transferred to Udaipur inspite of the fact the vacancies in his cadre were available in Delhi/Noida/Ghaziabad as many Chief Managers were transferred to these places after giving his request to the Bank. The Bank Management was kind enough to cancel his transfer order to Udaipur. He further submitted that two Chief Managers are going to retire during August 2017/September 2017 in Delhi RO-I, one Chief Manager has already retired during July 2017 in RO Ghaziabad and order of one Chief Manager transferred to Sahibabad (Ghaziabad) Branch was cancelled. Therefore, the complainant wants his transfer to any branch in Ghaziabad/Delhi/Noida which is near to his residence.

6. Upon considering Respondent's reply dated 10.07.2017 and complainant's rejoinder dated 31.08.2017 a personal hearing in the matter was scheduled on 23.11.2017.

7. The said hearing was rescheduled to 21.12.2017 at 15:00 Hrs vide this Court's letter dated 16.11.2017 due to administrative reasons and unavoidable circumstances.

8. During the hearing the Complainant reiterated his written submissions.

9. Representative of Respondent submitted that two vacancies are going to be created in future in general transfer during the month of April 2018. Therefore, he assured that the complainant's request will be considered then and he will be kept in any branch near to his place of residence.

10. After hearing both the parties and considering the disability of the complainant, the Court directed the Respondent to take a lenient view in transfer of the persons with disabilities in general and complainant in particular and accommodate the complainant near to his place of residence. The Court directed the Respondent to submit a compliance report in this regard to this Court within 60 days.

11. The case is disposed off, accordingly.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities



सत्यमेव जयते

Entry

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न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No: 8391/1022/2017

Dated : 11 .01.2018
Dispatch No.

In the matter of :

Lt Col Sanjay Agarwal,
Additional Directorate General
of Signal Intelligence (SI-4),
Integrated HQ of MoD (Army),
9th Floor, Sena Bhawan,
DHQ PO New Delhi - 110011

..... Complainant

Versus

The Integrated Headquarters of Ministry of Defence (ARMY),
(Through Military Secretary)
South Block,
DHQ PO,
New Delhi - 110 011

..... Respondent

Date of Hearing : 22.12.2017 and 21.11.2017

Present :

1. Lt Col Sanjay Agarwal, Present
2. Major L.C. Kandpal and Maj Vaibhav Raman, On behalf of Respondent

ORDER

The above named complainant, had filed a complaint dated 09.08.2017 under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act, regarding extension of his tenure by two years in Delhi to look after his son Shaurya Vikaram, a person suffering from Dyslexia with 40% disability.

2. The complainant submitted that his son Shaurya Vikram is a child suffering from Dyslexia (specific learning with 40% disability). Shri Shaurya Vikaram is a student of Delhi University. He requires constant medical assistance, monitoring and guidance from counsellor parents, teachers and environment for systematic rehabilitation. Presently he is undergoing counselling and medical treatment in the Institute of Human Behaviour & Allied Sciences, Delhi and the same has been recommended to be continued for a considerable time period. The complainant was posted at the Office of the Additional Directorate General, Integrated Hq of Ministry of Defence (Army), in New Delhi on compassionate ground on 21.08.2014. He was posted for three years in Delhi on

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31.07.2017. He had requested for an extension of posting for another two years for systematic rehabilitation and completion of graduation of his son. During the month of July 2017, he was informed by the MS Branch that his request was regretted and placed on priority IV for posting purpose.

3. The matter was taken up with the Respondent under Section 75(1) of the Rights of Persons with Disabilities Act, 2016 vide letter of this Court dated 20.09.2017.

4. The Respondent vide its letter dated 26.10.2017 submitted that the complainant, as a combatant member and Commissioned Officer of Indian Army, is subject to the Army Act and Rules made there under by virtue of Section 2 of the Army Act, 1950. The terms of the engagement and service conditions of the persons subject to the Army Act, are governed exclusively by the provisions of the Army Act 1950, Army Rules, and relevant Regulations for the Army and other executive orders and policies issued by and on behalf of the Government of India, Ministry of Defence. They submitted that DoP&T manages and controls the Central Civil Services Cadre whereas the members of the Principal Armed Forces of the Union are not governed by such orders and instructions issued by the DoP&T. Therefore, the applicant is not governed by the CCS Rules and any policies or other instructions issued other than by the Government of India, Ministry of Defence. The Respondent further submitted that DoP&T O.M. No. 15.02.1991 and 06.06.2014 are not applicable in respect of the complainant who in fact is governed by the MS Branch policy letter No.04521/MS Policy dated 05.12.2014. The Respondent submitted that vide proviso to Section 47 (2) of the PwD Act, 1995, the Ministry of Social Justice and Empowerment vide its Notification (S.R.O.1179) dated 28.03.2002 has exempted the application of the PwD Act, 1995 being the Personnel of Armed Forces. Thus the present Complaint invoking the jurisdiction of Section 20 of the Rights of Persons with Disabilities Act, 2016 is not maintainable and is liable to be dismissed.

5. The complainant vide his rejoinder dated 07.11.2017 submitted that the entire facts stated in the Respondent's reply dated 26.10.2017 was based on the assumption that the complainant subject to Section 2 of the Army Act 1950 is falling under the Disability and his rights are being spoken about whereas, it is the rights and privileges of his son who has the disability of 40% (SLD, Dysteria) is being asked for consideration. The Complainant submitted that his son Shri Shaurya Vikaram is studying under PwD quota in Delhi University and at this juncture he cannot be shifted to any other station and at the same time can't be left alone. Being the father of the boy, he needs to provide assistance to his dependent disabled son by staying beside him for some more time so that he can graduate with dignity and become self dependent to a maximum extent. He submitted that it is not a complaint but a humble request of a parent of a child with disability that he may be given adequate opportunity to rehabilitate his son under the existing MS Branch Policy letter No. 04521/MS dated 05.12.2014. and be given two years extension of tenure or be permitted to proceed on study leave from July 2018 or be posted to non family station close to Delhi.

6. Upon considering Respondent's reply dated 26.10.2017 and complainant's rejoinder dated 07.11.2017, a personal hearing in the matter was scheduled on 21.11.2017.

7. During the hearing the complainant submitted that his son is studying under the PH quota in Delhi University in Undergraduate course and at present juncture he cannot be shifted to any other station and at the same time his son can't be left alone. It is just that he is the father who needs to provide assistance to his dependent disabled son by staying beside him for some more time so that he can graduate with dignity and become self dependent to a maximum extent. Therefore, the complainant submitted that it is not a complaint but a humble request as a parent of a dependent disabled son that he may be given adequate opportunity to rehabilitate his son under the existing MS Branch Policy letter No. 04521/MS dated 05.12.2014 and be given two years extension of tenure or be permitted to proceed on study leave from July 2018 or be posted to non family station close to Delhi.

8. During the hearing representatives of Respondent requested the Court that they may be provided a copy of rejoinder dated 07.11.2017 of Complainant which he submitted to this Court. A copy of rejoinder dated 07.11.2017 was provided to the representatives of the Respondent. The representatives of Respondent submitted that they are considering the request of the complainant which is under process and as far as the matter with respect to Study Leave is concerned, it will be discussed in a separate Committee Meeting. They reiterated that so many other officers in the Department have also applied for transfer on the basis of either their disability or their children's disability.

9. The representative of Respondent was told that as the case pertains to a child with disability who needs appropriate environment for his overall development, hence this case is maintainable in this Court. The respondent was advised to submit the names of Officers who had applied for transfer on the basis of their disability or their dependent with disability along with the Disability Certificate of the affected Officers/child to this Court on before the conduct of next hearing.

10. The next hearing was scheduled on 22.12.2017 at 16:00 Hrs.

11. During the hearing the complainant reiterated his earlier submissions with a humble request as a parent of a dependent disabled son that he may be given adequate opportunity to rehabilitate his son under the existing MS Branch Policy letter No. 04521/MS dated 05.12.2014 and be given two years extension of tenure or be permitted to proceed on study leave from July 2018 or be posted to non family station close to Delhi.

12. During the hearing, the Representatives of Respondent informed this Court the Study Leave of two years duration to the complainant has been approved by their establishment. In support of their submission, the representatives of Respondent submitted a letter of their establishment bearing no. A/00010/Inf/2018/GS/MT-9 dated 12.12.2017 to this Court.

13. After hearing both the complainant and representatives of Respondent and on the assurance given to the Court by the representatives of Respondent, the case is disposed off with an advice to the Respondent to send a compliance report on the action taken by them to this Court within 60 days of issuance of this Order.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities



सत्यमेव जयते

Ex/20

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.: 6298/1021/2016

Dated: || .01.2018
Dispatch No.....

In the matter of :

Shri Sanjeev Kumar,
Inspector,
Office of the DDIT (Inv.)-I
Directorate of Income Tax (Investigation),
Opp. BVM School,
Kitchlu Nagar,
Ludhiana – 141 001
Punjab
Email<fiven@rediffmail.com>

R-6035

.....Complainant

Versus

Central Board of Direct Taxes,
(Through the Chairman)
Ministry of Finance,
North Block,
New Delhi

R-6036

.....Respondent

Date of Hearings : 16.08.2017 and 17.07.2017.

Present :

1. Shri Sanjeev Kumar, Complainant, Present
2. Respondent – Absent.

ORDER

The above named complainant, a person with 55% locomotor disability has filed a complaint under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 hereinafter referred to as the Act, regarding restoring/revising the seniority on Inter-Charge transfer of differently abled non gazetted staff.

2. The Complainant has submitted that he is presently working as Inspector in the Office of the Deputy Director of Income Tax (Inv.)-I, Ludhiana. He joined as Inspector (Group C) on 02.02.2009 at Pune. Thereafter, on transfer he joined the O/o the Chief Commissioner of Income Tax, Ludhiana on 28.03.2011. In the process, he lost his seniority due to inter region transfer which he accepted under compulsion. He further submitted that total nine candidates placed at Sr. Nos.

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712, 715, 718, 730, 731, 793, 796, 803 and 807 were all persons without any disability and were given their posting at Chandigarh region while their first preference was not even Chandigarh region whereas complainant's first preference was Chandigarh region. In spite of this, he was given his initial posting at Pune. He submitted that still many seats in the Inspector grade were lying vacant in the NWR Chandigarh region. The complainant was transferred to Chandigarh on his own request. He has requested this Court to take up his complaint with his establishment in order to restore/revise his seniority in Income Tax Inspector cadre and to consider him for ITO promotion.

3. The Complaint was taken up with the Chairman, Central Board of Direct Taxes vide this Court's letter dated 26.05.2016 followed by reminder dated 26.07.2016.

4. The Dy. Commissioner of Income Tax, (Hq.) (Vig.), Chandigarh vide his letter no. Pr.CC/CHD/CB-1/2016-17/129 dated 01.08.2016 stated that the Combined Graduate Level Examination -2005 was conducted by the Staff Selection Commission on all India basis and the applicants were allocated Regions on the basis of their Merit-cum-Preference basis. Accordingly, the applicant was allotted the Pune Region on the basis of his Merit-cum-Preference. Subsequent to the applicant's joining at Pune Charge, he requested for inter-charge transfer to North West Region, Chandigarh. In this regard, it is submitted that in case of inter region transfers, it is made clear to the prospective candidates, who had applied, that they will not get any benefit of past service towards seniority and promotion except pay protection. Once, the applicant has accepted the same, therefore, now he cannot challenge those very conditions after joining at new charge. It is also submitted that the applicant joined on inter-charge transfer to North West Region, Chandigarh (NWR) after giving an undertaking in writing, wherein he agreed to the condition that on inter-charge transfer, his seniority will undergo a change and he will be placed at the bottom of the seniority list of his cadre in the NWR, Chandigarh. As the letter of the Board dated 14.05.1990 very clearly states that in the case of inter charge transfer cases, the service rendered in the old charge will not be counted in the new charge, accordingly the placement of the applicants was fixed in the seniority list prepared in NWR. The said condition in the order was provided so that the existing employees in the region to which and employee is moving on transfer are not placed at a disadvantageous position vis-à-vis the new person

coming on inter-region transfer. Therefore, the request of the applicant for inter-charge transfer was allowed and accordingly he was posted as Inspector in North West Region, Chandigarh against the vacancies to be filled in from direct recruitment quota in North West Region, Chandigarh. It was clearly mentioned in the inter-charge transfer orders that the service rendered by the applicant in the parent region will not count towards seniority or the minimum service, if any, prescribed for promotion/appointment to any higher grade or post in North West Region, Chandigarh & his seniority has been fixed accordingly. Keeping view of the above, the seniority of the applicant was fixed correctly. The seniority of the applicant has to be determined as per the principle laid down in para 2) of the CBDT's letter F. No.A-22020/76/89-Ad.VI dated 14.05.1990. Accordingly, by following the above principle, the employees who had joined the N.W. Region after seeking inter-charge/inter-region transfer have been placed at the bottom of the list of the Financial Year in which they had joined NWR. Hence, the contention of the applicant at para 3.3. of the representation that he had to accept the condition under compulsion is not correct and hence not acceptable.

Further the claim of the applicant to determine his seniority along with his counterparts of SSC, CGL-2005 exam working in the North West Region, Chandigarh is not acceptable as the recruitment for the post of Income Tax Inspector is made zone wise which depended upon the vacancies reported by different zones. A candidate who appeared from say Zone 'A' was considered for the vacancies reported by zone 'A' only, independent of the merit list of other zones. The applicant was selected as Income Tax Inspector for the vacancies reported by different zones for which Merit List was prepared zone wise which is totally independent. Hence the selection position is independent of each other in different zones and the seniority in different zones cannot be compared. As regard granting of promotion as ITO by comparing the rank obtained in SSC, CGL-2005 exam with the counterparts working in NWR, Chandigarh is concerned, the Respondent has submitted that the seniority list of Income Tax Inspector had been prepared in accordance with the Board's Advisory which has been issued for the uniform implementation of the decision of Supreme Court's order in the case of N.R. Parmar. Vide point no. 5 of the said Advisory, the O/o DIT(HRD) had clarified that the Seniority of the Officials who had joined a new region after seeking inter-charge transfer from their Parent Charge (Original Charge) is not related to the revision of Seniority List on the basis of the N.R.

Parmar decision. The Committee formed for the purpose of Implementation of N.R. Parmar had unanimously approved that the seniority of persons who had joined the NWR, Chandigarh by seeking inter-charge transfer has to be determined as per the principle laid down in para 2(f) of the CBDT's letter F.No.A-22020/76/89-Ad.VI dated 14.05.1990. Accordingly, the employees who had joined the N.W. Region after seeking inter-charge/inter-region transfer have been placed at the bottom of the list of the Financial Year in which they had joined NWR. The applicant has further requested to grant the benefit of reservation pertaining to PH category at the time of conducting the DPC Meeting in the cadre of Income Tax Officer. In this regard, he has directed to inform that no reservation has been provided for PH candidates by the Department of Personnel and Training in Group 'B' and Group 'A' posts by way of promotion. Accordingly, no reservation for Group 'B' posts is provided in N.W. Region for PH category.

5. The Complainant vide his rejoinder dated 16.09.2016 has submitted that while allocating the regions, the provisions/DoP&T's circulars vis-à-vis the Disability Act were ignored and the most needy differently abled candidates like him were allowed to suffer at very far off placed like Pune while it was very easy to accommodate him as per the DoP&T's Circulars vis-à-vis the Disability Act. He submitted that nine seats were still available in NWR Chandigarh region after allocating him the Pune region. Moreover, the nine candidates accommodated in North West Region Chandigarh after him were not differently abled persons and even their first preference was not NWR Chandigarh region while his first preference was NWR Chandigarh region and as per guidelines and DoP&T circulars he was having preference over general candidates for the allocation of NWR Chandigarh Region to him. He further submitted that if the CBDT can accommodate him later on in NWR Chandigarh region, i.e. after transfer on compassionate ground as per its policy vide letter dated 31.12.2010, then why he was not accommodated at the time of allocation of regions against all the nine vacant seats, i.e. lying vacant after allocation of Pune region to him as stated in his representation dated 30.04.2016. At the time of transfer from Pune to Ludhiana (falling under NWR Chandigarh region) after about of 2 years of initial appointment, it is clearly mentioned in the transfer order no. 45 of 2011 dated 09.03.2011,

then as per the Complainant, why he was not considered at the time of allocation of regions against the nine vacant direct recruit seat in NWR-Chandigarh Region, i.e. lying vacant after allotting him the Pune Region while his direct recruit batch-mates allocated these nine seats were not differently abled and even their first preference was not even Chandigarh Region. He submitted that injustice was done to him at the time of allocation of regions and he was deprived off his rights. He submitted that he was selected on all India basis and Regions were allocated on the basis of Merit-cum-preference basis and he was allotted the Pune Region on the basis of his Merit-cum-preference. The Complainant submitted that the Respondent has themselves submitted that the Combined Graduate Level Examination – 2005 was conducted by the Staff Selection Commission on all India basis and the applicants were allocated Regions on the basis of their Merit-cum-Preference basis. He further submitted that his department has not considered any of the issues mentioned in complainant's representation dated 30.04.2016 in the light of the Disability Act and DoP&T's O.Ms.

6. The DDIT (CMD-II), HRD, Directorate of Income Tax vide letter no. HRD/CM/215/04/2016-17/4877 dated 15.09.2016 has stated that SSC had recommended 815 candidates for appointment to the post of ITI against the 817 vacancy notified by CBDT to them. Zone allocation to 815 candidates was carried out as per the Zone and Category wise breadkup. The complainant with Roll No. 1652756 was selected in GLE 2005 under OH category with AIR SLC/00682 and had given zone preference Chandigarh, Jaipur, Delhi, Nagpur, Pune. He was accordingly allotted Pune as per his merit and preference. The allotment zone in the case was made by the Ad VII, Section of CBDT. The relevant file has been issued on transfer to this office. The allocation of region has been done absolutely on the basis of merit cum preference under the guidelines of DoP&T. The complainant was allotted Pune Zone (5th preference) as Chandigarh, Jaipur and Delhi zones were allotted to OH category candidates having higher merit and there was nil vacancy in OH category in Nagpur.

7. The complainant vide his rejoinder dated 17.02.2017 has submitted that he was the first candidate as per merit list (Sr. No.681) under OH category who had opted Chandigarh (NWR) region

as first preference while the first two candidates under OH category who were allotted Chandigarh (NWR) region on the basis of seniority, i.e. Shri Shati Singh (Sr. No.86) and Shri Nitin Navin (Sr. No.606) had not even opted for Chandigarh region as their first preference. Shri Shakti Singh's first preference was Kanpur region and Shri Nitin Navin's first preference was Lucknow region. He submitted that this clearly shown that the allotment of region was made in his case against the instructions provided in various O.Ms of DoP&T. The complainant's contention is that if CDBT can accommodate him later on in NWR-Chandigarh region after transfer on passionate ground, then why he was not accommodated at the time of allocation of regions against all the nine vacant seats, i.e. lying vacant after allocation of Pune region to him as stated in his representation dated 30.04.2016. The complainant has mentioned certain case laws in his reply. The complainant has requested this Court to direct his department to restore/revise his seniority in Income Tax Inspector cadre and to consider him for ITO promotion from back date by comparing his SSC-CGL-2005 examination rank with his counterparts in NWR Chandigarh region as 'direct recruit inspector' considering the in-justice done to him at the time of allocation of regions on appointment. He further submitted that his seniority in NWR-Chandigarh region should be re-fixed in between Shri Rajinder Sharma (Rank No. SLC/00612 and appointed at NWR-Chandigarh region before him at the time of allocation of regions) and Shri Vinit Kumar (Rank No. SLC/00713) and appointed at NWR-Chandigarh region after him at the time of allocation of regions). He further requested this Court to direct his department to extend all other benefits, like the decision of Hon'ble Supreme Court in N.R. Parmar case to him as extended to his 2005-batch counterparts in NWR, Chandigarh region as he would be in equivalence with them once his seniority is restored.

8. Upon considering the Respondent's replies dated 01.08.2016, 26.08.2016, 15.09.2016 and Complainant's rejoinder dated 05.10.2016, 17.02.2017, 20.02.2017 and 01.03.2017, a personal hearing was scheduled on 17.07.2017 at 15:00 Hrs.

9. During the hearing, the Complainant reiterated his earlier submission filed vide letter dated 17.02.2017.

10. After scrutiny of the facts and the documents placed on record and hearing both the parties, the Court directed the Respondent to provide the necessary relief to the Complainant in line with that of as provided in case of CBEC vide Deptt. of Revenue, Ministry of Finance's O.M No. C-18012/19/2012-Ad.IIB dated 03.08.2017 while keeping in view the similar facts of the two cases and also that the two wings, i.e. CBDT and CBEC are both falling under the same administrative umbrella of Deptt. of Revenue, Ministry of Finance. The Compliance by the respondent regarding granting of claim on seniority and related benefits as prayed by the Complainant in his original representation dated 30.04.2016 is to be confirmed to this Court by the Respondent.

11. The case is disposed off with the direction to the Respondent to extend all the benefits by exploring the feasibility to provide the said relief under the extant provisions / rules keeping in view the judicial pronouncement of the apex Court on the subject, as mentioned in the abovesaid O.M., with a view to ensure that the bonafide rights of the persons with disabilities are not infringed.

12. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No: 8267/1011/2017

Dated: 15.01.2018

In the matter of:-

Dr. Ashwani
S/o Mr. Jai Prakash Mudgal
R/o T 289 Indira Colony, Narela
Delhi – 110040

Complainant

Versus

Employees' State Insurance Corporation
(Through the Joint Director E-II)
Panchdeep Bhawan, CIG Marg
New Delhi – 110002

Respondent

Date of Hearing: 26.12.2017

Present:

1. Dr. Ashwani - complainant
2. Shri Bhupender Kumar, Dy. Director (Med.Adm) and Shri R.S. Bisht, SSO on behalf of respondent

ORDER

The above named complainant Dr. Ashwani filed a complaint before the Chief Commissioner for Persons with Disabilities under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the 'Act' regarding injustice, discrimination and deprivation of rights of physically disabled doctor for not considering eligible for the post of Assistant Professor in Surgical post without justification and rationale.

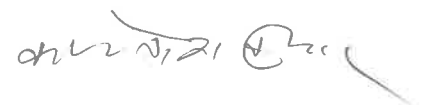
2. Complainant in his complaint inter-alia submitted that he has completed MBBS in 2009 and completed MS Surgery in Orthopedics from Silchar Medical College, Assam in 2016. He further submitted that ESIC has published an advertisement for the posts of Assistant Professor in Surgical and Nonsurgical Department of various medical colleges under ESI. He alleged that ESIC totally exclude the disabled persons for the post of Assistant Professor in Surgical Department. He further submitted that the exclusion of disabled doctors for surgical Assistant Professor Doctors is arbitrary because a letter dated 04.06.2015 of Ministry of Health and Family Welfare clearly stated that disabled doctors are also suitable for the surgical post in various department of surgery in Central Govt.

3. The matter was taken up with the respondent vide this Court's letter dated 17.07.2017 under Section 33 of the Persons with Disabilities Act, 1995. But despite reminder dated 03.10.2017, no reply was received from the respondent, therefore, it was decided to hold a hearing in the matter.

4. During the hearing on 26.12.2017 complainant reiterated his written complaint and representative of the respondent submitted written submissions vide letter dated 26.12.2017 and stated that the post of Assistant Professor in Surgery is not identified suitable for PwD by the Ministry of Social Justice & Empowerment. ESI Corporation had issued advertisement for filling up of teaching faculty posts in various colleges by reserving specialities and posts for PwD category as identified by the concerned Ministry of Government of India only and therefore, did not violate right of complainant. He further submitted that documents quoted by the applicant is a reply given to a RTI applicant by the Under Secretary to the Govt. of India and CPIO, CHS-V informing that PH candidates with locomotor disability of lower limbs between 40% to 70% are eligible for recruitment to specialist posts in CHS. It is, however, further noticed that the issue of seeking special dispensation from reservation for PH persons in the specialists sub-cadres of CHS is under reference to the Ministry of Social Justice & Empowerment whose decision is awaited

6. After hearing both the parties and material available on record, the case is disposed off. The respondent is advised to consider complainant if the post in future will be identified by the Ministry of Social Justice and Empowerment.

7. The Director (DD – III), Department of Empowerment of Persons with Disabilities (Divyangjan) is being requested to place the matter before the Expert Committee for their consideration being identification of posts. The decision/disposal taken in this regard may please be communicated directly to the complainant.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner for
Persons with Disabilities

Copy to:

The Director (DD – III)
Department of Empowerment of Persons with Disabilities (Divyangjan)
Ministry of Social Justice & Empowerment
5th Floor, Block B – I, B – II & B – III
Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi -110003



सत्यमेव जयते

Extra copy

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
 विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
 सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
 भारत सरकार / Government of India

वाद संख्या 5879/1141/2016

दिनांक

16.01.2018

श्रीमती ईमामुन निशा,
 ग्राम - सामाचक, डाकघर - हरौली,
 जिला - वैशाली-844103 (बिहार)

R-2617

--- शिकायतकर्ता

बनाम

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय,
 [द्वारा -संयुक्त सचिव (लोक शिकायत)]
 कक्ष संख्या - 101, प्रथम तल, अग्नि विंग,
 इन्दिरा पर्यावरण भवन, जोर बाग,
 नई दिल्ली - 110003

R-6216

---- प्रतिवादी

सुनवाई की तिथि - 16.05.2017

उपस्थित -

- 1- शिकायतकर्ता अनुपस्थित
- 2- श्री शेखर रंजन अमीन, अवर सचिव; और श्री के. आर. मीना, तकनीकी अधिकारी प्रतिवादी की ओर से

आदेश

शिकायतकर्ता, 65% प्रतिशत अस्थिबाधित व्यक्ति, ने वन विभाग द्वारा क्षति पूर्ति हेतु दस लाख रूपये मुआवजा देने से सम्बंधित, शिकायत दिनांक 07.01.2016, निःशक्त व्यक्ति (समान अवसर, अधिकार संरक्षण एवम पूर्णभागीदारी) अधिनियम, 1995 के अंतर्गत इस न्यायालय में प्रस्तुत किया था।

2. शिकायतकर्ता का कहना था कि उनके पास तीन दुकानें थीं, जो जीवन यापन का जरिया था। उन दुकानों को वन विभाग के द्वारा क्षतिग्रस्त कर दिया गया क्योंकि एक पुराना शिशम का पेड़, जो लोक निर्माण विभाग का था, गिरकर उन दुकानों को क्षतिग्रस्त कर दिया। लेकिन वन विभाग ने जाँच करने के उपरान्त भी क्षतिपूर्ति नहीं किया।

3. इस सम्बन्ध में शिकायतकर्ता की शिकायत कृषि मंत्रालय और किसान कल्याण मंत्रालय, भारत सरकार के कार्यालय ज्ञापन संख्या 34-03/2015-O&m/PG (Vol.II) दिनांक 14.09.2015 के द्वारा संयुक्त सचिव (लोक शिकायत), पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (प्रतिवादी) को उचित कार्यवाही हेतु अग्रसारित किया गया था। अतः इस न्यायालय द्वारा (पत्र दिनांक 09.06.2016) प्रतिवादी को इस मामले में कृत कार्यवाही / टिप्पणी प्रस्तुत करने की सलाह दी गई।

4. प्रतिवादी ने पत्र दिनांक 24.10.2016 के द्वारा कार्यालय - वन प्रमण्डल पदाधिकारी, वैशाली वन प्रमण्डल, हाजीपुर (बिहार) द्वारा प्रेषित जाँच रिपोर्ट प्रस्तुत किया। उक्त जाँच रिपोर्ट के अनुसार

शिकायतकर्ता द्वारा कथित घटना असत्य होना पाया गया, पेड़ गिरने तथा मकान क्षति होने की सूचना का उल्लेख नहीं मिला, विगत वर्ष 2014 से कोई पेड़ कथित दूकान पर नहीं गिरा और विवादित मकान/दूकान को देखा गया जिस पर गोल्ड मोहर का पेड़ का टहनी इसके उपर के एक हिस्से में फैला हुआ मिला। जाँच के क्रम में शिकायतकर्ता श्रीमती इमामुन निशा ने बताया कि उनका बेटा जब जेल से निकला था उसी समय करीब 5 वर्ष पूर्व इस पर पेड़ गिरा था। उल्लिखित मकान/दूकान लालगंज रोड के किनारे अवस्थित है और यह पथ वन एवं पर्यावरण विभाग, बिहार सरकार की अधिसूचना संख्या 190 (ई0) दिनांक 16.02.1994 द्वारा अधिसूचित वन घोषित है।

5. शिकायतकर्ता ने प्रतिवादी के उपरोक्त उत्तर दिनांक 24.10.2016 पर अपना प्रत्युत्तर दिनांक 24.02.2017 प्रस्तुत किया। शिकायतकर्ता ने अपनी शिकायत दोहराते हुए प्रतिवादी द्वारा दाखिल उत्तर को असत्य बताया और वन विभाग, बिहार सरकार पर क्षतिपूर्ति न करने के आरोप लगाए।
6. प्रतिवादी द्वारा प्रस्तुत उत्तर तथा शिकायतकर्ता द्वारा प्रस्तुत प्रत्युत्तर को ध्यान में रखते हुए इस मामले में दिनांक 16.05.2017 को सुनवाई सुनिश्चित की गई। सुनवाई की सूचना दिनांक 18.04.2017 के द्वारा दोनों पक्षों को निर्धारित समय एवं तिथि पर सुनवाई हेतु उपस्थित होने की सलाह दी गई।
7. दिनांक 16.05.2017 को सुनवाई के समय शिकायतकर्ता की ओर से कोई भी उपस्थित नहीं हुए।
8. सुनवाई के समय प्रतिवादी पक्ष की ओर से उपस्थित प्रतिनिधियों ने कहा कि चूँकि उल्लिखित मकान/दूकान की क्षतिपूर्ति सम्बन्धित विवाद पर्यावरण विभाग, बिहार सरकार के अधिकार क्षेत्र में आता है और इस मामले में वन विभाग, बिहार सरकार द्वारा कार्यवाही किया जाना है। कार्यालय - वन प्रमण्डल पदाधिकारी, वैशाली वन प्रमण्डल, हाजीपुर (बिहार) से प्राप्त उत्तर / जाँच रिपोर्ट प्रतिवादी द्वारा पहले से ही दिखिल किया जा चुका है।
9. उपरोक्त तथ्यों के आधार पर यह स्पष्ट है कि यह प्रकरण वन विभाग, बिहार सरकार से सम्बन्धित है, अतः इस प्रकरण में अग्रिम कार्यवाही हेतु इस वाद को समस्त सम्बन्धित पत्रावलियों सहित राज्य आयुक्त, दिव्यांगजन, बिहार सरकार को अग्रसारित किया जाता है। शिकायतकर्ता को सलाह दी जाती है कि वे राज्य आयुक्त, दिव्यांगजन, बिहार सरकार से सम्पर्क करें।
10. इस प्रकरण में इस न्यायालय द्वारा अग्रिम कोई कार्यवाही अपेक्षित नहीं है, अतः इसे बन्द किया जाता है।



(डॉ. कमलेश कुमार पाण्डेय)
मुख्य आयुक्त, दिव्यांगजन



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No: 7253/1014/2016

Dated: 18.01.2018

In the matter of:-

Shri Firdous Ahmad Khan
Research Scholar
Nuclear Physics Group
Department of Physics, University of Kashmir
Hazratbal, Srinagar – 190006
29firdous11@gmail.com

Complainant

Versus

Central University of Jammu
(Through the Registrar)
Rahya-Suchani (Bagla)
District – Samba -181143, Jammu, J&K

Respondent

Date of Hearing: 09.01.2018

Present:

1. Complainant - absent
2. Dr. Shaveta Kohli, Assistant Professor on behalf of respondent

ORDER

The above named complainant Shri Firdous Ahmad Khan filed a complaint dated 02.12.2016 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, hereinafter referred to as the 'Act' regarding reservation for persons with disabilities.

2. Complainant in his complaint submitted that Central University of Kashmir had published an advertisement for the appointment of different teaching positions vide notification dated 03.02.2016 in which one post of Assistant Professor (AP) in each Department was reserved for persons with disabilities (OH&VH) under horizontal reservation as per Govt. rule. He had applied for Assistant Professor Post in Physics in PH category (UR) (PwD) and he was the only person who was eligible and applied throughout the country in PH category. He further submitted that on 31.05.2016, he was appeared for interview and his interview was fine but in the final result, he has found that University has filled both (02) posts from UR category and no candidate from handicapped category has appointed.

3. The matter was taken up with the respondent vide this Court's letter dated 16.01.2017 under Section 33 of the Persons with Disabilities Act, 1995.
4. In response, Registrar, Central University of Jammu vide letter dated 21.02.2017 has submitted that Central University of Jammu strictly follows the reservation roster as per the rules. University advertised 04 positions for the post of Assistant Professor 01 – ST, 01-OBC and 02 – UR in the Department of Physics and Astronomical Sciences vide Employment Notification No. 13 dated 03.02.2016 and Shri Firdous Ahmad Khan was called for interview for the post of Assistant Professor in the said Department under PwD, but he was not selected by the Selection Committee.
5. After perusal of the reply of the respondent and rejoinder submitted by the complainant on 18.06.2017, the personal hearing was scheduled on 09.01.2018. During the hearing, complainant was absent. Representative of the respondent submitted that the University has explored all possibilities for the complainant so that he can secure cut-off marks as well as give a chance to face interview, but he has not secured cut-off marks and the Selection Committee has declared him unfit for the post of Assistant Professor.
6. After hearing and material available on record, the case is disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner for
Persons with Disabilities



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No: 7049/1011/2016

Dated: 19.01.2018

In the matter of:-

Shri Ajay Verma
<ajay4u1@gmail.com>

Complainant

Versus

Department of Posts
(Through the Secretary)
Dak Bhawan, New Delhi – 110015

Respondent No. 01

Office of the Chief Postmaster General
(Through the Chief Postmaster General)
Rajasthan Circle, Jaipur

Respondent No. 02

Date of Hearing: 17.01.2018

Present:

1. Complainant - absent
2. Shri Dushyant Mudgal, Director Postal Services & Shri B.L. Sharma, Assistant Director on behalf of respondent

ORDER

The above named complainant Shri Dushyant Mudgal filed a complaint dated 09.10.2016 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, hereinafter referred to as the 'Act' regarding reservation for persons with disabilities in Office of Chief Postmaster General, Rajasthan Circle.

2. Complainant in his complaint submitted that Office of Chief Postmaster General, Rajasthan Circle has published an advertisement for the posts of Postman, Mail Guard and MTS and they have reserved only 02 posts out of 73 posts. He has requested to reserve more seats for persons with disabilities.

3. The matter was taken up with the respondent vide this Court's letter dated 27.10.2016 under Section 33 of the Persons with Disabilities Act, 1995. Despite reminders dated 09.03.2017 & 19.06.2017, no response had been received from the respondent, therefore, a personal hearing was scheduled on 05.01.2018. During the hearing, complainant was absent. Representative of the respondent submitted written submission that Postal Department Rajasthan State has issued notification for Recruitment of Postman/Mail Guard and MTS on 28.09.2016 having 75 vacancies out of which two vacancies have been reserved for persons with disabilities. They further submitted that 3% reservation is being provided to the persons with disabilities up to year 2016 – 17 as per the Persons with Disabilities Act, 1995 and 4% reservation has been provided to the persons with disabilities from the year 2017 – 18 as per the Rights of Persons with Disabilities Act, 2016 came into force with effect from 19.04.2017.

4. After hearing and material available on record, respondent is directed to adjust roster point in the forthcoming vacancies, the case is disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner for
Persons with Disabilities



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

केस सं०: 5960 / 1014 / 2016

दिनांक: 19.01.2018

श्री संजीत कुमार
सपुत्र श्री जगबीर सिंह
गांव व डा. छारा नजदीक मेन
बाजार, तहसील - बहादुरगढ़
झज्जर, हरियाणा - 124504

वादी नं: 01
R-6190

श्री आशीष भाटी
जी - 47, ओल्ड प्रेस कॉलोनी
एन.आई.टी. फरीदाबाद - 121005, हरियाणा।

वादी नं: 02 R-6191

बनाम

एच.सी.एल. टेक्नोलोजीज़
(द्वारा वरिष्ठ प्रबंधक)
चेन्नई शाखा, एसएच-112
अम्बटूर इंडिस्ट्रियल इस्टेट
चेन्नई - 600058 (तमिलनाडु)

R-6192

प्रतिवादी नं: 01

वी-शेष एन.जी.ओ.
(द्वारा को-फाउन्डर)
सेकेंड फ्लोर, सेकेंड क्रॉस स्ट्रीट
सीथामल एक्सटेंशन, अलवरपेट
चेन्नई - 600018 (तमिलनाडु)

R-6193

प्रतिवादी नं: 02

सुनवाई की तिथि : 05.01.2018 एवं 05.01.2018

उपस्थित :

- अनुपस्थित - वादी
- श्री संजीव कुमार झा प्रतिवादी नं: 01 की ओर से।
- श्री राजशेखरन, निदेशक प्रतिवादी नं: 02 की ओर से।

आदेश

उपरोक्त शिकायतकर्ताओं और अन्य 12 दिव्यांगजनों ने एनसीएल टेक्नोलोजीज़ लिमिटेड और एनजीओ वी-शेष के द्वारा किए गए धोखे, उत्पीड़न संबंधित शिकायत - पत्र निःशक्त व्यक्ति (समान अवसर, अधिकार संरक्षण एवं पूर्ण भागीदारी) अधिनियम, 1995 के अन्तर्गत इस न्यायालय में प्रस्तुत किया।

2. प्रार्थी का अपनी शिकायत में कहा है कि वे 14 पीड़ित दिव्यांग हैं उनके साथ वि-शेष, एन.जी.ओ. और एच.सी.एल. कंपनी ने अन्याय और छल किया है। एन.जी.ओ. और एच.सी.एल. ने जापान भाषा प्रशिक्षण शिविर का कार्यक्रम 16.03.2015 से 30.05.2015 तक वीआरसी, कड़कडडूमा में और 01.06.2015 से 30.06.2015 तक एचसीएल टेक्नोलोजी लिमिटेड, नोएडा में आयोजित किया था उन्होंने वचन दिया था कि इस प्रशिक्षण के उपरान्त उन्हें एचसीएल टेक्नोलोजी, नोएडा ब्रांच में सॉफ्टवेयर इंजीनियर की स्थायी नौकरी अच्छी सैलरी पैकेज के साथ दी जाएगी। परन्तु अब कंपनी ने उनको रोजगार नहीं दिया है।

3. उक्त मामला दिनांक 13.06.2016 को वि-शेष, एनजीओ एवं एचसीएल से लिया गया।
4. Director, V-shesh vide letter dated 08.07.2017 has inter-alia submitted that training was conducted in Chennai and Delhi. There were a total no. of 33 persons with disabilities appeared in the training program. Out of 33 persons, 16 participants cleared level 5 of the Japanese Language Proficiency Test and 18 participants have obtained employment in formal sector after clearing the usual selection processes associated with recruitment. The V-shesh's role was limited to training and providing support required during the recruitment process and V-shesh does not have any control whatsoever on hiring process because the hiring decisions are made by employer organizations independently.
5. Shri Sanjiv K. Jha, Advocate on behalf of HCL Foundation has submitted vide letter dated 29.06.2016 that to give effect to the policy of disability inclusion formulated a programme to "Train & Hire" persons with disabilities. It was in furtherance to this policy that a group of persons were to be trained over a period of time for Japanese Proficiency Test and after training the candidates were to be assessed and evaluated and basis their assessment, they were to be provided job placement.
6. प्रतिवादियों के पत्रों दिनांक के मद्देनजर, दिनांक 21.01.2018 को सुनवाई रखी गई।
7. सुनवाई के दौरान प्रार्थियों ने अपने कथन को दोहराया और कहा कि प्रतिवादी ने उन्हें प्रशिक्षण के बाद नौकरी देने का आश्वासन दिया था। विपक्षी ने भी अपने कथनों को दोहराया और कहा कि वह एक निजी कम्पनी है और सन् 2016 में उन्हें भारत सरकार की तरफ से सर्वश्रेष्ठ प्लेसमेंट एजेंसी के लिए राष्ट्रीय पुरस्कार से सम्मानित किया गया था। दोनों पक्षों को सुनने के बाद प्रतिवादी नं: 01 और 02 को निर्देश दिया गया था कि अगली सुनवाई के दौरान निम्नलिखित जानकारी के साथ प्रस्तुत हो:-
 - कितने उम्मीदवार प्रशिक्षण के लिए आए/कितनों ने प्रशिक्षण लिया।
 - सफल उम्मीदवारों द्वारा प्राप्त अंकों का विवरण।
8. दूसरी सुनवाई दिनांक 05.01.2018 के दौरान प्रार्थी अनुपस्थित थे और प्रतिवादियों कि ओर से उपस्थित प्रतिनिधियों द्वारा दी गई जानकारी एवं दस्तावेजों को देखने के बाद यह केस खारिज किया जाता है।



(डॉ कमलेश कुमार पाण्डेय)
मुख्य आयुक्त (दिव्यांगजन)