



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
5th 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.13992/1024/2023/195400

Complainant:

Dr. Ashish Singh Thakur, Director
Postal Training Centre
Mysuru- 570010

Respondent:

The Assistant Director General (SPG),
Ministry of Communications,
Department of Posts,
Personnel Division,
Dak Bhavan, Sansad Marg,
New Delhi- 110001
Email: adgspg.dop@gmail.com
Phone: 011-23096183

1. Gist of the Complaint:

1.1 Dr. Ashish Singh Thakur, a person with 100% Visually Impaired posted as Director, Postal Training Center, Mysuru filed a complaint dated 23.03.2023 requesting to expunge the adverse remarks of the Reporting/Reviewing/Appellate Authority and consideration for further enhancement of grading above 6.

1.2 He had submitted a representation to the Hon'ble Minister, Ministry of Communications for consideration for further enhancement of his grading on 16.12.2022. Since no reply has been received on his representation dated 16.12.2022, he had made another representation on 20.03.2023. He has stated that similar consideration has already been given by the Department in the case of another employee Shri Manoj Kumar, present Postmaster General, Bhagalpur Region.

2. Submissions made by the Respondent:

2.1 Assistant Director General (SPG) filed reply dated on 15.06.2023 submitted that the representation received from Shri Thakur with respect to . his APAR for the aforesaid

period was considered by the Competent Authority. However, the same was rejected and conveyed to the officer vide letter dated 11.03.2022.

2.2 The Officer submitted appeal dated 11.04.2022 for expunction of adverse remarks and up gradation of APAR. Since, there is no provision of further appeal/another representation available with the officer reported upon after competent authority has decided the APAR representation, the appeal was rejected by the Competent Authority and the same was conveyed to the officer vide letter dated 30.05.2022.

2.3 However, petition dated 16.12.2022 submitted by Shri Ashish Singh Thakur on the matter is under consideration in the Department and finalization of the same may take some time. Thus, comments on the complaint of Shri Ashish Singh Thakur cannot be furnished at this stage. However, action taken in the matter will be intimated shortly.

3. Submissions made in Rejoinder:

3.1 No rejoinder has been received from the Complainant.

4. Observations & Recommendations:

4.1 The Complainant has not submitted any instance of discrimination on the basis of disability to support his claim that downgrading in APAR and adverse comments are because of discrimination on the basis of disability. The issue raised by the Complainant is of administrative nature and not connected with disability rights. Intervention of this Court in the present Complaint is not warranted.

4.2 The case is disposed of accordingly.

(Rajesh Aggarwal)
Chief Commissioner
for Persons with Disabilities



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Case No. 14003/1103/2023

In the matter of—

Shri Aman Mangla,
 S/o Shri Vinod Kumar
 Near Shakti Bhawan Mandir,
 Wart No.10, Matti Street,
 Mansa 151505 (Punjab)
 Contact: 9464282414
 Email: manglaaman1994@gmail.com

... **Complainant**

Versus

(1) The General Manager,
 Northern Railway,
 Baroda House,
 New Delhi-110001
 Email: gm@nr.railnet.gov.in;
 Phone: 011-23387227

... **Respondent No.1**

(2) The Divisional Railway Manager,
 Delhi Division, Northern Railway,
 State Entry Road,
 New Delhi 110055
 Email: drm@dli.railnet.gov.in;
 Phone: 011-23343659

... **Respondent No.2**

1. Gist of Complaint:

1.1 Shri Aman Mangla, a person with 60% Cerebral Palsy filed a Complaint dated 14.03.2023 regarding rejection of application for issuing E-ticketing Photo Identity Card.

1.2 He submitted that he had applied issuing E-ticketing Photo Identity Card on

the website <https://divyangjan-rail.in/Home/Index> in February, 2022. When he checked his application status, it showed that "Application rejected after scrutiny of documents at EPICS Centre" without giving him written intimation. He complained that he is eligible for EPICS.

1.3 He prayed that the Railways Authorities may be directed to issue EPICS.

2. Submissions made by the Respondent:

2.1 The Divisional Commercial Manager /SS, DRM Office, Northern Railway, New Delhi filed a reply dated 10.05.2023 and submitted that the following irregularities were observed in the application of Shri Aman Mangla:-

- (i) There was no stamp of the Hospital on the Concession Certificate;
- (ii) Category of Disability was not mentioned on the Concession Certificate;
- (iii) Nature of disability was not written by Doctor whether disability is Permanent or Temporary; and
- (iv) There was alteration on the Concession Certificate.

Thus, in view of the above irregularities, the application of Shri Aman Mangla was rejected on 07.02.2022.

3. Submissions made in Rejoinder:

No rejoinder was received from the Complainant to the reply filed by the Divisional Commercial Manager /SS, DRM Office, Northern Railway, New Delhi.

4. Observations & Recommendations:

4.1 After the perusal of the reply of the Respondent, this Court concludes that the Complainant's application for issuing E-ticketing photo identity Card was rejected because of irregularities in the documents submitted by the complainant. The application was not rejected because of any discrimination on the basis of disability. Hence, intervention of this Court in the present complaint is not warranted.

4.2 Accordingly, the case is disposed of.

(Rajesh Aggarwal)
Chief Commissioner
for Persons with Disabilities

Signed by Rajesh Aggarwal
Date: 14-09-2023 14:55:19
Reason: Approved



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

Case No. 14053/1040/2023

Complainant:

Shri Deepak Rai
House No 610/1, Near Dehra Mandir
Azadpur, District – Lalitpur
Uttar Pradesh - 284403
Email – drai9287@gmail.com

Respondent:

The Registrar
IIT Bombay
Main Gate Rd, IIT Area
Powai, Mumbai
Maharashtra – 400076
Email – registrar@iitb.ac.in

Affected Person: The Complainant, a person with 100% visual impairment (blind)

1. Gist of the Complaint:

1.1 Shri Deepak Rai, a person with 100% visual impairment (blind) filed a Complaint dated 26.04.2023 and submitted that he got admission in M.Sc. Biotechnology in IIT Bombay in 2022 through VIPs references because IIT Bombay had earlier rejected his candidature. He also submitted that he was not getting any cooperation and infrastructure at the IIT Bombay as Professors are not interacting with him and they are quite strict. He requested for special lectures, which

was never paid attention to.

1.2 He further claims that nobody in his lab group helped him in conducting lab experiments. He has not been provided with any separate lab assistant even after several requests. Even during exams, when he arranged his scribe to write answers, the invigilators kept close eye on him which made him anxious and that affects his ability to write answers properly. Several meetings were conducted from August 2022 to January 2023, in which he was not heard and he did not get any solution. He suffered from depression all this time and he even took medicines for depression. He had to protest twice at midnight outside the Director's residence just to create a PwD Cell. A Cell was created but the same proved useless for him since then.

1.3 These matters had been given to the disciplinary authority by the Director. He claims that some authorities conducted meeting with him on 21.03.2023 however no decision has been yet.

2. Submissions made by the Respondent:

2.1 Registrar, IIT Bombay filed their reply dated 27.06.2023 in affidavit and inter-alia submitted that the Complainant is a student of M.Sc Biotechnology at IIT Bombay. He has been given every facility, relaxation and accessibility at the Institute, as per the requirement of law and beyond. However, the Complainant is evidently suffering from mental health and anger management issues. The case is really one of an incident of physical assault against one of the professors. The female students in his class have also given a written complaint where they have expressed their anxiety over their safety when he is nearby. This incident, which directly resulted in him not being permitted to enter the laboratories, was on 02.03.2023, when the Complainant assaulted his professor, broke his mobile phone, terrified the female students, and had to be restrained by other students. The complainant unruly behavior has also resulted in situations where the security personnel have to be called to control the house situation.

2.2 The Disciplinary Action Committee (DAC) of the Institute has given a decision in the complaints made against the Complainant. The said decision was sent by email to the Complainant on 21.04.2023. In the decision of DAC, various measures have been directed, in order to ensure that the Complainant receives treatment at home for his depression and mental health issues, which he is enable to obtain the required credits through self-learning courses.

The acts of indiscipline which would otherwise have resulted in the termination of registration of the student from the Institute, were evaluated holistically and keeping in mind the Complainant's disability and mental health issues, the directions contained therein were passed.

2.3 The Complainant has challenged the disciplinary action taken against his by filling a WRIT petition before the Hon'ble Delhi High Court, being WP(C) No. 7357/2023, which came to be disposed of on 25.05.2023, with the liberty to approach the jurisdiction High Court.

2.4 Two Disciplinary Action Committee meetings were held (21.03.2023 and 08.04.2023) and both meetings were attended by the Complainant with his father. The first meeting was in persons (IIT Bombay) and second meeting was online (MS Teams). Shri Abhishek Pandya (SEBI) has agreed to be an external member for the Committee. He completed his MBA and is working in SEBI for more that a decade. He is visually challenged person like the Complainant. Based on his availability a DAC meeting was called on 08.04.2023 (online). All the necessary documents (complaints, emails etc.) were sent to Shri Abhishek Pandya in advance by email as that is his preferred mode of communication. The decision of DAC was conveyed to the Complainant on 21.04.2023 to his official email address.

3. Submissions made in Rejoinder:

3.1 The Complainant file his rejoinder dated 05.07.2023 reiterated his complaint and submitted that the IIT, Bombay has failed in establishing accessible and inclusive information, communication, learning resources, curriculum, teaching, learning, assessment and examination system for visually impaired students that has gravely prejudiced the Complainant.

3.2 The Complainant secured a Rank of 1394 in the entrance exam. However, the Complainant was rejected owing to his disability because the curriculum for M.Sc (Biotechnology) included lab practical. It was only after the Complainant made representations that the Complainant was granted an admission.

4. Hearing: The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **06.09.2023**. The following were present:

- (i) Adv. Meghna Mishra : **on behalf of Complainant**
- (ii) Ms. Yashodhara Gupta : **on behalf of Complainant**
- (iii) Adv. Arjun Mitra : **on behalf of Respondent**

5. OBSERVATIONS /RECOMMENDATIONS:

5.1 After considering the submissions made by the parties, this Court is of the opinion that by not utilising the option given by the Respondent to do some online courses during the period he was barred from attending classes, the Complainant wasted his opportunity. The Dean, Student Welfare also submitted during the online hearing that the Respondent can buy any equipment or provide any other logistical support, but they can not force any other student to become the Laboratory Assistant for the Complainant. This Court is also of the view that the onus to make friends is on the Complainant.

5.2 The learned counsel appearing for the Complainant submitted that the Complainant doesn't have conducive environment at his home which is required to undertake such studies and if he is not allowed to attend the classes, his career will be ruined. She further suggested that the Complainant is willing to submit any medical certificate as deemed fit by the Respondent for showing his fitness to attend the classes from a hospital as decided by this Court. She also pleaded that suspension ordered in the case of the Complainant will amount to keeping him away from his classes for 9 months, which is not commensurate with his misconduct for which he has already expressed his apologies.

5.3 This Court concludes that while it may not be a fit case to intervene by passing any direction to the respondent, it deserves a sympathetic consideration in the spirit of the RPwD Act, 2016. Some specific provisions of the Act are as under:

Section 3 - ***Equality and non-discrimination.***—

(1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

Section 16 - ***Duty of educational institutions.***—*The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—*

.....

(iii) provide reasonable accommodation according to the individual's requirements;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and

modes and means of communication;

.....

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

5.4 In the light of the aforesaid provisions and keeping the facts of the case in consideration, this Court recommends that order barring the Complainant from attending his classes be reviewed by the Respondent with an open mind. The Respondent may prescribe production of any certificate of fitness from a medical board. The Respondent may also consider not allowing him stay on the campus except for the purpose of attending the classes for the remaining period of the alleged suspension. For making up for the loss of learning already suffered by the Complainant the Respondent shall guide the Complainant in opting for such courses on 'Swayam' portal which can increase the credit score of the Complainant.

5.5 The Complainant is also directed to exercise due caution and work to improve his interpersonal skills.

5.6. This case is disposed of.

(Rajesh Aggarwal)
Chief Commissioner for
Persons with Disabilities



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Case No. 13612/1024/2023

Complainant:

Shri Thaan Singh
 Email: thsingh1992@gmail.com

Respondent:

The General Manager,
 West Central Railway
 Jabalpur Division, Jabalpur
 Email: gm@wrc.railnet.gov.in

1. परिवाद का सार :

1.1 श्री थान सिंह, 60% लोकोमोटर अक्षमता वाले व्यक्ति ने शिकायत दिनांक शून्य दर्ज की, विभागीय पदोन्नति में भेदभाव के सम्बन्ध में

1.2 शिकायतकर्ता का अपनी शिकायत में कहना है कि वह पश्चिम मध्य रेलवे कोटा वर्कशॉप में स्थित भंडार विभाग में सहायक डिपो (चतुर्थ श्रेणी) के पद पर 2016 में विकलांग कोटे में भर्ती हुआ था। शिकायतकर्ता का कहना है की पदोन्नति परीक्षा हेतु विज्ञापन दिनांक 24/06/2019 को निकला गया था जिसके तहत 16 माह पश्चात् दिनांक 29/10/2020 को परीक्षा ली गई तथा 03 महीने बाद इस परीक्षा का परिणाम दिनांक 22/01/2021 को जारी किया गया जबकि लिखित परीक्षा (कुल मार्क्स) में उसके द्वारा प्रथम स्थान प्राप्त किया गया।

1.3 शिकायतकर्ता ने कहा की 07 दिन पश्चात् 29/01/2021 को पदोन्नति के आदेश जारी कर दिए गए जिसमें द्वितीय स्थान के कर्मचारी को पदोन्नति दे दी गई। शिकायतकर्ता का यह भी कहना है की इस सम्बन्ध में जब उसने सक्षम अधिकारी से मुलाकात की तो उन्होंने मोखिक रूप

से इसका कारण गोपनीय रिपोर्ट (15 मार्क्स) कम होना बताया तथा पदोन्नति न दिए जाने का कारण बताने हेतु जब उसने कार्यालय को पत्र लिखे तो पत्रों का जवाब न देकर उसे एक पैर से विकलांग (पोलियो) को भारी सामान उठाने के कार्यों में लगाकर परेशान करना शुरू कर दिया।

2. प्रतिवादी द्वारा प्रस्तुत उत्तर-

2.1 उप मुख्या सामग्री प्रबंधन, पश्चिम मध्य रेलवे, ने दिनांक 04.01.2023 में कहा कि वर्ष 2019 में रिक्त पदों की गणना कर सक्षम अधिकारी मुख्य सामग्री प्रबंधक की स्वीकृति के उपरांत 16.67 प्रतिशत में एक पद को भरने हेतु दिनांक 10.12.2019 को अधिसूचना जारी की गई थी कि उक्त अधिसूचना के अनुसार यह पद अनारक्षित था अर्थात् इस पद के लिए किसी भी श्रेणी को किसी प्रकार का कोई आरक्षण नहीं था। वर्ष 2019 में रेलवे में पदोन्नति कोटे में दिव्यन्गजानो को भी आरक्षण का प्रावधान नहीं था। कोटा भंडार यूनिट में कनिष्ठ लिपिक सहटकन लेवल-2 के 8 पदों का संवर्ग है, जिसमें 50 प्रतिशत भर्ती कोटे के हैं तथा 50 प्रतिशत भर्ती पदोन्नति कोटे की है। पदोन्नति कोटे के चार पदों में से 33.33 प्रतिशत के 3 पद तथा 16.67 प्रतिशत का एक पद बनता है।

2.2 प्रतिवादी का कहना है की लिखित परीक्षा में 41 कर्मचारियों ने परीक्षा दी, इस लिखित परीक्षा में कर्मचारियों द्वारा महाप्रबंधक जबलपुर के पत्र क्रमांक- 9-1-2004 नोडल शीट के अनुसार प्राप्त अंको के आधार पर दिनांक 22-01-2021 को परिणाम जारी किया गया। जिसमें निम्नलिखित कर्मचारी उत्तीर्ण हुए-

क्र.सं	नाम	पद नाम	प्राप्तांक 100 में से
1.	श्री थान सिंह	सहायक डिपो भंडार	75.33
2.	श्री राजेंद्र प्रसाद चौधरी	सहायक डिपो भंडार	74.00
3.	श्री जीतेन्द्र कुमार	सहायक डिपो भंडार	57.00

2 . 3 लिखित परीक्षा के परिणाम के बाद दिनांक 27.01.2021 को रेलवे बोर्ड के नियमानुसार अंको की गणना की गयी जिसमें प्रतिवर्ष की ए .पी .ए.आर. में निम्नानुसार अंक निर्धारित है-

आउट स्टैंडिंग- 05, वेरी गुड- 04, गुड -03, एवरेज- 02

अवार्ड के अंक निम्नानुसार जोड़े गए-

जी.एम. लेवल-01

डी.आर.एम./पी.एच.ओ.दी.-05

पनेल्टी का निम्नानुसार अंक काटे गए-

मेजर पनेल्टी -01

माइनर पनेल्टी-0.5

2 . 4 प्रतिवादी का कहना है की चयन समिति द्वारा लिखित परीक्षा एवम सेवा रिकॉर्ड के आधार पर निम्नानुसार लिखित परीक्षा एवम सर्विस रिकॉर्ड के अंको की गणना की गयी जिसमे शिकायतकर्ता की टोटल मार्क्स आउट ऑफ़ 100 में से 76.03 अंक प्राप्त किये तथा श्री राजेंद्र प्रसाद चौधरी ने 77.90 अंक प्राप्त किये इसलिए राजेंद्र प्रसाद चौधरी को प्रथम स्थान प्राप्त करने के कारण पदोन्नत दी गयी।

3. प्रतिवादी द्वारा प्रस्तुत उत्तर-

3.1 परिवादी ने दिनांक 02.02.2023 में प्रतिवादी के उत्तर पर अपनी संतुष्टि व्यक्त की है।

4. अवलोकन एवं अनुशंसाएं:

4 . 1 चूंकि शिकायतकर्ता ने प्रतिवादी के उत्तर से अपनी संतुष्टि व्यक्त की है, इसलिए शिकायत का कारण समाप्त हो गया है। वर्तमान शिकायत में इस न्यायालय के आगे के हस्तक्षेप की आवश्यकता नहीं है।

4.2 तदनुसार मुख्य आयुक्त (दिव्यांगजन) के आदेशानुसार इस मामले को यहीं निस्तारित किया जाता है |

Signed by

Praveen Prakash Ambashta

Date: 11-09-2023 12:22:25

(प्रवीण प्रकाश अम्बष्ठ)
उप मुख्य आयुक्त (दिव्यांगजन)



न्यायालय मुख्य आयुक्त दिव्यांगजन
**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
(DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities
(Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment
भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364
5th 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. 14036/1023/2023

Complainant:

Shri Aniket Singh

Email: aniketk.kumar@gmail.com

Respondent:

The Manager

HCL Technologies Ltd.

Technology Hub, SEZ Plot No. 3A,

Sector 126, Noida- 201304, Indian

Phone No. 0120-4306000

1. Gist of the Complaint:

Shri Aniket Singh, a person with 85% hearing impairment filed a complaint dated 12.05.2023 regarding his harassment at the work place.

1.2 He submitted that he joined his organisation (HCL Technologies) on 2nd Nov 2022. He has been subjected to harassment and discrimination based on his disability, which has created a hostile work environment for him along with facing issues related to project deployment within his organisation. He submitted that since the first day of joining

they started questioning that he has a hearing disorder and using hearing aids, how will he work here. They started making fun of his disability in front of everyone of the team lead kept trying to harass him in any way, he will call him on the landline phone for no reason then he will say he can't hear while he's sitting right in front of him. He took him to the cabin and started saying that his probation period is going on they can also fire him if he can't hear well. And at the end, they removed him from the project and changed his profile.

2. Submissions made by the Respondent:

HCL Technologies Limited, filed their reply dated 09.08.2023 and submitted in response to this Court's notice that they immediately took action to collect necessary details regarding the complaint from concerned departments and have learnt that the necessary actions have already been taken and the Complainant has already been deployed on a new project since 22.06.2023. It has also been noted that the applicant has failed to apprise this Hon'ble Court about resolution of his grievance by the Company.

2.2 The Respondent submitted that the Complainant was asked to apprise the resolution of his grievance to his satisfaction. Consequently, he confirmed that he has informed to this Hon'ble Court along with an application to withdraw his complaint via mail dated 04.08.2023, as filed by him against the Company in the above stated matter.

3. Submissions made in Rejoinder:

Shri Aniket Kumar filed rejoinder dated 04.08.2023 and submitted that he got new project and was satisfied in working there. Hence, he withdraws his complaint.

4. Observations and Recommendations:

4.1 Considering that the Complainant's grievance has been redressed, no further intervention is required in this matter.

4.2 Accordingly, the case is disposed of.

4.3 This has the approval of the Chief Commissioner.

Signed by

Praveen Prakash Ambashta

Date: 11-09-2023 09:15:52

(Praveen. P. Ambashta)

Dy. Chief Commissioner
for Persons with Disabilities