



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. 6508/1014/2016

Dated:- 29.03.2017

In the matter of:

Shri Mohd. Waris,  
S/o Shri Sheikh Mehram Ali,  
C-31, Sector – 12,  
Noida.

R180

..... Complainant

**Versus**

Central Cottage Industries Emporium,  
Through Managing Director,  
Ground Floor, Jawahar Vyapar Bhawan,  
Janpath, H.C. Mathur Lane,  
New Delhi-110001.

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..... Respondent

**Date of hearing : 01.03.2017**

Present :

1. None on behalf of the Complainant.
2. S/Shri Ashok Kinra, Company Secretary and Girish Tiwari, Assistant Manager, on behalf of the Respondent.

**ORDER**

Shri Muralidharan, Secretary, National Platform for the Rights of the Disabled, vide letter dated 10.06.2016 has forwarded a complaint of Shri Mohd. Waris, a person with 75% locomotor disability filed a complain dated 10.06.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding termination of his service as a Helper.

2. The complainant submitted that he was employed by the Central Cottage Industries Corporation of India Ltd. On 01.04.2009 as a Helper. Later on when they advertised for three posts of the Helper, he was dissuaded from apply from the post and assured that he would be directly recruited on a permanent basis. This was not done. His services were terminated on 19.10.2011 without assigning any reason, despite his unblemished record. He has requested to intervene in the matter so that he is reinstated in service.

3. The matter was taken up with u/s 59 of the Persons with Disabilities Act, 1995 to respondent vide this Court's letter dated 08.08.2016.

4. In response, Managing Director, Central Cottage Industries Corporation of India Ltd. Vide letter dated 31.08.2016 and 21.09.2016 has submitted that Shri Mohd. Waris was never employed by CCIC. Relationship of employer and employee, thus, ever existed between CCIC and Shri Mohd. Waris at any point of time. The complainant was the employee of M/s. Sarvesh Security Services Pvt. Ltd. who had deployed the claimant at the Noida establishment of CCIC from 01.04.2009 to 31.08.2011. The claim of Shri Mohd. Waris that he used to sign the register like other employees of the Corporation, is absolutely incorrect and far from being true. In fact, he was marking the attendance in the Attendance Register provided by M/s. Sarvesh Security Services Pvt. Ltd. and thereafter by M/s. M. Five Security Pvt. Ltd. kept in the premises of CCIC at Noida. The claim of Shri Mohd. Waris that he was signing the vouchers of CCIC is also not true. There is no denying the fact that CCIC had advertised for conducting a Special Recruitment Drive to fill up the reserved vacancies for persons with disabilities. However, at no point of time Shri Mohd. Waris was told that he would be automatically absorbed and was not needed to apply for the post. At no point of time, officials of CCIC pressurized Shri Mohd. Waris to withdraw his case filed in Labour Court-XIX, Karkardooma, Shahdara, Delhi or promised him that he would be taken back. He withdrew the petition in the Court at his own sweet will.

5. In rejoinder dated 19.11.2016, the Secretary, National Platform for the Disabled has inter-alia submitted that Mohd. Waris was on temporary employment with the Central Cottage Industries Corporation of India Ltd. He joined duty on 01.04.2009 and used to sign the register like other employees of the Corporation till 31.10.2009 i.e. for a period of six months. He also used to sign on the vouchers of the Corporation for the consolidated salary of Rs.9,000/- that was being paid by the Corporation. Further, an aggrieved Waris approached the Labour Court-XIX, Karkardooma, Shahdara, Delhi. It was under pressure from the officials of the Corporation and on the verbal promise that they would be taken back that he withdrew the petition in the Court. But these officers reneged on their promise and did not reinstate Waris.

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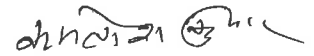
6. Upon considering the respondent's letters dated 31.08.2016 & 21.09.2016 and Complainant's letter dated 19.11.2016, a hearing was scheduled on 01.03.2017.

7. During the hearing, none appeared on behalf of the Complainant. Nor any intimation has been received about his inability to attend the hearing despite the fact that the Notice of Hearing was sent 23.01.2017 by Speed Post. The Court noted with serious concern, the utter disregard shown by the complainant by neither intimating his inability to attend the hearing nor caring to send his version of the case.

8. The Representatives of the Respondent submitted that the Complainant was never employed by CCIC. The claimant was all along deployed by the service provider concerned only at the Noida establishment of CCIC for sometime. The CCIC is a Government of India Undertaking under Ministry of Textiles. It has been following required guidelines as issued by the Government from time to time with regard to filling up the vacancies of persons with disabilities Since Shri Mohd. Waris was never on the rolls of CCIC, there was no question of any discrimination or his termination on any extraneous grounds. In view of the submissions made above, the Respondent most respectfully prays that this Court may be pleased to dismiss the application filed by Shri Mohd. Waris, the Complainant.

9. After hearing the representatives of the Respondent and perusal of available record, this Court observed that the Complainant being outsourced, does not come under the purview of the Persons with Disabilities Act, 1995. As there is no violation of any provision of the Persons with Disabilities Act, 1995, Office Memorandums of the Department of Personnel & Training and Government instructions etc., the Court disposes of the matter without giving any direction to the Respondent

10. Ordered accordingly.



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