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.6486/1022/2016 **Dated:-21.03.2017**

In the matter of:

Shri Suresh Chand Gupta,
703, Vivek Vihar, D865
New Sangaqner Road,
Sodala, Jaipur,
Rajasthan-302019 ... Complainant

Versus

Rajasthan Telecom Circle,
(Through Chief General Manager), D866
Bharat Sanchar Nigam Limited,
Sardar Patel Marg,
Jaipur,
Rajasthan-302008. ... Respondent

Date of hearing : 13.02.2017

Present :

1. Shri Suresh Chand Gupta, Complainant.
2. Shri J.K. Pareek, AGM (Pers),BSNL,Jaipur, on behalf of the Respondent.

O R D E R

The above named complainant filed a complaint dated nil 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 the 'Act' regarding his transfer form existing place of posting Ajmer to Jaipur as having severely disabled daughter (deaf & dumb), who is completely dependent on him.

2. The complainant working as DGM in BSNL and recently posted at Ajmer has submitted that his daughter is severe handicapped (deaf & dumb). He is the only care giver of his severe handicapped daughter, who is residing at Jaipur. Previously, he requested to exempt from transfer to maintain and rehabilitate his severe handicapped daughter but due to non availability of clear ruling at that time to exempt from transfer, he had been transferred to Delhi. Meanwhile on compliance of DoP&T Order, BSNL has issued Order dated 24.11.2014 which states that care giver to handicapped son/daughter may be exempted from transfer. After issue of this order he applied for transfer but it was considered Own Cost Transfer after completion of two years i.e. 25 months. He opted Own Cost Transfer for Jaipur in Rajasthan to develop his severe handicapped daughter but it is regretted to say that only after 4-5 months of his joining at Jaipur, he has been again disturbed by CCMT, BSNL

...2/-

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(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल / केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)

Rajasthan and has been posted at Ajmer. He has requested for his transfer to Jaipur enabling him to look after his severe handicapped daughter.

3. The matter was taken up with the respondent vide this Court's letter of even number dated 27.09.2016 followed by reminder dated 17.11.2016

4. The complainant vide his letter dated 20.12.2016 has submitted that his establishment in Jaipur is continuously raising queries again and again thus making the issue quite enmeshed. He has requested this Court to intervene into the matter as his case is being delayed intentionally by his establishment even after this Court's directions which is making an adverse effect on his daughter's development as Bhasha Gyan classes and speech therapy treatment has been stopped due to his transfer to Ajmer.

5. After no reply received from the respondent and considering the complainant's letter dated 20.12.2016, a hearing was scheduled on dated 13.02.2017.

6. During the hearing on 13.02.2017, the complainant reiterated his written submissions and submitted that his daughter is deaf and dumb and he is the only care giver. Her husband is also 100% deaf and dumb. For the care of my daughter, my stay in Jaipur is necessary. Therefore, I request this Court for passing the order for my transfer to Jaipur because after my stay in Jaipur for 5 months only, I was transferred to Ajmer while the other persons, who have stay in Jaipur upto 10 years, they have again been posted in Jaipur. Therefore, I may be transferred to Jaipur.

7. The representative of the Respondent produced a copy of letter dated 10.02.2017 during the course of hearing which was taken on record. He submitted that Mrs. Pooja Gupta, the daughter of the complainant is not dependent on him. The said Mrs. Pooja is 30 years old and has already been married long back. As per the medical record of the complainant, Mrs. Pooja Gupta has not been shown as dependent on the Complainant. As per the request of the Complainant, a copy of Medical Card of BSNL has been issued to him. In view of the above, the question of considering the case of transfer of the complainant to Jaipur for the reason that his child is disabled does not arise as she is not dependent on him.

8. After hearing the parties and perusal of records available on the file, this Court observes that the complainant's daughter is not dependent on him. Hence, there does not seem any violation of the Persons with Disabilities Act, 1995, DoP&T's Office Memorandum and Government instructs issued from time to time. However, the Court advises the Respondent to consider the case of transfer of Complainant to Jaipur sympathetically on humanitarian grounds keeping in mind the DoP&T's O.M. dated 06.06.2014 and 17.11.2014. and inform this Court accordingly.

9. The case is disposed off.

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