



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. CCPD/13478/1014/2022/155902

Dated: 28/02/2024

Case No.: 13478/1014/2022/155902

In the matter of

Shri Satyaveer S Dagur,
President; and
Shri Parvinder Singh,
General Secretary,
PGI Differently Abled Employees Union,
H.No.4, Khuda Lahora, Chandigarh (UT);
Email: satyaveer900@gmail.com

Complainant

Versus

(1) The Director,
PGIMER Chandigarh,
Email: dpgichd@hotmail.com

Respondent No.1

(2) The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi - 110001
Email: secyhfw@nic.in

Respondent No.2

Hearing:

Office of Chief Commissioner for Persons with Disabilities(Divyangjan)
5th Floor, NISD Building, Plot No.G-2, Sector-10, New Delhi-110075
Tele# 011-20892364, 20892275
E-mail: ccpd@nic.in



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भारत सरकार / Government of India

Case No. CCPD/13478/1014/2022/155902

Dated: 28/02/2024

An online hearing was conducted on **13.02.2024** through Video Conferencing. The following persons were present during the hearing:

- (1) Shri Satyaveer S Dagur, complainant
- (2) Shri Vikas Agarwal, Admn. Officer for the Respondent No.1
- (3) Shri Amit Kumar, Under Secretary for the Respondent No.2

RECORD OF PROCEEDINGS

During the hearing, the representative appearing on behalf of Respondent No.2 appeared to be lacking in knowledge of the extant laws and instructions on disability matters and required sensitivity to deal with such matters., particularly about the maintenance of the reservation rosters for persons with disabilities.

2. The Complainant submitted that PGIMER Chandigarh is wrongly maintaining the reservation roster as the employees with disabilities selected under merit are being counted on the reserved seats of persons with disabilities. In addition to this, many employees with disabilities of Group-C are still deprived of getting promoted and working in the same post whereas the non-divyang employees have been promoted. The Complainant also refuted the reply of Respondent No.1 that a similar case is subjudice before the Hon'ble High Court of Punjab and Haryana

3. The Liaison Officer appearing on behalf of Respondent No.1 submitted that the reservation rosters are under preparation as per the latest order issued by the DoPT vide OM dated 28.12.2023 which is regarding reservation in promotion to Persons with Benchmark Disabilities (PwBD), and the representative committed that the process of promotion of divyang employees would be completed in the light of the said OM.

4. The Court directed Respondent No.1 to implement the instructions issued by DoPT vide OM dated 28.12.2023 and the relevant order be issued by 15.03.2024. Respondent No.2 was also directed to monitor the action taken by Respondent No.1 about the preparation of the roster and promotion of divyang employees at PGIMER Chandigarh.



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Case No. CCPD/13478/1014/2022/155902

Dated: 28/02/2024

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

Yours faithfully,

Praveen Prakash Ambashta,
Dy. Chief Commissioner

Office of Chief Commissioner for Persons with Disabilities(Divyangjan)

5th Floor, NISD Building, Plot No.G-2, Sector-10, New Delhi-110075

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भारत सरकार / Government of India

Case No. CCPD/13498/1024/2022

Dated: 22/02/2024

Case No.13498/1024/2022

In the matter of —

Shri Ravinder Jadhav
House No. 830, First Floor,
Sector-3, Huda Colony,
Ballabgarh,
Faridabad, Haryana- 121004
Mob:8412821383
Email: decentravi94@gmail.com **Complainant**

Versus

The General Manager (HR Wing),
Canara Bank Head Office,
112, J.C. Road, Bangalore,
Karnataka – 560002
Email: hohrms@canarabank.com **Respondent**

Hearing: An online hearing through Video Conferencing was conducted on 13.02.2024. The following parties/representatives were present during the hearing:

- (1) Shri Ravinder Jadhav, Complainant
- (2) Shri Ranjib Kumar, GM (Personnel Wing) HO Bangalore, for Respondent
- (3) Shri Pushkar Sinha, CGM (IT Wing), HO, Bangalore, for Respondent

RECORD OF PROCEEDINGS

At the outset, the Chief Commissioner asked from the Respondent about the benefits like Special Conveyance Allowance, Hearing Assistance Aids being provided to PwD employees as compared to other Banks. Further whether JAWS

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सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

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software is being provided to the employees with 100% blindness with latest version or not.

2. The Respondent submitted that as compared to other banks, the frequency of providing aids is higher at the Respondent Bank. They are providing sanctions for hearing assistance aids in every three years and for batteries every year. In a six year term they are paying around Rs.86,000/- to PwD employees. They are paying Rs. 400/- as SCA in salary itself and confirmed that all PwD employees have been paid with the arrears of SCA. In case any pending issue is there, they are ready to resolve the same. Further it was stated that the JAWS software is being provided to all the visually impaired employees who are required of it. A PwD employee named Ms Reema, a person with 100% visually impaired stated that she got the JAWS software immediately after joining in 2019 and working on it. Also she got the updated version of JAWS software JAWS-22 with which she works with short cuts and is being working hassle free.

3. The Complainant submitted that there are some employees who did not get the arrears of SCA since 2014 and the respondent has not provided a solution for it.

4. After hearing both parties, this Court advised the Respondent to explore the feasibility of giving choice to the employees with disabilities to opt for a Hearing Aid of better quality instead of getting an aid at higher frequency. The CCPD also directed the Respondent to submit an affidavit under joint signature of Director (HR) and Director(IT) that all PwD employees with 100% visual impairment have been provided with the latest version of screen reading software such as the JAWS and also confirm that a Grievance Redressal Officer has been appointed in terms of Section 23 of the RPwD Act, 2016 and his details are published on the website of the Bank.

5. The Court advised both parties to discuss mutually and resolve the outstanding matters. The Respondent is directed to submit a compliance Report within 15 days regarding the matter of arrears of SCA, availability of latest JAWS software for employees with 100% visual impairment.

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भारत सरकार / Government of India

Case No. CCPD/13498/1024/2022

Dated: 22/02/2024

Yours faithfully,

Praveen Prakash Ambashta,
Dy. Chief Commissioner

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भारत सरकार / Government of India

Case No. CCPD/13592/1014/2022/156538

Dated: 20/02/2024

Case No.13592/1014/2022

In the matter of —

Shri Shrikant,
G-53, Staff Colony,
Motilal Nehru National Institute of Technology,
Teliaganj, Prayagraj, Uttar Pradesh- 211004;
Email: shrikanttenguriya@gmail.com
Mobile: 8619796966

Complainant

Versus

The Secretary,
Union Public Service Commission
Shahjahan Road, New Delhi- 110069
Email: secyoffice-upsc@gov.in

Respondent

Hearing:

An online hearing through Video Conferencing was conducted on 13.02.2024.
The following parties/representatives were present during the hearing:

- (1) Shri Shrikant, Complainant
- (2) None appeared for the Respondent

RECORD OF PROCEEDINGS

Respondent did not appear in the hearing and sent a written submission vide letter dated 13.02.2024 thereby submitted that the UPSC is a Constitutional Body set

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सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

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up under Article 315 of the Constitution of India. It discharges its functions and duties assigned to it in the exercise of its Constitutional Powers/ functions under Article 315 of the Constitution of India strictly by law, which is not liable to be interfered with except by a Competent Court of law. The Respondent also submitted that the candidate filled in the PwBD category as 'Yes' while applying for the posts mentioned at SL No. (i) to (iii). For the post of Senior Administrative Officer Gr.II, the vacancy was neither reserved nor suitable for a PwBD-VI candidate. Since the candidate was not suitable for the said post being a PwBD-VI candidate, he intentionally filled the form as a non-PwBD candidate, misleading the Commission.

2. The Respondent submitted that the applicants are responsible for uploading the correct information and certifying the same. In the instant case, the applicant has certified himself as non-PwBD-VI in one application and as PwBD-VI in three other applications.

3. The Respondent vide their reply dated 02.02.2024, submitted that it has been held by various Courts of Law that the power and jurisdiction of the CCPD does not extend to the adjudicatory function and cannot interfere with or overlap with the jurisdiction of Constitutional/Statutory Body.

4. The Respondent requested to withdraw the ibid Notice of the Hon'ble CCPD as the issue involved relates to recruitment to 02 (UR-01, SC-01) vacancies for the post of Assistant Director General of Shipping in Directorate General of Shipping, Mumbai, Ministry of Ports, Shipping and Waterways and conduct of such recruitment is strictly by the Constitutional mandate of the UPSC.

5. In the light of the aforesaid development, the Chief Commissioner directed to consult the Ministry of Law for advice whether the public service commissions created under Article 315 of the Constitution, who are making recruitments in Gp A & B posts of the union and state governments are - i) not covered under the definition of government establishment as defined at Section 2 (k) of the Rights of Persons with Disabilities Act, 2016; ii) not covered within the scope of Section 33 and 34 of the Act; and iii) not subject to the mandate and powers of the Chief Commissioner as enshrined in Sections 75, 76 & 77 of the Act.

6. Observing that the process of obtaining the necessary advice may be time consuming, the Chief Commissioner asked the Complainant whether he would like to approach a Constitutional Court for redressal of his grievance. The Complainant, however, expressed his willingness to wait for the disposal of the instant matter in the

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Case No. CCPD/13592/1014/2022/156538

Dated: 20/02/2024

CCPD Court as the process of obtaining relief from the High Court will also be time consuming and more expensive.

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

Yours faithfully,

Praveen Prakash Ambashta,
Dy. Chief Commissioner

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भारत सरकार / Government of India

Case No. CCPD/13600/1011/2022/167649

Dated: 15/02/2024

Case No.13600/1011/2022

In the matter of —

Shri Shrishambhu,
R/o Village- Dhamadha,
Post: Hirday Nagar, Tehsil: Sihora,
District: Jabalpur (MP), Pin: 483222;
Email: shrishambus@gmail.com

... Complainant

Versus

The Adm. Officer-cum-Recruiting Officer,
1 Signal Training Centre,
HQ 1STC, Jabalpur (MP), Pin: 482001

...Respondent

Hearing: An online hearing through Video Conferencing was conducted on 13.02.2024. The following parties/representatives were present during the hearing:

- (1) Shri Shrishambhu, **Complainant**
- (2) Lieutenant Colonel, Shri Sunil Shrivastava, STC, HQ 1-
Respondent

RECORD OF PROCEEDINGS

At the outset, the Complainant submitted that he applied under PwD Quota to get age relaxation and fee waiver. He submitted that the Respondent declared results for recruitment in 27 vacancies in Group C. But no post was reserved for Persons with Benchmark Disabilities.

2. The Respondent submitted that all the 27 Vacancies were Unreserved. The Respondent also said that the reservation roster is prepared by the Head Quarter. The Respondent also requested for a

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सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. CCPD/13600/1011/2022/167649

Dated: 15/02/2024

matter.

3. After hearing the Respondent, The Court observed that the Respondent attended the hearing without preparation. The Chief Commissioner expressed his reservation on the contention of the respondent that all the 27 vacancies were unreserved. The Chief Commissioner directed that the head of the 1 STC, Jabalpur or an officer of appropriate seniority who is competent to represent the establishment and is conversant with the facts of the case be available in the next hearing. The next date of hearing will be informed in due course.

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

Yours faithfully,

Praveen Prakash Ambashta,
Dy. Chief Commissioner

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दवियांगजन सशक्तिकरण वभिग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधकिरति मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. CCPD/13630/1011/2023/179167

Dated: 22/02/2024

Case No. 13630/1011/2023/179167

In the matter of

Shri Subhash Chandra Vashishth
Advocate, Disability Rights
B-14B, Vatika Apartments,
Mayapuri, New Delhi- 110064
subhashevashishth@gmail.com

Versus

Reserve Bank of India through
Reserve Bank of India Services Board
C/o CGM-in-Charge and Secretary
Secretary's Department Reserve Bank of India
16th floor, Central Office Building
Shahid Bhagat Singh Marg,
Mumbai – 400 001
Email: amitabhrajan@rbi.org.in |
cgminchrmd@rbi.org.in

Respondent

Affected Persons / Beneficiary: Persons with disabilities

Hearing (3):

An online hearing was conducted through video conferencing on **13.02.2024**. The following parties/representatives were present during the hearing:—

- (1) Advocate Subhash Vashishth, Complainant
- (2) Shri Uday Krishna, General Manager (HRMD); Shri Pallav Yadav, Assistant Adviser; and Shri Mayank Vasnik, Law Officer for the Respondent

RECORD OF PROCEEDINGS

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Dated: 22/02/2024

The Complainant submitted that after the last hearing, he had contacted the aggrieved persons, but they were not willing to come forward. The Complainant expressed his limitation because he could not produce any aggrieved person before this Court. He further submitted that many improvements have already taken place in this case, but the Circular issued by the RBI is problematic. In addition to this, in the matter of providing 7% grace marks, the RBI has approached the Hon'ble Supreme Court but, they are not likely to get a favorable judgment. Secondly, out of a total of 238 vacancies, 12 vacancies were backlog vacancies, so there were 238-12, i.e. 226 total fresh vacancies. As per the formula for the computation of reservation based on the 100 points vacancies based roster, 10 vacancies were to be reserved for PwBDs out of these fresh vacancies. Thus in all, there should have been 12 (backlog) + 10 (fresh) = 22 reserved vacancies. However, only 8 vacancies were filled up and the remaining 14 vacancies were allotted to non-disabled candidates. So, the RBI may be directed to provide 14 reserved vacancies for PwBDs in the next recruitment drive.

2. Since the Complainant was not able to produce any aggrieved person before this Court, he requested this Court to drop his name from the memo of parties but continue this case as suo-motu, which was accepted by the Court.

3. The CCPD observed that system of providing grace marks is not reasonable. The Respondent, however, can fix a benchmark as per their needs and a relaxed benchmark to fill the reserved seats in case the same could not be filled at the normal standards. Since the impermissibility of classification within the class of the PwBD has been settled in many judicial pronouncements, some of which have been cited by the Complainant in his oral and written pleadings, relaxation to persons with disabilities shall be to the maximum extent upto which the relaxation has been provided for any other class. The CCPD gave an example that if in an examination, the general cut-off mark is 40, which is reduced to 38 marks for OBC, 36 marks for SC, and 32 marks for ST to fill the reserved posts for SC/ST, then the relaxed cut off for PwBD will also have to be 32 to ensure no discrimination within the PwBD categories. Even after relaxing the cut-off standards, if some of the posts remain vacant let it be as it may, the same can not be filled from another category of disability or from non-disabled person in the first year of the recruitment as per Section 34 of the Act. The CCPD further stated that the result of using a flawed manner of providing relaxation in the form of grace marks instead of a minimum benchmark as per the need of the organisation, can be seen in the large number of reserved vacancies remaining unfilled.

4. The Respondent was directed to submit clarification/ action taken report within two weeks about the following:

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Dated: 22/02/2024

(i) Correction made in the master circular about relaxation in marks to be provided to PwBDs without any further categorization and at par with the maximum relaxation allowed to any other category ; and

(ii) Recruitment drive for filling up the 14 backlog vacancies reserved for PwBD.

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

Yours faithfully,

Praveen Prakash Ambashta,
Dy. Chief Commissioner

Office of Chief Commissioner for Persons with Disabilities(Divyangjan)

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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकरण वभिग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. CCPD/13642/1011/2023/166683

Dated: 22/02/2024

Case No. 13642/1011/2023/166683

In the matter of —

Dr. Kurmendra,
Assistant Professor (Senior Scale),
Department of Electronics & Communication Engineering,
Rajiv Gandhi University (A Central University),
Rono Hills, Itanagar-791112 (Arunachal Pradesh)
Email: kurmendra.nits@gmail.com

... Complainant

Versus

(1) The Registrar,
National Institute of Technology,
Jamshedpur, Adityapur,
Jamshedpur-831104 (Jharkhand)
Email: registrar@nitjsr.ac.in

... Respondent No.1

(2) The Registrar,
National Institute of Technology,
Patna-8000005 (Bihar)
Email: asit.narayan@nitp.ac.in

... Respondent No.2

(3) The Registrar,
National Institute of Technology,
Kurukshetra, Mirzapur Part,
Haryana-136119
Email: registrar@nitkr.ac.in

... Respondent No.3

Hearing (2):

Office of Chief Commissioner for Persons with Disabilities(Divyangjan)
5th Floor, NISD Building, Plot No.G-2, Sector-10, New Delhi-110075
Tele# 011-20892364, 20892275
E-mail: ccpd@nic.in



सत्यमेव जयते

न्यायालय मुख्यायुक्त दव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दव्यांगजन सशक्तकरण वभाग (दव्यांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. CCPD/13642/1011/2023/166683

Dated: 22/02/2024

An online hearing through video conferencing was conducted on **13.02.2024**. The following parties/representatives were present during the hearing:—

- (1) Dr. Kurmendra, Complainant
- (2) Col. Dr Nitish Rai (Retd), Registrar, for Respondent No.1
- (3) Adv. Sanjay Kumar Giri; Dr. Asit Narayan, Director, NIT Patna for Respondent No.2
- (4) Shri G.R. Samantaray, Registrar-in-charge, NIT Kurukshetra for Respondent No.3

RECORD OF PROCEEDINGS

At the outset, from a perusal of the data submitted by the respondents in compliance with the earlier proceedings, it is very evident that the number of employees with disabilities is less than the required 4% in all three NITs.

2. The Representative appearing on behalf of NIT Jamshedpur submitted that the total strength of employees (Group 'A' to Group 'D') – Teaching and Non-Teaching, there are 271 posts out of 129 are the promotional posts wherein 25 promotional posts are lying vacant. No recruitment was done from 1991 to 2022 and the first recruitment notice was issued in 2022 in which one person with a disability was selected. The representative assured that in the future they would take care of it and fill up at least 4% of vacancies with persons with benchmark disabilities (PwBDs).

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3. The Representative appearing for NIT Patna submitted that reservation rules and statutory provisions are strictly followed and not violated. Since the Complainant had applied for the post of Assistant Professor against advertisement No. 3/2022 in which the PwD category was not included in the vacancy position, his candidature was considered as OBC-NCL in place of PwD. Further, the Complainant did not make any complaint or representation before the Selection Committee that he was placed into the wrong category of OBC-NCL. However, the Representative of NIT Patna assured that all the backlog of persons with disabilities would be filled up in the next recruitment.

4. The Representative of the NIT Kurukshetra submitted that recently recruitment was done for non-teaching posts in which one PwBD candidate was selected for the post of Technician in the Mechanical Department and before that one PwBD candidate was selected for the post of Junior Assistant. In the coming recruitment for the post of Technical Assistant, one post is reserved for PwBD candidates. In the faculty recruitment, 07 posts including the backlog of Assistant Professors in different departments were advertised for PwBD candidates, and interviews were held for 03 departments, but could not be materialized as the recruitment was stayed by the Hon'ble High Court for the rest of the Departments. For the recruitment of an Associate Professor, 02 posts were reserved for PwBD, in which one PwBD candidate has been selected.

5. The Complainant submitted that in the recent recruitment advertisement dated 23.01.2024, the number of posts reserved for PwBD and the number of backlog vacancies has not been mentioned by the NIT Jamshedpur. A similar discrepancy was also found in the recruitment advertisement published by NIT Patna in 2023 and NIT Kurukshetra wherein there is no mention of how many posts are reserved for PwBD categories whereas for other categories it was mentioned. In proof, the Complainant showed the advertisements published by the NITs.

6. After hearing the parties, the CCPD directed the respondents - (i) to submit their concrete action plan within one month to fill up the shortfall and backlog vacancies, (ii) to ensure 4% reservation of seats in the recruitment in all groups, (iii) to update and maintain reservation roster for PwBD as per provisions of the Act and the rules thereunder, (iv) to ensure that a uniform relaxation in the cut of marks at par with the maximum relaxation allowed to any other class of candidates is allowed to all the persons with disabilities irrespective of their vertical category, and (v) to conduct regular training programs on disability matters for all teaching &

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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
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सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
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Dated: 22/02/2024

non-teaching staff and students of the institute. An ATR on the above be submitted by the respondents within one month from the date of issue of these proceedings.

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

Yours faithfully,

Praveen Prakash Ambashta,
Dy. Chief Commissioner



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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
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सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. CCPD/13692/1021/2023

Dated: 22/02/2024

Case No.13692/1021/2022

In the matter of —

Shri U. Karthick
No.- 53,11 Avenue, DAE Township
Kalpakkam – 603102, UDC, Accounts (Works)
General Services Organisation,
Kalpakkam, Tamil Nadu- 603102
Email: karthikvan123@rediffmail.com

... Complainant

Versus

(1) The Secretary
Department of Atomic Energy
Anushakti Bhavan, CSM Marg,
Mumbai- 400001
Email: chairman@dae.gov.in

...Respondent 1

(2) The Secretary
Department of Personnel & Training
Ministry of Personnel , PG and Pensions
North Block, New Delhi- 110001
Email: diradmin@nic.in

...Respondent 2

Hearing: An online hearing through Video Conferencing was conducted on 13.02.2024. The following parties/representatives were present during the hearing:

(1) Shri Nithin on behalf of **Complainant**



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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. CCPD/13692/1021/2023

Dated: 22/02/2024

- (2) Shri Ashok Daberal, Dy. Secretary, DAE- **Respondent No. 1**
- (3) Shri Sandeep Saxena, Dy. Secretary, DoPT- **Respondent No.2**
- (4) Shri S.A Meshram, CAO, GSO - **Respondent**

RECORD OF PROCEEDINGS

At the outset, the representative of the Complainant reiterated his earlier submission as the respondent has not provided quota for the PwBD even in the promotion proceedings carried out after the issue of the DoPT OM. He submitted another input that the department in the name of providing relaxations to the PwBD candidates, has provided a completely different question paper based on MCQ for blind candidates which was of a different difficult level than the one for persons with locomotor disabilities, a subjective question paper. He also informed that his grading was wrongly communicated as very good instead of Outstanding for the year 2020-2021.

2. Respondent No. 1 submitted that they have already issued an OM dated 28.12.2023 regarding reservation in promotion to Persons with Benchmark Disabilities (PwBDs) and also mailed to all the ministries the next day for proper implementation. The Respondent further submitted that they have allowed the Ministry/Departments to consider the cases of PwD candidates, who had earlier appeared for the departmental examination based on their performance in the same and to take a decision to conduct a separate examination for the remaining candidates.

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Dated: 22/02/2024

3. The Chief Commissioner directed the Respondent to complete the process of granting promotion to all the employees who are eligible as per DOPT's OM dated 28.12.2023 and update the progress within 15 days from the date of proceedings.

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

Yours faithfully,

Praveen Prakash Ambashta,
Dy. Chief Commissioner

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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
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सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. CCPD/13716/1011/2023/174347

Dated: 20/02/2024

Case No. 13716, 13717, 13723, 13727, 13745, 13762, and 13783/1011/2023

In the matter of —

Complainants:

Sl. No.	Case No.	Name and Disability	Date of Notice
1.	13716/1011/2023	Shri Harendra Singh, 75% Locomotor (BL)	02.02.2024
2.	13717/1011/2023	Shri Rajaselvam R., 60% Locomotor (OA)	02.02.2024
3.	13723/1011/2023	Ms Sandhya, 50% Locomotor	02.02.2024
4.	13727/1011/2023	Ms. Sangeeta, 80% Locomotor (BL)	06.02.2024
5.	13745/1011/2023	Shri Amit Yadav, 60% Mental Illness [MI]	15.02.2024
6.	13762/1011/2023	Shri Pradeep Kumar, 100% Visual Impaired	21.02.2024
7.	13783/1011/2023	Shri Bhawani Shankar, 41% Hearing Impaired [HI]	28.02.2024

Respondents:

- (1) The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110016
Email – commissioner-kvs@gov.in,
kvs.commissioner@gmail.com

... Respondent No.1

- (2) The Secretary,
Department of School Education & Literacy,
Ministry of Education,
Room No. 124-C,
Shastri Bhawan,
New Delhi – 110001
Email: secy.sel@nic.in

... Respondent No.2

Office of Chief Commissioner for Persons with Disabilities(Divyangjan)
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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. CCPD/13716/1011/2023/174347

Dated: 20/02/2024

Hearing (3):

An online hearing through video conferencing was conducted on **13.02.2024**. The following parties/representatives were present during the hearing:-

Complainants:

- (1) Shri Harendra Singh, 75% Locomotor (BL)
- (2) Shri Rajaselvam R., 60% Locomotor (OA)
- (3) Ms Sandhya, 50% Locomotor
- (4) Ms. Sangeeta, 80% Locomotor (BL)
- (5) Shri Amit Yadav, 60% Mental Illness [MI]
- (6) Shri Pradeep Kumar, 100% Visual Impaired
- (7) Shri Bhawani Shankar, 41% Hearing Impaired [HI]

Respondents:

- (1) Sh. Deepak Kumar Dabral, Assistant Commissioner, KVS
(E 2 & 3)
- (2) Sh. Amar Pal Singh Barar, Assistant Commissioner, KVS
(E1)
- (3) Sh. Shiv Kumar Diwedi, Assistant Commissioner (Retd.)
Consultant

RECORD OF PROCEEDINGS

During the hearing, the Chief Commissioner for Persons with Disabilities (CCPD) observed that no response has been submitted by the respondents since the last hearing except an Action Plan submitted by the Respondent No. 1 to the Respondent No. 2 vide letter dated 19.10.2023 of the Assistant Commissioner (E 2 & 3). The Said Action Plan proposes to fill the reserved vacancies for PwBD through a Special Recruitment Drive to be completed in 8 stages. All stages have been marked with a definite time frame, except the stage no. 1, namely - "Identification and approval of the Recruiting Agency", for which the Respondent No. 2 was supposed to take action. After completion of the first stage, the entire process of recruitment till the last stage - "Issue of Appointment Order" is to be completed in 6 months. No response has been received thereafter from any of the two respondents in the matter despite lapse of 4 months since the issue of this Action Plan. T

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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

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Dated: 20/02/2024

here appears to be no headway in resolving the grievances of the complainants.

2. The Court also observed with deep anguish that there has been no response to the various notices for comments/reply or hearing and reminders on behalf of the Respondent No. 2 in any of these cases. On behalf of the Respondent No. 1 also, junior officers were deployed to attend the hearing, who appeared unprepared and were unable to reply to the queries of this Court independently.

3 The Chief Commissioner decided to adjourn the hearing for an hour to allow the Commissioner, KVS to join the online hearing. The CCPD also directed that the Office of the Respondent No.2 be contacted to ensure the representation on behalf of the Respondent No. 2 through an officer of appropriate seniority who is conversant with the facts of the cases and is competent to represent the Respondent in the next session of this hearing. Efforts were made to contact the officials of the Respondent No. 2.

4. The hearing resumed at 1700 hrs. Neither the Commissioner, KVS nor any officer from the Respondent No.2 appeared. The Assistant Commissioner (E 2 & 3) appearing for the Respondent No. 1 submitted that the Commissioner was busy in some other meeting and sought another date for the hearing.

5. The CCPD adjourned the hearing with the following directions:

(i) that both the respondents shall forward status report on the Action Plan submitted by the Respondent No. 1 and also submit their proposal on resolution of the individual grievances of the Complainants

(ii) that the Respondent No. 2 to conduct an internal inquiry on the non-response of the department to the various notices and reminders issued in these cases, which is a penal offence under Section 93 of the RPwD Act, 2016. A report of the inquiry to be submitted to this Court within 3 months from the date of issue of these proceedings.

(iii) the next hearing will be conducted in the presence of the Commissioner, KVS and an officer not below the level of Director from the Respondent No.2 who is conversant with the facts of this case.

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Dated: 20/02/2024

6. This is issued with the approval of CCPD.

Yours faithfully,

Praveen Prakash Ambashta,
Dy. Chief Commissioner

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भारत सरकार / Government of India

Case No. CCPD/14227/1024/2023

Dated: 22/02/2024

Case No.14227/1024/2022

In the matter of —

Smt. Susmita Saha
45, Dhakuria East Road,
Kolkata- 700078
Mob: 9163983077
Email: 1984susmita@gmail.com

... Complainant

Versus

The General Manager
Bank of Baroda, Baroda Bhawan,
7th floor, R.C. Dutt Road,
Vadodara, Gujarat- 390007
Phone: 0265-2316795
Email: gm.ops.ho@bankofbaroda.com

...Respondent 2

Hearing: An online hearing through Video Conferencing was conducted on 13.02.2024. The following parties/representatives were present during the hearing:

- (1) Adv. Sashank Khurana on behalf of the **Complainant**
- (2) Shri Sushil Kumar Lal, General Manager- **Respondent**

RECORD OF PROCEEDINGS

At the outset, the learned Counsel of the Complainant submitted that the criteria for passing the examination are fixed as 50% marks. No relaxation was provided as a PwD candidate. She obtained 40% marks

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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

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on her first attempt and 42% on her second attempt. The learned counsel reiterated the background of protracted litigation before the appointment of the Complainant in the Respondent Bank and requested the Court for a direction for providing reasonable accommodation to the Complainant.

2. The Chief Commissioner asked the counsel to clarify whether he is suggesting that the Complainant be confirmed without qualifying the examination. The counsel submitted that his request is to examine if she can be allowed some relaxations as a reasonable accommodation. The Court asked the Respondent whether any other candidate including any other candidate with disability was allowed relaxation in the qualifying marks in this particular examination or if every candidate has to score a minimum of 50% to qualify for confirmation. Respondent submitted that the confirmation test is qualifying in nature, and accordingly, as per the prevailing policy/guidelines, no reservation or concession in terms of qualifying marks has been provided to any category of officers whether based on caste, tribe, gender, or disability. The Respondent further submitted that the bank did not have any policy providing for the training of employees for preparing for the examination for confirmation in the post. However, the Bank will arrange a 15-days training, as directed by CCPD, as a special case in their academy only. Further, as per policy, if someone does not score 50% marks then the probation period will be extended for 6 months and one more chance will be given.

3. The Chief Commissioner acknowledged that the Bank's effort to provide training as part of reasonable accommodation for a person with disabilities. However, in so far as the number of attempts or qualifying marks are concerned, no concession has been provided by the bank. The

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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दव्यांगजन सशक्तकरण वभाग (दव्यांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

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Respondent has submitted that no such concession or relaxation is provided for any category of employees in so far as the examination for confirmation. The Court directed that the Respondent should file their reply on an affidavit in the next 3 days and submit rules for confirmation in services.

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

Yours faithfully,

Praveen Prakash Ambashta,
Dy. Chief Commissioner

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