



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तिकरण वभिाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजकि न्याय और अधकिरति मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 13682/1021/2023/173679

Dated: 26/04/2024

In the matter of—

Shri N Mohan S/o P. Nagalingan

T.No. 1255, Tech. Gr.1

Loco Works, Perambur,

Chennai – 600023

Email: nagalingammohan402@gmail.com

...Complainant

Versus

(1) The General Manager,

Southern Railway,

Park Town, Chennai – 600003

Email – gm@sr.railnet.gov.in

...Respondent No.1

(2) The Chief Works Manager,

Loco Works, Perambur,

Ayanavaram, Chennai – 600023

Email: cwmlw@sr.railnet.gov.in

...Respondent No.2

Hearing: A hybrid mode of hearing was conducted on 15.04.2024. The following parties/representatives were present during the hearing:

| Sl No. | Name of Parties / Representatives | For Complainant/ Respondent | Mode of Attendance |
|--------|-----------------------------------|--------------------------------|-----------------------|
| 1. | Shri Agastas Babu | For Complainant | Online |



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| | | | |
|----|---|--------------------------|--------|
| 2. | Shri Rahul, Dy. Chief Personnel Officer | For Respondent No. 1 & 2 | Online |
|----|---|--------------------------|--------|

RECORD OF PROCEEDINGS

1. At the outset, the Chief Commissioner asked the Respondent about the type of promotions which Railway provides to the PwD employees.

2. The representative of the Complainant stated that the Complainant was appointed as a Khalasi in the Loco Works, Perambur, Chennai, on 25.02.1987 in PwD quota. He did not get any promotion in PwD category. In 2006, the Railway Board issued a circular for reservation in promotion for PwD employees but it was not implemented by the Respondent. No reservation Roster for promotion is being maintained by the respondent. He was promoted in 2007. The DoPT O.M. dated 17.05.2022 was implemented in railways. The complainant was not given notional promotion even after implementation of DoPT O.M. dated 28.12.2023.



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3. The Respondent stated that the DoPT issued OM dated 17.05.2022 and the Railway Board has issued a circular dated 01.07.2022 regarding reservation in promotion for PwD employees. The reservation in promotion for PwD was started after DoPT OM dated 17.05.2022 but before that no separate quota for reservation in promotion for PwD was implemented and given across the railway.



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4. After hearing both the parties, this Court observed that the Respondent was apparently not aware of the instructions on reservation in promotion for PwDs/PwBDs issued by the DoPT on 20.11.1989 and 29.12.2005t. The reservation in promotion for PwD in group 'C & 'D' was actually started since 20.11.1989 itself. The RPwD Act, 1995 enshrines the same provisions since 01.01.1996. The DoPT O.M. dated 17.05.2022 extended the reservation in group A & B also. So, between 15.01.2018 and 17.05.2022, reservations in promotion were withdrawn, but after the issue of the DoPT O. M. dated 28.12.2023, the reservation in promotion in all groups has been given notional effect from 30.06.2016. The representative of the Respondent were also informed by the court about Railway Board Member Staff DO letter no. E(NG) II/2006/LG-5/4 dated 22.08.2006 vide which the relevant DoPT OM No. 36035/3/2004-Estt(Res) dated 29.12.2005 on the subject were circulated to all Zonal Railways. The Court directed the respondent to cross-check with other railway units and re-examine their decision. Accordingly, the Court allowed 1 week time to review the stand of the respondent and resolve the matter failing which the case will be disposed of in the light of the extant rules and statutory provisions based on the material available on record of the case, the oral submissions of the parties.

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

Yours faithfully,



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

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Case No. 13682/1021/2023/173679

Dated: 26/04/2024

(Praveen Prakash Ambashta)
Dy. Chief Commissioner



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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तिकरण 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. 13706/1013/2023/162993

Dated: 24/04/2024

Case No. 13706/1013/2023

In the matter of —

Shri Syed Shahul Hameed,
R/o 9/51, Shaik Malick Taikal,
Rajaghiri Post,
Thanjavur District,
Pin: 614207, Tamil Nadu,
Mobile: 9841426445;
Email: syedwork2004@gmail.com

... Complainant

Versus

The Registrar,
Central University of Gujarat,
Sector-29, Gandhi Nagar,
Gujarat-382030
Email: registrar@cug.ac.in

... Respondent

Hearing:

A hearing was conducted on hybrid mode on **15 April 2024**.
The following parties/representatives were present during the hearing:

| Sl. No. | Name of the parties/Representatives | For Complainant/ Respondent | Mode of attendance |
|---------|---|-----------------------------|--------------------|
| 1. | Shri Syed Shahul Hameed | Complainant | Online |
| 2. | Shri Tarun Kumar Soni Assistant Registrar, CUG | Respondent | Online |
| 3. | Dr. Nilesh Shah, Advocate | Respondent | Online |



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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. 13706/1013/2023/162993

Dated: 24/04/2024

2. During the hearing, the Complainant reiterated his grievance regarding the denial of his selection and leaving him uninformed about it by the Respondent University.

3. Initially during the hearing, Shri Tarun Kumar Soni, Assistant Registrar, CUG appeared for the Respondent but could not give answer to the questions asked by this Court. However, he stated that an advocate had been hired who would be appearing and replying to the questions. The hearing was adjourned till 2 p.m.

4. At 2 p.m. Dr Nilesh Shah, Advocate appeared on behalf of the Respondent and said that the Complainant was not selected as he could not qualify. Another person with locomotor disability was appointed to the same post. So, it cannot be said that he was discriminated against on the grounds of his disability.

5. The learned Counsel said that the selection to the post was based on qualifying a descriptive test followed by a skill test. To appear in the Skill Test one needed to secure 50% marks in the Descriptive Test. The individual cut-off for both tests was 50% for all categories i.e. General, OBC, SC, ST, and PwBDs. The Complainant secured 63 marks out of 100 marks in the Descriptive Test and in the Skill Test, he secured only 23 out of 50 marks. The selected candidate had secured 65 marks in the Descriptive Paper and 32 marks in the Skill Test. He further said no relaxation was allowed to candidates from any category in the passing mark. However, there is a 5% relaxation in the qualifying marks for the candidates from reserved categories. He also submitted that once a candidate qualifies the Descriptive Test but fails in the Skill Test, no fee is charged from him in his subsequent attempts for the Skill Test.

6. The Complainant submitted that his application was initially rejected on the grounds of not meeting with the requisite experience criteria. This decision was later reversed but only after several approaches to the University by the candidate. The University never responded to any of his communications. This amounted to harassment of a person with disabilities



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Case No. 13706/1013/2023/162993

Dated: 24/04/2024

by the Respondent.

7. After hearing the parties, the Court observed the following:

(a) If the marks obtained by the candidates were revealed to him/her, the candidate will be better placed to prepare for the subsequent attempts.

(b) If there is no relaxation in the cut-off for the reserved categories, there is a likelihood of reserved vacancies remaining unfilled. Since the reservation for PwBD lapses after four recruitment years, this may not only delay in filling up of reserved vacancies but actually result in total denial of statutory reservation.

8. The Chief Commissioner asked the Respondent to authenticate their oral statements given before the Court during the hearing by way of a written statement on affidavit and also to clarify the following within 10 days:

(a) What are total sanctioned regular teaching and non-teaching posts?

(b) How many of them have been filled?

(c) How many posts are filled with persons with disabilities;

(d) Since when the unfilled posts are lying vacant;

(e) Whether the Complainant sought information on the marks obtained by him in the Descriptive and the Skill Tests? If yes, why the same was not allowed?

(f) What action was taken against the officials who were responsible for not showing due diligence and for rejection of the application of the Complainant in the initial round?

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



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Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner



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सामाजिक न्याय और अधकिरति मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 13721/1022/2022

Dated: 24/04/2024

In the matter of —

Shri Tapan Kumar Mishra
Sr. Manager, CPP, NALCO,
Mobile: 9437069246
Email: tapan.mishra@nalcoindia.co.in ...**Complainant**

Versus

1. The Chairman Cum Managing Director,
Corporate Office,
National Aluminium Company (NALCO),
Bhubaneswar, Odisha
Email: cmd@nalcoindia.co.in
Contact: 0674-2300250 ... **Respondent No. 1**
2. The Director (HR),
Corporate Office,
National Aluminium Company (NALCO),
Bhubaneswar, Odisha
Email: dirhr@nalcoindia.co.in
Contact : 0674-2300430 ... **Respondent No. 2**

Hearing: A hybrid mode of hearing was conducted on 15.04.2024. The following parties/representatives were present during the hearing:

| Sl No. | Name of Parties / Representatives | For Complainant/ Respondent | Mode of Attendance |
|--------|-----------------------------------|--------------------------------|-----------------------|
|--------|-----------------------------------|--------------------------------|-----------------------|



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

भारत सरकार / Government of India

Case No. 13721/1022/2022

Dated: 24/04/2024

| | | | |
|----|-----------------------------|------------------|--------|
| 1. | Shri Tapan Kumar Mishra | For Complainant | Online |
| 2. | Shri H S Pradhan, GM(HR) | For Respondent 1 | Online |
| 3. | Ms. Ipsita Mishra, SM (HRD) | For Respondent 1 | Online |

RECORD OF PROCEEDINGS

1. At the outset, the Chief Commissioner asked the Respondent about their statement that the circulars of the Department of Personnel & Training (D/oP&T) on the issue of transfer and posting are not endorsed by the Department of Public Enterprises (DPE) and as such they are not implemented in CPSEs and asked for their stand in the matter.

2. The Respondent submitted that they are not denying the circulars of D/oP&T. There are 91 employees with disabilities in NALCO and a maximum of them are posted in the Angul Division. About 1400 employees will retire in the next 5 years. They have to post technical manpower in projects for the smooth functioning of the projects. The services of the Complainant, being an Electrical Engineer in the Technical Cadre, are better utilized at production units rather than in the Corporate Office and it will also be helpful for his career growth. Considering his disability, he is posted in the safety department and allocated office duty only instead of fieldwork. A minimum manpower is maintained for administrative work at the Corporate Office.



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Dated: 24/04/2024

3. The Respondent further submitted that the parents of the Complainant are retired government employees and not dependent on him. They are taking their treatment from Railway Hospital. The Respondent also submitted that in Angul Plant, there are 3000 residential quarters for employees, a full-fledged hospital with 60 Doctors, and also there is no constraint for outside referral for any kind of medical treatment. As regards the complainant's prayer, the Respondent assured this Court that they will take serious note of the same.

4. The Complainant submitted that his father is bedridden with 24-hour oxygen support and he has been trying for his transfer since 2016, but the same has not been considered yet. The Complainant requested this court to consider his request for posting to the Corporate Office, Bhubaneswar, Khurda on humanitarian grounds.

5 After hearing both the parties, this Court informed the representative of the Respondent that there are at least two circulars of DPE, whereby the instructions of the DoPT on the issue of posting/transfer of persons with disabilities were extended to the CPSEs. These circulars are No. 6/(9)/2006-DPE(SC/ST Cell) - Part dated 07th April 2014 and No. DPE-GM-0043/2014-GM (FTS-1899) dated 05th April 2023. The fact that the HR Department of the Respondent is not aware of these circulars was observed by the Court with due concern.

6. The Respondent is directed to consider the D/oP&T's OM dated 31.03.2014, regarding guidelines for providing certain facilities in



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Case No. 13721/1022/2022

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respect of persons with disabilities who are already employed in Government for the efficient performance of their duties and decide the request of the Complainant accordingly. The Court also directed the Respondent to share the following information with this Court within a week :

- i) A list of employees with engineering/technical backgrounds posted at the Corporate Office;
- ii) Reasons for making an exception in these cases but not in the case of the Complainant?
- iii) Whether the 91 employees with disabilities are being paid with Transport Allowance at double the normal rate and since when?
- iv) Types of allowances being paid to employees with disabilities?
- v) The policy for allotment of accommodation to employees with disabilities and a list of such employees along with the accommodation details showing the floor on which the units are situated.

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

Yours faithfully,



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(Praveen Prakash Ambashta)
Dy. Chief Commissioner



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, Dwarka, New Delhi-110075; Tel.: (011) 20892364
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

परिवाद संख्या 13735/1101/2023

के मामले में -

श्री सुरेन्द्र सिंह
पुत्र - स्व. श्री गजराज सिंह
संदोही नगर, नगर पंचायत,
बिधापुर, जिला - उन्नाव (उ.प्र.)
उत्तर प्रदेश - 209865

... परिवादी सं.1

श्री महेश कुमार,
पुत्र - स्व. डॉ कृष्णा वर्मा,
ग्राम व पोस्ट - उगु,
मोहल्ला - नेवाडा,
जिला - उन्नाव (उ.प्र.)
पिन - 209871

... परिवादी सं.2

डॉ मनीष कुमार गुप्ता,
डीएमओ, माडर्न कोच फैक्टरी हॉस्पिटल,
रायबरेली (उ.प्र.)
इमेल - gupta.mak07@gmail.com

... परिवादी सं.3

बनाम

अध्यक्ष,
राष्ट्रीय कृषि एवं ग्रामीण विकास बैंक,
प्लॉट संख्या सी-24, जी - ब्लॉक,
बान्द्रा कुर्ला कम्पलेक्स,
बीकेसी मार्ग, बान्द्रा पूर्व,
मुम्बई 400051 (महाराष्ट्र)
इमेल - chairman@nabard.org ... प्रतिवादी

सुनवाई :

दिनांक 15 अप्रैल 2024 को ऑनलाईन और/अथवा शारीरिक रूप से उपस्थिति के द्वारा सुनवाई की गई। निम्नलिखित पक्षकार / प्रतिनिधि सुनवाई के दौरान उपस्थित थे :

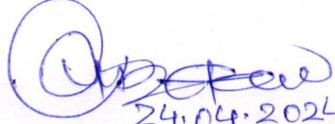
| क्र. सं० | पक्षकारों / प्रतिनिधियों के नाम | परिवादी / प्रतिवादी के पक्ष लिए | उपस्थिति की रीति |
|----------|--|---------------------------------|------------------|
| 1. | श्री सुदीप मुखर्जी, सहायक प्रबन्धक, नाबार्ड, मुम्बई | प्रतिवादी | शारीरिक |
| 2. | श्री राजीव कुमार सक्सेना, नाबार्ड, मुम्बई | प्रतिवादी | ऑनलाईन |
| 3. | परिवादी पक्ष से कोई नहीं | -- | अनुपस्थित |

कार्यवाही के अभिलेख

सुनवाई के दौरान प्रतिवादी पक्ष की ओर से उपस्थित प्रतिनिधि ने अपने उत्तर को दोहराया। तथापि, यह भी कहा कि डीडीएम का आवास जो लीज पर लिया हुआ होता है और डीडीएम अपने परिवार के साथ वहाँ निवास करते हैं, कार्यालय के उद्देश्य से भी प्रयोग किया जाता है, वहाँ पर किसी भी ग्राहक को आने के लिए मना नहीं है। इसके अतिरिक्त, जब भी डीडीएम का स्थानांतरण होता है तो सामान्यतः आवास भी बदल जाता है।

2. प्रतिवादी द्वारा प्रस्तुत उत्तर और अभिलेखित पत्रावलियों के आधार पर प्रतिवादी को यह निर्देशित किया जाता है कि प्रतिवादी द्वारा इस कार्यवाही के अभिलेख के जारी होने के दस दिनों को भीतर एक परिपत्र जारी किया जाएगा जिसमें स्पष्ट रूप से उल्लेखित होगा कि जो कोई भी दिव्यांग व्यक्ति डीडीएम से सम्पर्क करना चाहते हैं वे अपने आने की पूर्व डीडीएम को सूचित करें ताकि वे उनसे मिलने, सुनने और अपेक्षित जानकारी उपलब्ध करने के लिए समुचित व्यवस्था कर सकें। परिपत्र में दिव्यांग व्यक्ति द्वारा सूचना देने के लिए सुगम्य इमेल, दूरभाष और मोबाईल नम्बर का भी उल्लेख करें ताकि दिव्यांग व्यक्ति अपनी सुविधानुसार प्रयोग कर सकें।

3. यह कार्यवाही के अभिलेख मुख्य आयुक्त दिव्यांगजन के अनुमोदन से निर्गत किया जाता है।


24.04.2024
(प्रवीण प्रकाश अम्बष्ठ)

उप मुख्य आयुक्त



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकरण 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. 13754/1021/2023

Dated: 15/04/2024

In the matter of —

Shri Ram Kumar Rajput
Doordarshan Kendra,
Staff Colony,
C3, Viraj Khand- I Gomti Nagar,
Lucknow – 226010
Email – shobhitkrishna830@gmail.com

...Complainant

Versus

1. The Director General
Doordarshan Bhawan,
Copernicus Marg,
New Delhi – 110001
Email – dgdd@doordarshan.gov.in

...Respondent

No. 1

2. The Deputy Director General
Doordarshan Kendra,
24- Ashok Marg,
Lucknow-226001
Phone : 0522-2286878
Mobile: +91 8420212710
E-mail: hooddklucknow@prasarbharati.gov.in;
anupamswaroop@prasarbharati.gov.in

....Respondent

No. 2

Hearing: A hybrid mode of hearing was conducted on 15.04.2024. The following parties/representatives were present during the hearing:



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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. 13754/1021/2023

Dated: 15/04/2024

| Sl No. | Name of the parties/Representatives | For Complainant/ Respondent | Mode of Attendance |
|--------|---|--------------------------------|-----------------------|
| 1. | Shri Basudev Giri, Representative | Complainant | Online |
| 2. | Shri Krishna Murari Srivastava, Dy. Director (Adm) | Respondent No. 2 | Online |
| 3. | Shri Deepesh Katiyar, Adm Officer | Respondent No. 2 | Online |

RECORD OF PROCEEDINGS

1. At the outset, the Chief Commissioner asked the representatives of the Complainant and the respondents to brief about the progress of the case and whether the Complainant met the Respondent as directed by the Court in the last hearing on 04.09.2023. The representative of the Complainant submitted that he was not allowed to meet the Respondent No. 2. The Respondent on the other hand stated that the rep came to their office without proper authority from the Complainant. They were both shown willingness to make fresh attempt at resolving the issue.
2. After hearing both the parties, this Court asked both the parties for a mutually convenient time for the meeting at the earliest. It was decided that the rep of the Complainant would report to the DDG concerned at 11 AM on 16.04.2023 along with all relevant documents to try and resolve the issue. A report in this regard shall be filed by the respondent on or before 25.04.2024. The Complainant may also file a written statement by the same date.
3. This is issued with approval of the Chief Commissioner for Persons with Disabilities.



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भारत सरकार / Government of India

Case No. 13754/1021/2023

Dated: 15/04/2024

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner



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भारत सरकार / Government of India

Case No. 14260/1023/2023

Dated: 10/05/2024

In the matter of —

Dr. Kurmendra
Assistant Professor,
Department of ECE,
Rajiv Gandhi University,
Rono Hills, Doimukh,
Arunachal Pradesh-791112
Mob-8415912663
Email- kurmendra@rgu.ac.in

... Complainant

Versus

The Registrar
Rajiv Gandhi University,
Rono Hills, Doimukh,
Arunachal Pradesh-791112
Email – registrar@rgu.ac.in

... Respondent

Hearing: A hearing was conducted in the hybrid mode on 15.04.2024.

The following parties/representatives were present during the hearing:

| Sl No. | Name of Parties / Representatives | For Complainant/ Respondent | Mode of Attendance |
|--------|-----------------------------------|--------------------------------|-----------------------|
| 1. | Dr. Kurmendra | Complainant | Online |
| 2. | Advocate Tamar Gadi | Respondent | Online |
| 3. | Shri Dakesh Nikam, Registrar | Respondent | Online |



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

भारत सरकार / Government of India

Case No. 14260/1023/2023

Dated: 10/05/2024

RECORD OF PROCEEDINGS

1. At the outset, the Chief Commissioner asked the parties to brief the Court about their respective cases.
2. The Complainant submitted that he is an employee of the Rajiv Gandhi University (RGU) since 22.03.2016. There were some irregularities in the recruitment of Assistant Professor and he along with many other faculty members received an anonymous email dated 12.03.2023 regarding this illegal recruitment in the University. After analyzing the facts and considering himself to be a stakeholder of the University, he just gave a representation on 27/03/2023 to the Appointing Authority to take proper action in the matter. Instead of taking any action in the matter, the Appointing Authority issued a show cause notice to him on 18.04.2023 followed by more than 9 illegal letters to him including multiple show cause notices, thereby causing immense stress and harassment to the complainant. In the said notices, the Complainant was alleged of not following the proper channel as per the CCS (Conduct) Rules and the office procedure. In another show cause notice, he was alleged for using secret/confidential information from the minutes of the Scrutiny Committee and was asked to explain the method through which he was able to access the confidential information from the RGU.



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

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Case No. 14260/1023/2023

Dated: 10/05/2024

3. The Complainant submitted that the CCS (Conduct) Rules are not part of the Ordinance of the RGU. He further submitted that neither the Respondent cited any law, rules or information which were allegedly violated by him in submissions of his representation directly to the Appointing Authority, nor did they inform him as to which secret/confidential documents exactly were used by him in the said representation. The Complainant also submitted that the Appointing Authority forwarded his representation dated 27/03/2023 to the same scrutiny committee having the same members against whose proceedings/recommendations the representation was filed, thus, violating the principle of natural justice.

4. The Chief Commissioner sought from the complainant as to how did he get a copy of the scrutiny committee report, which was confidential. The complainant replied that he did not obtain any secret information or the report of the scrutiny committee. In fact, he has been asking the university to state on affidavit as to which confidential or secret document, he has submitted to them. He has not received any reply till date. He further submitted that the publications of any candidate are available online which anybody can access.



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

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Dated: 10/05/2024

5. On being asked about the same the Respondent submitted that they received only the Complainant's application and not the annexure. The Respondent also raised their preliminary objection on making the external member of the scrutiny committee namely, Dr. Saket Kushwaha as one of the respondents in this case. The respondent requested to modify the list of the respondents. The Chief Commissioner informed the respondent that the notice has been issued only to the Registrar of the University and Dr. Saket Kushwaha is not one of the respondents in the matter. Therefore, the question of modifying the list of respondents does not arise.

6. The Respondent also questioned the maintainability of this case merely on the grounds of the issue of show cause notices by them to the complainant who is one of their employee(s) and asked whether the respondent being the employer cannot even seek an explanation for any irregularity or violation observed to be committed by one of its employee(s) even if he happens to be a person with disability. Actually, the issue of show cause notice is in furtherance of the principle of natural justice.

7. The Chief Commissioner asked the complainant whether he had replied to all the show cause notices to which he answered in affirmative.



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8. The Chief Commissioner asked the respondent whether any other faculty member filed a complaint about the recruitment process, and if yes, whether show cause notices were issued to such other faculty members also. The respondent replied that there has been no complaint from any quarters about the recruitment process. After receiving the complaint from the complaint in this case, the second scrutiny meeting was held which after verifying the facts, found no merit in the complaint. The respondent stated that the second scrutiny committee did not have the same composition.

9. The Complainant raised the issue of NOC and Experience Certificate. The respondent submitted that the university issued 5-6 NOCs to the Complainant. As regards the experience certificate, it was issued once, however, they issued multiple NOCs and the experience certificate is an inherent part of the NOC. The respondent further submitted that as per the government's rules, 04 NOCs can be given in a year. Since they had issued 5-6 NOCs to the complainant, other faculty members also sought similar dispensation citing the principle of equality. The internal ordnance has, therefore, been modified just a week before to the extent that the NOCs can be given up to five times in a year.



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दवियांगजन सशक्तिकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
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10. The Complainant has submitted that he was given the benefit of advance increment from the date of award of Ph.D whereas the others were given the benefit of the same from the date of registration of Ph.D. The Respondent replied that the increments were granted to the complainant from the date of award of Ph.D. Some other faculty members were given the benefit of advance increment from the date of registration due to some confusion in the newly established Department of Mass Communication. In 2021, the UGC's guidelines were sought in this regard from where the clarification was received on 29/11/2021 specifying to grant the increments from the date award of the Ph.D. Now they are paying the benefit of increment from the date of award of Ph.D. but after 2017, the corrective order was issued in this regard. He further submitted that the confusion was The Complainant submitted the record of Dr. Sunil Koijam, Assistant Professor, D/o Mass Communication of the university who was given advance increment from the date of registration of Ph.D., i.e. 20/11/2016.

11. After hearing both the parties the Court desired some further information from both the parties in writing. The queries of the Court from the complainant and the respondent are as under:

Queries from the Complainant:

- (i) In your complaint, you mentioned that you were not given a promotion from level 10 to level 11 whereas the respondent has submitted that you were promoted to level 11 w.e.f. 22/03/2021. What is your explanation?



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- (ii) In your complaint, you mentioned that you were not provided with the financial assistance for not attending International Conferences whereas the respondent has replied that you were given financial assistance to the tune of Rs.50,000/- twice on 24/08/2019 and 22/05/2020. What is your explanation?
- (iii) You mentioned that you were allotted a permanent residential quarter for the last five years whereas the respondent has replied that you were given out of turn allotment of quarter which you actually surrendered. What are the facts regarding this issue?

Queries from the Respondent:

- (i) Specify the documents or information used by the complainant in his representation that was confidential and, therefore, could not have been accessed by the complainant in an authorized manner?
- (ii) Have you started any investigation/inquiry proceeding to find out how such confidential information was leaked from your department? What action has been taken against employee(s) in this regard?
- (iii) What are the rules regarding the grant of additional increment on registration/award of Ph.D?



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- (iv) The details of other cases of grant of advance increment which were referred to the UGC for clarification. What are the dates on which these clarifications were sought and whether any other faculty member got advance increment from the date of registration for Ph.D. thereafter?
- (v) What action has the University taken for recovery of the excess amount paid to faculty members who were granted advance increments from the date of their registration for Ph.D.?
- (vi) The Respondent to confirm in writing that the second committee which reviewed the selection process against which the complainant filed his representation dated 27/03/2023 had different members than the original committee.

12. Both parties are directed to submit replies to the above queries within 15 days along with the certified copies of supporting documents.

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

Yours faithfully,

**(Praveen Prakash Ambashta)
Dy. Chief Commissioner**