



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 अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment  
भारत सरकार / Government of India

Case No. 13574/1141/2022/172238

Dated: 27/05/2024

**Case No: 13574/1141/2022/172238**

**In the matter of —**

Shri Rajesh Gupta  
Treasurer  
New Global Vision Society (Regd.)  
A-1/4, Sector-8, Rohini, Delhi-110085  
Email: visionrohini@gmail.com

**... Complainant**

**Versus**

The Vice Chairman  
Delhi Development Authority  
D-Block, Vikas Sadan, INA  
New Delhi-110023  
Email: vcdda@dda.org.in

**... Respondent**

**Hearing (III):**

The third hearing in the matter was conducted through Video Conferencing on **17.05.2024**. The following parties/representatives were present during the hearing:

S. No.	Name of the parties/ Representatives	Mode of appearing
<b>For Complainant:</b>		
1.	Shri Rakesh Gupta, Complainant	Online
<b>For Respondents:</b>		



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**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 अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment**

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**Case No. 13574/1141/2022/172238**

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1.	Shri Vipin Rathee, Advocate for the Respondent Email: <a href="mailto:vipin.rathee94@gmail.com">vipin.rathee94@gmail.com</a> ; <a href="mailto:Vipin.rathee22@gmail.com">Vipin.rathee22@gmail.com</a>	Online
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**RECORD OF PROCEEDINGS**

During the hearing, the Advocate appearing on behalf of the Respondent submitted that the plot in question has not been allotted to anyone as per the policy.

2. The Complainant submitted that the payment to DDA had been delayed only by two hours, for which the DDA immediately cancelled the allotment of the plot. On the other hand, the DDA did not refund his money until after 9 months, only after filing this complaint before this Court, and that too without any interest. DDA has no refund/return policy. The Complainant submitted that he had sent 20 emails to the DDA and visited several times for the refund of the money. He had taken a loan from the bank and the bank was charging interest on it.

3. After hearing both parties, this Court directed the Respondent to submit their version within 07 days with regard to the following:

(i) The policy for refunding the payment of the EMD or the application money on account of cancellation of the bidding process or of the allotment of the plot including the time frame and whether the DDA is obligated to furnish any reasons for cancellation.



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(ii) The liability to pay interest to the applicant/bidder, If the refund of the 1<sup>st</sup> & 2<sup>nd</sup> stage Earnest Money Deposit could not be made within a reasonable time, which should ordinarily be within 24 hours of the cancellation of the allotment. This becomes more important when the DDA has shown promptness in cancelling the allotment for a delay of a few hours to deposit the second stage earnest money in the instant case in respect of Plot No. 112.

(iii) Details of any departmental action taken against the officials responsible for delayed refund in the cases of cancellation of allotment?

(iv) The details of the cases since the year 2022 in which the DDA cancelled the allotment of the plot on account of 24-hour' delay in payment of the 2<sup>nd</sup> Stage Earnest Money for the allotted plots.

(v) Total number of plots allotted by the Respondent since 2022 and the share of persons with disabilities and organizations espousing the cause of persons with disabilities among the allottees in the same period.

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



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न्यायालय मुख्यायुक्त दवियांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तकिरण वभिग (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. 13574/1141/2022/172238

Dated: 27/05/2024

Yours faithfully,

(Praveen Prakash Ambashta)  
Dy. Chief Commissioner



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**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/13600/1011/2022/167649

Dated: 21/05/2024

**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: shrishambhus@gmail.com

**... Complainant**

**Versus**

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

**... Respondent**

**Hearing (II):**

2<sup>nd</sup> hearing was conducted in the above matter in hybrid mode (online/offline) on **17.05.2024**. The following parties/representatives were present during the hearing:

S. No.	Name of the parties/ Representatives	Mode of appearance
<b>For Complainant:</b>		
1.	Shri Shrishambhu, Complainant	Online
<b>For Respondents:</b>		
1.	Col. Jagdish Singh, STC1	Online



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**न्यायालय मुख्यायुक्त दवियांगजन**

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

**दवियांगजन सशक्तकरण वभिग (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. CCPD/13600/1011/2022/167649**

**Dated: 21/05/2024**

**RECORD OF PROCEEDINGS**

During the hearing, the representative appearing on behalf of the Respondent submitted they follow the reservation of 4% seats for persons with disabilities as stipulated by the Parliament. In so far as the issue of not reserving any of the 27 vacancies for which the impugned advertisement was published as regards no vacancy was reserved for persons with disabilities, the Respondent submitted that on the date of the publication of the advertisement, a total of 9 PwBDs were already working in their establishment out of a quota of 5 posts and as such no post was kept reserved for persons with disabilities.

2. The Court noted that the Respondent is not following the policy of 4% vacancy-based seat reservation for Persons with Benchmark Disabilities in terms of sections 33 and 34 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"] and maintenance of GroupWise vacancy based reservation rosters for the purpose of calculation of vacancies for Persons with Benchmark Disabilities (PwBDs), as per instructions issued by DoPT vide Office Memorandum No.36035/02/2017-Estt (Res) dated 15.01.2018. Accordingly, as seen in the instant case, out of 27 vacancies, at least 01 vacancy must have been reserved for PwBDs irrespective of the number of persons with disabilities employed at the time of advertisement of the vacancies.



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**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/13600/1011/2022/167649**

**Dated: 21/05/2024**

3. The Court apprised the representatives of the Respondent that even before the RPwD Act, 2016 came into effect, there existed a 3% vacancy-based reservation for persons with disabilities in compliance with the PwD Act, 1995.

4. The Court directed the Respondent to furnish within 10 days from the date of receipt of this Record of Proceedings the following information/documents:

(i) Groupwise vacancy-based 100-point reservation rosters maintained since 1996 earmarking the reservation of vacancies as per the instructions of DoPT in vogue.

(ii) An action plan for filling up backlog vacancies, if any by notifying a Special Recruitment Drive for PwBDs within three months.

(iii) A copy of the Equal Opportunity Policy prepared as per Section 21 of the Act read with Rule 8 of the RPwD Rules, 2017 along with an undertaking that the same has been registered with this Court as per Section 21(2) of the Act and that it has been displayed on the website failing which, at conspicuous places in their premises ; and

(iv) Details of compliance of sections 22 and 23 of the Act with regard to maintenance of records and appointment of a Grievance Redressal Officer respectively.

5. The Court also directed that a copy of this Record of Proceedings be also endorsed to the Chief of the Army for taking necessary action for implementation of the Act, rules notified thereunder and the instructions



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**दवियांगजन सशक्तकिरण वभिग (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. CCPD/13600/1011/2022/167649

Dated: 21/05/2024

issued by the Government for empowerment of persons with disabilities.

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

Yours faithfully,

(Praveen Prakash Ambashta)  
Dy. Chief Commissioner





## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE 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

5<sup>th</sup> 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

**Case No: 13650/1022/2023**

**In the matter of—**

Shri Jagdish Prasad,  
Assistant. Audit Officer,  
O/o the Principal Accountant General (Audit),  
'Mahalekhakar Bhawan' Kaulagarh,  
Uttarakhand, Dehradun-248195,  
Email: jaggu.soni09@gmail.com  
Mobile No: 9636527245

**...Complainant**

**Versus**

1. The Comptroller & Auditor General of India,  
Pocket No.9,  
Deen Dayal Upadhyay Marg,  
New Delhi-110124  
Email: acn@cag.gov.in

**...Respondent No.1**

2. Office of the Director General of Audit,  
(Through Director HQ),  
(Finance & Communication),  
Sham Nath Marg, Near Old Secretariat,  
Delhi-110054  
Email: pdafincom@cag.gov.in

**...Respondent No.2**

**Hearing:**

A hearing was conducted on 17.05.2024 in hybrid mode. The following were present during the hearing:

Sl.No.	Name of the parties / Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Jagdish Prasad	Complainant	Online
2.	Advocate Arun Sanwal	For Respondent No.1	Online
3.	Shri A. Bandopadhyay, Senior Audit Officer, Central Office	For Respondent No.2	Online

### **RECORD OF PROCEEDINGS**

1. At the outset, the Chief Commissioner for Persons with Disabilities asked the Complainant whether he needed the Sign Language Interpreter for the hearing. The Complainant replied in negative. The Court asked the Complainant where he is posted now and whether he joined the new place of posting.

2. The Complainant submitted that presently he is posted at Dehradun and has joined the duty. He further submitted that the non-PwD employees were retained in Jaipur and he was repatriated while he was the only employee with disability deputed in Jaipur. The deputation period of other employees was extended many times but his request was not considered.

3. The Chief Commissioner for Persons with Disabilities asked the respondents to clarify their stand on the issue. The Court specifically sought whether it is correct that other non-disabled employees have been retained at the same station for a longer period than the Complainant and also whether there is no vacancy in Jaipur or there is a long list of people wanting to serve in Jaipur.

4. The Counsel for Respondent No. 1 submitted that the Complainant was on deputation in Jaipur. There is no vacancy anywhere in Rajasthan for the post of AAO. The learned counsel raised a preliminary objection that according to various judgments of Courts, the Central Administrative Tribunal has the jurisdiction in service matters and this being a transfer matter is purely a service matter. He also said that no person working on the AAO post has been retained in Jaipur for such a longer tenure.

5. The Court clarified to Respondent that this Court does have jurisdiction over matters pertaining to the denial of any rights of a person with disabilities or cases involving discrimination on the grounds of disability and non-compliance with any provision of the RPwD Act, 2016. The instant case prima facie fits into the above framework.

6. The Court further observed that the main argument of the Complainant is that there are other people with longer tenure who have not been shifted out of Jaipur and only the Complainant has been transferred. If this averment of the Complainant is factually correct then there is a prima facie case of discrimination on the ground of disability.

7. The Court directed the respondents to file an affidavit within two weeks furnishing the following information:-

(a) Details of officials whether PwD or non-PwD, working on the post of AAO or other grades are there who have overstayed their period of deputation in Jaipur.

(b) Details of officials in any grade who are overstaying their tenure as prescribed by the respondents as per their transfer policy

(c) To share the Court's judgments which were referred by the Counsel during the hearing regarding the Central Administrative Tribunal having sole jurisdiction on the service matters.

(d) To clarify their stand on why the Complainant can not be posted to another place near Jaipur but not so far away.

8. The Court also asked the Complainant to share the names of other employees whose deputation or posting has been extended beyond the prescribed tenure within two weeks of the issue of these Record of Proceedings

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

Signed by

Praveen Prakash Ambashta

Date: 24-05-2024 13:21:05

**(P. P. Ambashta)**  
Dy. Chief Commissioner



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**न्यायालय मुख्यायुक्त दवियांगजन**  
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**दवियांगजन सशक्तकरण वभिग (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. 13658/1131/2023/165568

Dated: 24/05/2024

**Case No. 13658/1131/2023**

In the matter of—

Shri Mohan Kumar Saxena,  
Address- House No H-6,  
Sector B1, Tronica City,  
Ghaziabad, U.P Pin-20110  
Email: [gayatri.mksaxena@gmail.com](mailto:gayatri.mksaxena@gmail.com)  
**Complainant**

...

**Versus**

(1) The Branch Manager,  
HDFC Bank,  
B/34, UGF, Near Muthoot Finance,  
Moti Nagar, New Delhi,  
Delhi 110015  
Email: [shuklakiran360@gmail.com](mailto:shuklakiran360@gmail.com);  
[feedback@hdfcbank.net](mailto:feedback@hdfcbank.net)

... Respondent No.1

(2) The Managing Director & CEO,  
HDFC Bank Ltd.,  
1st Floor, C.S. No. 6/242,  
Senapati Bapat Marg,  
Lower Parel,  
Mumbai-400013 (Maharashtra)  
Email: [sashi.jagdishan@hdfcbank.com](mailto:sashi.jagdishan@hdfcbank.com)

... Respondent No.2



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**न्यायालय मुख्यायुक्त दवियांगजन**

**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

**दवियांगजन सशक्तिकरण 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. 13658/1131/2023/165568**

**Dated: 24/05/2024**

**3. Hearing (I):**

A hearing was conducted on **17.05.2024** in hybrid mode (online/offline). The following parties/representatives were present during the hearing:

<b>S. No.</b>	<b>Name of the parties/ Representatives</b>	<b>Mode of appearing</b>
<b>For Complainant:</b>		
1.	Shri Mohan Kumar Saxena, Complainant	Online
<b>For Respondents:</b>		
1.	Advocate Arun Kumar Shukla	Online

**RECORD OF PROCEEDINGS**

2. During the hearing the Complainant submitted that he has been trying for a personal loan for the last one and a half years but the bank is denying the loan on the grounds that he could not provide post-dated signed cheques. He also submitted that in the past the bank had disbursed a home loan as well as a personal loan. He repaid both loans without missing any of the EMIs.

3. No one appeared on behalf of the Respondent at the scheduled time of the hearing. The Court observed with due concern that the Respondent



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**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. 13658/1131/2023/165568**

**Dated: 24/05/2024**

failed to reply to any of the several notices and reminders issued to them and have also not ensured their representation in the hearing despite the notice for the same being delivered to them much in advance. Considering this to be a rare case of non-furnishing of information sought under the RPwD Act, a punishable offence under Section 93 of the Act, the Court was inclined to issue an interim order in the matter, but decided to allow a last opportunity if the Respondent presented themselves in the hearing rescheduled in the afternoon.

4. On resumption of the hearing in the afternoon, Advocate Arun Kumar Shukla appeared on behalf of the Respondents and submitted that the bank has no intention to deny a loan to the Complainant. The bank is simply demanding a blank cheque to enter the account details for confirmation of ECS repayment to prevent any misuse of his loan account in the future. The learned Advocate further submitted that the Complainant is already having a joint account in the bank with a co-applicant namely, Smt. China Manu Saxena. The purpose of having a co-applicant in an account is to prevent any misuse of the account of a blind person.

5. The Complainant strongly refuted the submission and said that the learned advocate is being economical with the facts and is taking shelter of that joint account on which a home loan had been taken 20 years ago which had been fully repaid. The instant matter is for a personal loan for which the Complainant had submitted the details of his personal salary account which has no chequebook facility.

6. On a reference by the Court that according to a Circular dated 04.01.2008 issued by the RBI, a blind person can avail of all types of loan, the learned Advocate apologized for the delay and harassment caused to the Complainant and assured that the loan would be disbursed to the Complainant, but he would have to visit the bank once for necessary formalities.



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**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. 13658/1131/2023/165568**

**Dated: 24/05/2024**

7. This Court directed the Complainant to visit the bank to facilitate the completion of necessary formalities and the Respondent to submit a compliance report within 10 days from the date of receipt of this record of proceedings with regard to the disbursal of the loan.

8. 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. 13756/1141/2023/186041

Dated: 24/05/2024

**Case No:13756/1141/2023**

**In the matter of —**

Shri Deepak  
S/o Shri Kishan Chand,  
R/o B-494, J.J. Camp, Tigri,  
Delhi - 110062  
Email: <kangradeepak251@gmail.com>  
Mobile: 9540170771

**... Complainant**

**Versus**

(1) The Medical Superintendent  
VMMC & Safdarjung Hospital,  
Ministry of Railways  
Ansari Nagar,  
New Delhi – 110029  
E-mail: amssjh29@gmail.com

**... Respondent No.1**

(2) The Commissioner Delhi Police,  
Office of the Commissioner of Police,  
Police Headquarters,  
Jai Singh Road,  
New Delhi – 110001

Email: [cp.sanjayarora@delhipolice.gov.in](mailto:cp.sanjayarora@delhipolice.gov.in)

[Delpol.service@delhipolice.gov.in](mailto:Delpol.service@delhipolice.gov.in)

**... Respondent No.2**





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 अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment**

**भारत सरकार / Government of India**

Case No. 13756/1141/2023/186041

Dated: 24/05/2024

**Hearing:**

A hearing on hybrid mode (online/offline) was conducted on 17.05.2024. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of appearing
<b>For Complainant:</b>		
	None appeared for the Complainant	---
<b>For Respondent No.1:</b>		
1.	Dr. Sunita Yadav, I.O.	Online
2.	Dr. Bindu Bajaj, HoD OBST	Online
<b>For Respondent No.2:</b>		
1.	Shri Suresh Kumar	Online

**RECORD OF PROCEEDINGS**

During the hearing, the representative of Respondent No.2 submitted that since the notice was received first time only two days back, the fact-finding report could not be submitted before this Court. He sought more time.

2. The representatives for Respondent No.1 were showing their appearance online but could not answer the call or the query of the Court during the hearing.

3. After hearing the representative of Respondent No.2, this Court directed the Respondent to submit their fact-finding report within 10 days



सत्यमेव जयते

**न्यायालय मुख्यायुक्त दवियांगजन**  
**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**  
**दवियांगजन सशक्तकिरण वभिग (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. 13756/1141/2023/186041

Dated: 24/05/2024

from the date of receipt of this Record of Proceedings. The Court also directed Respondent No.1 to ensure their attendance and response during the next hearing, whether online or physically.

Yours faithfully,

(Praveen Prakash Ambashta)  
Dy. Chief Commissioner



## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE 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  
5<sup>th</sup> 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

**Case No: 13764/1022/2023**

**In the matter of —**

Shri Suraj Prasad (JE)  
HR No. 60070268  
O/o. JTO (IM) Porbandar  
BSNL Junagarh SSA Gujarat-360575  
Email: surajprasad200491@gmail.com  
Mob-9408253469

**...Complainant**

**Versus**

1. The Director (HR)  
Bharat Sanchar Nigam Limited  
BSNL Bhawan, Janpath,  
New Delhi-110077  
Email: dirhrd@bsnl.co.in

**... Respondent No. 1**

2. The General Manager (HR/Admin)  
O/o CGMT  
Gujarat Telecom Circle  
Telephone Bhawan C.G. Road  
Ahmedabad-380006

**... Respondent No. 2**

**Hearing:**

A hearing was conducted on 17.05.2024 in hybrid mode (Online/Offline).

The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties / Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Suraj Prasad	Complainant	Online
2.	Shri Ramkishan, DGM (Estb.) Ms. M. Shubhkrishnan,	For Respondent No.1	Online

	AGM (Estb-III)		
3.	Shri Vinod Kumar Dubey AGM (Admin)	For Respondent No.2	Online

### **RECORD OF PROCEEDINGS**

1. At the outset, the Chief Commissioner for Persons with Disabilities asked Respondent No. 2 whether the Complainant needs to climb 30-40 stairs to attend his office and that there is no lift in the Office Building.

2. The representative of Respondent No. 2 replied that the Complainant is currently posted to a section on the first floor of the office building and that there is no lift in the building. However, there is a CSC office on the ground floor and the Complainant has maximum work at the CSC office only.

3. The Court expressed its displeasure and concerns that despite a clear statutory provision for making all public buildings accessible and fixing a timeline of 5 years from the date of promulgation of the rules in this regard, the Respondent establishment is still working out of an office which is not accessible. The Court drew the attention of the Respondent to Section 40 of the RPwD Act, 2016, which provides *inter alia* that the Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, etc. Rule 15 of the RPwD Rules, 2017, which were issued in pursuance to the aforesaid Act and came into effect from 15<sup>th</sup> [June 2017](#), have prescribed the liabilities of all establishments whether private or government ones, in respect of the compliance with standards for public buildings as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and Elderly Persons as issued by the Ministry of Urban Development, Government of India in [March 2016](#) which were later reviewed by the ministry and re-issued as the Harmonised Guidelines and Space Standards for Universal Accessibility in India-2021. The Department of Empowerment of Persons with Disabilities, the nodal department in respect of the RPwD Act and the issues pertaining to the persons with disabilities have, on 05<sup>th</sup> [June 2023](#), also notified the later version of the Guidelines as an amendment under Rule 15 of the RPwD Rules, 2017.

4. Respondent No. 2 has agreed to shift the Complainant to an office on the ground floor within 1-2 days.

5. The Court sought from Respondent No. 1 the total number of employees, who were allowed transfer to Patna (Bihar) Circle on their own request in the last three years. Respondent No. 1 submitted that due to the large number of VRS and restructuring of establishment, vacancy positions are imbalanced and they are unable to provide request transfers to Bihar Circle as the Circle is already surplus. The total sanctioned strength of Bihar Circle in the JE grade is 102 and there are already 250 employees working in the JE grade. As such, no vacancy is available at the Patna Circle. As regards the data of the last 3 years, the representative of the Respondent informed that the same was not available with them, but will be made available to the Court later on. The Bihar Circle has been surplus for 2 years and an order has been issued that no request transfer will be given to Bihar Circle. Recently, one case of inter-circle transfer to Patna in violation of the said order came to their knowledge. An explanation is being sought from the concerned CGM as it was done without intimating the headquarters.

6. The Respondent further submitted that the recruitment of JE is decentralized. The parent Circle of the Complainant is Gujarat as he applied from there and was recruited there. His case is a request transfer, which is regulated as per the policy and the availability of vacancies.

7. The Court asked the Complainant to show how is he aggrieved by not getting a posting at the Bihar Circle, if he applied in the Gujarat Circle and got a posting there as per the policy. In response, the Complainant admitted that he applied in Gujarat Circle because there was no vacancy for PH in Patna Circle while there were 8 vacancies for PH in Gujarat Circle. It was mentioned that after completion of 5 years of service, an employee can go out of the circle. On 11.09.2023, one employee was transferred to Bihar Circle. And before that three employees got transferred to Bihar Circle. He applied for the transfer as per the provisions of the RPwD Act. He also submitted that his father had a heart attack recently and he wants to be near to help him. Currently, the traveling time to his hometown is 3 days.

8. The Complainant submitted that despite the shortage of strength in the Gujarat Circle, nearly 20 percent of employees were transferred out from Gujarat Circle. Recently, 10 to 15 employees got transferred to Bihar Circle from Assam Circle.

9. The Court asked Respondent No. 1 how NOCs have been issued for

transfer out of Gujarat Circle when there is a shortage in the Gujarat Circle. The Court also directed to conduct an inquiry to find out how transfers are being done without the knowledge of the Headquarters.

10. The Court directed Patna Circle (through Respondent No. 1) that by next week, they shall provide the data of the last 5 years showing the number of employees who got transferred to their Circle, their position on the waiting list, and if anyone got an out of turn transfer, the justification thereof.

11. The Court directed Respondent No. 2 to share a copy of the order shifting the Complainant to an office on the ground floor within 2 days and take steps to install a lift system in the office building. The Court further asked the Complainant to share a list of employees who got transferred from Gujarat & Assam Circle to Bihar Circle within 10 days from the date of issue of this Record of Proceedings.

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

**Signed by Praveen Prakash  
Ambashta**

**Date: 25-05-2024 23:07:30**

**(P. P. Ambashta)**  
Dy. Chief Commissioner



## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE 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

5<sup>th</sup> 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

**Case No: 13765/1022/2023**

**In the matter of—**

Shri Nagender Nath Pathak  
Village- Barmadia,  
Block-Chakia,  
East Champaran,  
Bihar- 845412  
Email: nagenderpathak@gmail.com  
Mob- 9042457785

**...Complainant**

**Versus**

1. The Chief Commissioner,  
Central GST & Central Excise,  
Ranchi Zone,  
Central Revenue Building (Annexe),  
Birchand Patel Path,  
Patna-800001

**...Respondent No. 1**

2. The Chief Commissioner,  
Central GST & Central Excise,  
Tamil Nadu and Puducherry Zone,  
GST Bhawan, No.26/1, Mahatma Gandhi Road,  
Nungambakkam, Chennai,  
Tamil Nadu -600034

**...Respondent No.2**

**Hearing:**

A hearing was conducted on 17.05.2024 in hybrid mode (online/offline). The following parties/representatives were present during the hearing:

SI.No.	Name of the parties / Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Nagender Nath Pathak	Complainant	Online
2.	Shri Sujit Kumar Sadhu Assistant Commissioner	For Respondent No.1	Online
3.	Shri R. Gopalakrishnan, Assistant Commissioner	For Respondent No.2	Online

### **RECORD OF PROCEEDINGS**

1. At the outset, the Chief Commissioner for Persons with Disabilities asked Respondent No. 2 why the requisite NOC had not been issued by the Tamil Nadu Zone (Respondent No. 2) when the Ranchi Zone (Respondent No.1) had agreed to allow the Complainant on a loan basis.

2. Respondent No. 2 replied that the instant case relates to the retention of the Complainant on a loan basis at Ranchi in the Grade of Inspector. Thereafter, he has been promoted to the grade of Superintendent, which is filled 100% by promotion. The Complainant accepted the promotion and joined the Chennai Zone. He has been posted to Chennai Outer Commissionerate and is still serving there. In his present grade, he has not made any representation for transfer on a loan basis. On his promotion to the grade of Superintendent, his earlier application for retention at Ranchi in the grade of Inspector has become infructuous.

3. The Chief Commissioner for Persons with Disabilities asked the Complainant to explain his position. The Complainant submitted that after his promotion also he had applied for transfer to Ranchi Zone on 05.04.2024. The Complainant submitted that he was on loan basis transfer to Ranchi Zone for 3 years, but 2 months before completion of his tenure, he got promoted to the grade of Superintendent. After accepting the promotion, he joined the Chennai Zone. Before the promotion, he had applied for an extension of loan basis tenure, but his representation was rejected. There is a circular from the Department for clarification in this regard wherein it was mentioned that promotion was allowed during the loan basis period and after promotion the loan basis tenure can be extended by permission from the Board. Loan basis transfer is allowed in any grade. The Department had extended the loan basis tenure of some employees even after promotion to the grade of the Superintendent and such employees were



retained there. He has a copy of order no. 12 of 2023 dated 14.02.2023 for reference whereby employees were promoted to Superintendent Cadre and their loan basis extension was granted.

4. The Chief Commissioner for Persons with Disabilities asked Respondent No. 2 for their stand on the policy mentioned by the Respondent and why the Complainant was not treated equally with other employees who were retained even after their promotion.

5. Respondent No. 2 submitted that the Complainant has been promoted to the Superintendent Cadre which is a Group 'B' gazetted post and inter-state, inter-zone, or inter-commissionerate transfer is not permitted as per the provisions of the recruitment rules. He further submitted that they are very sympathetic and sensitized about the employees with disabilities. Their Board has issued EOP under Sec. 20 of the RPwD Act, 2016, and other local instructions for the welfare of employees with disabilities are also being strictly adhered to. There may be some cases of retention of employees after joining in the grade of Superintendent. However, the Complainant has not made any representation for transfer on a loan basis which can be taken up for consideration. He gave an application before promotion on 05.04.2023 and he joined Chennai Zone on 21.04.2023 after promotion.

6. After hearing both the parties, the Court directed the Complainant to submit a fresh representation to Respondent No. 2 referring to the proceedings before this Court. Respondent No. 2 shall, after receiving the fresh representation from the Complainant, send the proposal to the higher authorities within 1 week with his own recommendations. After 3 weeks, a detailed list of such transfers/retention after promotion shall be furnished to this Court along with the comments of Respondent No. 2 as to why the Complainant was made to go through this Court's process. Respondent No. 1 shall also confirm their stand on the matter within 3 weeks.

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

**Signed by**  
**Praveen Prakash Ambashta**  
**Date: 31-05-2024 10:57:00**

**(P. P. Ambashta)**  
Dy. Chief Commissioner



सत्यमेव जयते

**न्यायालय मुख्यायुक्त दवियांगजन**  
**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**  
दवियांगजन सशक्तिकरण 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. 14574/1022/2023

Dated: 31/05/2024

**In the matter of—**

Shri Sandeep. S  
H302, Smondo 3. 0,  
Neotown, Electronic City Phase- 1,  
Bengaluru-560100  
Email: sandeeps2009@gmail.com  
ssandeep@cdac.in

**...Complainant**

**Versus**

1. The Executive Director,  
Centre for Development of Advance Computing (C-DAC),  
Knowledge Park, Opp. HAL Aeroengine Division,  
Old Madras Road, Byappanhalli,  
Bengaluru-560038  
Email: [sds@cdac.in](mailto:sds@cdac.in)  
edblr@cdac.in

**...Respondent No. 1**

2. The Secretary  
Ministry of Electronics and Information Technology  
Electronics Niketan,  
6, Lodhi Road, CGO Complex,  
Pragati Vihar,  
New Delhi-110003  
Email: [secretary@meity.gov.in](mailto:secretary@meity.gov.in)

**...Respondent No. 2**

**Hearing:**

A hearing was conducted on 30.05.2024 in hybrid mode (Online/Offline) .  
The following parties/representatives were present during the hearing:



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. 14574/1022/2023**

**Dated: 31/05/2024**

Sl.No.	Name of the parties / Representatives	For Complainant/ Responde
1.	Shri Sandeep. S	Complainant
2.	Advocate Aparna Mehrotra	For Complainant
3.	Shri Vilas Kumar, Manager (HR)	Respondent
4.	Advocate Arjun Santhosh	For Respondent

**RECORD OF PROCEEDINGS**

1. At the outset, the Chief Commissioner for Persons with Disabilities expressed his dismay at the averments of the Respondent in their written reply on the following points:

(a) Addressing the Complainant as “incapable” in front of many officials during a meeting of MANAS-2 Project was attempted to be normalized by saying that it was not a personal affront but a statement of a technical nature. The CCPD mentioned that under Section 92 (a) of the RPwD Act, 2016 (In short “the Act”), an act of such insults or intimidation with an intent to humiliate a person with disability in any place within public view is liable for a punishment of imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

(b) The Respondent took an exception for the Complainant's conduct of arriving for a meeting with the Executive Director (HR) without prior appointment.

(c) Special Casual Leave, even for the purpose of treatment was denied to the Complainant on the grounds that for such scheduled treatment, the application for SCL itself should have been submitted after prior approval.



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 अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment**

**भारत सरकार / Government of India**

**Case No. 14574/1022/2023**

**Dated: 31/05/2024**

2. The Court also took cognizance of the submission of the Complainant in his rejoinder that the iHRMS of the Respondent establishment did not have the facility to apply for the Special Casual Leave. Upon contacting, the senior officers of the establishment informed him that incorporation of such features in the software would take about 2-3 months, whereafter he may apply for the SCL.

3. Considering the above facts, the CCPD felt that prima facie it was a case of targeted harassment and humiliation of a person with disability. The Court felt that more than the issue of law and procedure, the case appeared to be of an attitudinal barrier.

4. The Chief Commissioner expressed his desire for a response from the ED (HR), against whom the allegation of misbehavior and harassment was leveled by the Complainant. However, the learned advocate appearing for the Respondent informed the Court that the official was busy elsewhere in some official work. The Ld. Counsel for the Respondent and a representative of the Respondent, Shri Vilas Kumar, Manager (HR) submitted that the leave was never denied. If it is a planned, informed, and approved leave then there is no denial.

5. The Ld. Counsel for the Complainant submitted that this is a case of punitive arbitral transfer of the Complainant who has been working in the Respondent Establishment since 2017 and after 2022 onwards, there are incidents of harassment. There are written submissions and communications to put on records. In August, 2023, a transfer order was issued to the Complainant mentioning that he had to work on a specific project in another branch of the Respondent which is about 30 kilometers away from his current residence. The Complainant is residing with his mother who is the only caregiver to him. The Respondent explained that the transfer was made so that the Complainant could work under the direct supervision of the Executive Director, but there has been no evidence of the direct supervision of the



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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**

**भारत सरकार / Government of India**

**Case No. 14574/1022/2023**

**Dated: 31/05/2024**

Executive Director. How is it that the person, who was actually supervising the Complainant was unaware of his skillset? The Complainant was made to work on the design and user interface. The Complainant informed that he was not able to work on that project and then only he was asked about his skillset. The Complainant informed that the environment of the office was extremely hostile.

6. Further, the Ld. Counsel for the Complainant submitted that being a central government PSU, an Equal Opportunity Policy (In short "the EOP") has to be published in compliance with Sec. 21 of the Act read with Rule 8 of the RPwD Rules, 2017 (In short "the Rules"). Their website does not have the EOP of the establishment posted on it, nor has the EOP been displayed at conspicuous places in the office premises as required under the law. Further, as per Section 20 (5) of the Act, the Respondent is required to have a transfer policy containing reasonable accommodation for persons with disabilities. No such transfer policy exists in the establishment. Furthermore, no Grievance Redressal Officer (In short "the GRO") has been appointed by the Respondent in compliance with Section 23 of the Act. She further stated that the Complainant was even targeted for allegedly sharing the official email to an NGO working for the welfare of PwDs. The said email id is in the public domain. The Complainant informed that the office environment is quite hostile and protection in some way needs to be provided to him.



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 अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment**

**भारत सरकार / Government of India**

**Case No. 14574/1022/2023**

**Dated: 31/05/2024**

7. After hearing both parties, this Court observed it would be an unfortunate situation if, after the passage of 8 years since the enactment of the Act, the respondent establishment is not yet able to publish its EOP and nominate a GRO. The Court directed that **the matter be listed for a physical hearing at the 5th floor, Pt. Deendayal Antyodaya Bhawan, CGO Complex, New Delhi - 110003 on 03rd June at 1500 hrs.** The Court also directed to implead the administrative ministry for the Respondent establishment, the Ministry of Electronics and Information Technology through its Secretary as Respondent No. 2 in the case. The Court directed that copies of the record of the case be shared with the ministry, which shall nominate an officer not below the level of a Group A, to be present in the physical hearing as aforesaid to represent the ministry. The Court in the exercise of its powers under Section 77 of the RPwD Act, 2016 sought the presence of the ED (HR) in person for a hearing as per the above schedule. Respondent No. 1 shall also submit copies of the following on or before the date of the next hearing as aforesaid:

- (a) Their EOP incorporating therein all the facilities, amenities, and provisions as mentioned in Rule 8 of the Rules including but not limited to the assistive devices, special casual leave, and identification of suitable jobs,
- (b) Letter of registration of the EOP as mandated under Section 21 (2) of the Act,
- (c) Transfer Policy as per Section 20 (5) of the Act,
- (d) Registers and Records as mandated under Section 22 read with Rules 9 and 10 of the Rules, and



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**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**  
**दवियांगजन सशक्तकिरण वभिग (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. 14574/1022/2023

Dated: 31/05/2024

(e) Order nominating the GRO of the establishment in accordance with Section 23 of the Act,

8. Respondent No. 1 shall also share the Access Audit Report of their office premises from a competent access auditor recognized by the Department of Empowerment of Persons with Disabilities or by the State Government or by any other government agency by 31st July 2024.

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

Yours faithfully,

(Praveen Prakash Ambashta)  
Dy. Chief Commissioner



## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

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5<sup>th</sup> 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

**Case No. 14689/1023/2023**

**In the matter of —**

Mrs. Prema Bisht,  
C/o Jagat Singh Bisht,  
Village & PO Mala, Okhalkanda,  
Tehsil Dhari, Nainital,  
Uttarakhand - 263157  
Mobile No – 7982803697, 9312266434  
Email - premabisht1234@gmail.com

**...Complainant**

**Versus**

The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18 Institutional Area, Shaheed Jeet Singh Marg,  
New Delhi - 110016  
Email: commissioner-kvs@gov.in

**...Respondent No. 1**

The Secretary,  
Ministry of Health & Family Welfare  
Nirman Bhavan, New Delhi-110011  
Email – secyhwf@nic.in

**...Respondent No. 2**

The Secretary,  
Ministry of Personnel, P G & Pensions  
Department of Personnel & Training  
North Block, New Delhi- 110001  
Phone: 011-23092338  
Email: secy\_mop@nic.in

**...Respondent No. 3**

The Joint Secretary (Policy)  
Department of Empowerment of Persons with Disabilities (Divyangjan),  
Ministry of Social Justice and Empowerment,  
5<sup>th</sup> Floor, Room No. 524, B-III Wing,



Pt. Deen Dayal Antodaya Bhawan,  
CGO Complex, Lodhi Road, New Delhi- 110003  
Email: secretaryda-msje@nic.in

...Respondent No. 4

### Hearing:

A hearing was conducted on 17.05.2024 in hybrid mode (Online/Offline). The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/ Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Ms. Prema Bisht	Complainant	Online(from CCPD office)
2.	Shri Deepak Dabral, Assistant Commissioner, KVS	For Respondent	Online

## 2. Record of Proceedings:

2.1 At the outset, the Chief Commissioner for Persons with Disabilities observed that the Respondent has not allowed the Complainant to join her service since her disability certificate shows the nature of disability as a temporary Disability. The RPwD Act, 2016 doesn't make any mention of a temporary disability certificate. There can be a case where the disability is not reversible and is only likely to be aggravated with the passage of time but the medical authority has issued a temporary certificate to ensure that there is a review of the disability after a reasonable time. Should such individuals be deprived of reservation in promotion and other benefits meant for persons with disabilities? The Court also observed that the DoPT has, at para 4.3 in their OM No. 36012/1/2020-Estt. (Res.II) dated 17.05.2022, mentioned that no benefit of reservation shall be given on the basis of a temporary certificate of disability. However, this OM pertains to the reservation in promotion and not to direct recruitment, which is the case at hand.

2.2 The Court asked the Respondent whether the Complainant will be allowed to join her service if she obtains and produces a Permanent Disability Certificate. In response to it, the Respondent replied positively. The Court directed the Respondent not to cancel the candidature of the Complainant till the next date of hearing which will be scheduled shortly.

2.3 Considering that the issues involved in this case have wider ramifications where a clear policy is the remedy for this and several other similar cases that may be pending before courts or may arise in the future, the Chief Commissioner in exercise of his mandate under Section 75 (1) (a) directed to implead the DEPwD, the Ministry of Health and Family Welfare and the Department of Personnel and Training as respondents in this case and forward to them. a copy of this Record of Proceedings along with a copy of the complaint, reply received from the Respondent, and the rejoinder if any, filed by the complainant. The newly added respondents are allowed 04 weeks from the date of receipt of this Record of Proceedings to submit their comments.

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

Signed by

Praveen Prakash Ambashta

Date: 24-05-2024 14:49:02

**(P. P. Ambashta)**

Dy. Chief Commissioner  
for Persons with Disabilities



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)**  
**सामाजकि न्याय और अधकिरति मंत्रालय / Ministry of Social Justice and Empowerment**  
**भारत सरकार / Government of India**

Case No. CCPD/15015/1101/24

Dated: 31/05/2024

**Case No. 15015/1101/2024**

**In the matter of —**

Prof. Avichal Bhatnagar,  
R-123, Railway Enclave,  
Pratap Vihar, Sector - 12,  
Ghaziabad - 201009 (UP)  
Email: [coolavichal@gmail.com](mailto:coolavichal@gmail.com)  
Contact: 9899025113

**... Complainant**

**Versus**

The Director/Chief Executive Officer,  
Pralek Prakashan Pvt. Ltd.,  
J/50, Flat No.702, Global City,  
Virar (West),  
Thane – 401303 (Maharashtra)  
Email: [pralekprakashan@gmail.com](mailto:pralekprakashan@gmail.com)  
Contact No.: 7021263557

**... Respondent**

**Hearing (I):**



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/15015/1101/24

Dated: 31/05/2024

A hearing was conducted on **30.05.2024** on hybrid mode (online/offline). The following parties/representatives were present during the hearing:

S. No.	Name of the parties/ Representatives	Mode of appearing
<b>For Complainant:</b>		
1.	Prof. Avichal Bhatnagar, Complainant	Online
2.	Shri Rahul Bajaj, Advocate for the Complainant	Online
<b>For Respondent:</b>		
1.	Shri Jitendra Patro, Director Pralek Prakashan Pvt. Ltd.	Online
2.	Ms. Meena Mahajan, Advocate for the Respondent	Online

**RECORD OF PROCEEDINGS**

During the hearing, the Advocate for the Complainant submitted that the Respondent is not providing the soft copy of the book called 'Abode of Agony' published by the Respondent to the Complainant who is a 100% Visual Impairment and working as an Assistant Professor at Sri Guru Nanak Dev Khalsa College, University of Delhi and a doctoral student at Delhi Technological University. The book is written by *Dilip Kaul* and is a translated version of the book 'Dardpur' authored by *Shama Kaul* which is needed by the Complainant for his research work and thesis writing. The Complainant has taken an extension for submitting his thesis and, hence, he had very limited time to go through the book and use its content for formulating his research work. The learned counsel also requested for treating this not as an



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**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 अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment**

**भारत सरकार / Government of India**

**Case No. CCPD/15015/1101/24**

**Dated: 31/05/2024**

individual case but as a general case affecting several persons with visual impairment and issuing directions to the authorities to create an infrastructure for easy availability of accessible books.

2. The Representative of the Respondent submitted that the Company/Publisher, against whom the Complainant has filed this Complaint, had never published the book and the Respondent Company has been struck off in the year 2022. Therefore, this is a case of misjoinder, and as such the matter is liable to be dismissed on this ground alone. However, the Respondent further submitted that the soft copy of the book is already available on 'Kindle' which can be availed by anyone.

3. This Court noted with due concern that the Respondent did not file any reply in the matter despite the notice dated 03rd January 2024 and reminder dated 09th February 2024. The Court also noted the need for books that are accessible to academics as well as to ordinary book lovers. However, the Court was not inclined to issue any direction to the Respondent to provide a soft copy to the Complainant as there are commercial interests involved in the matter. The Court was satisfied that in the instant case, the book was made available in accessible form. The Court directed the Respondent to share the link with the Complainant and with this Court within 3 days. In so far as the wider issue of creating an infrastructure for accessible books and other publications raised by the learned advocate, the Court appreciated the need for it and assured the Complainant to address the issue in its final order disposing of this case.

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



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/15015/1101/24

Dated: 31/05/2024

Yours faithfully,

(Praveen Prakash Ambashta)  
Dy. Chief Commissioner