



## 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](mailto:ccpd@nic.in); Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)

**Case No: 13808/1023/2022**

**In the matter of—**

Dr. Ranjit Singh Gujjar,  
 Senior Scientist (Biotechnology, Agricultural Sciences),  
 Division of Crop Improvement,  
 ICAR-Indian Institute of Sugarcane Research (IISR),  
 Raibareli Road, P.O. Dilkusha, Lucknow  
 Uttar Pradesh – 226002  
 Mob: 93898 38780  
 Email: [ranjit.gujjar@icar.gov.in](mailto:ranjit.gujjar@icar.gov.in)

**...Complainant**

**Versus**

The Principle Scientist and Head (Officiating),  
 Division of Crop Improvement,  
 ICAR-Indian Institute of Sugarcane Research (IISR),  
 Raibareli Road, P.O. Dilkusha, Lucknow  
 Uttar Pradesh – 226002  
 Mob: 94550 38993  
 Email: [director.sugarcane@icar.gov.in](mailto:director.sugarcane@icar.gov.in)  
[prashant.srivastav@icar.gov.in](mailto:prashant.srivastav@icar.gov.in)

**... Respondent**

**Hearing (III):**

A 3<sup>rd</sup> hearing was conducted on **20.09.2024** online through video conferencing. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of appearance
<b>From Complainant:</b>		
1.	Dr. Ranjit Singh Gujjar, Complainant in person	Online
<b>From Respondent:</b>		
1.	Shri Manish Kumar,	Online

	Administrative Officer,	
2.	Dr. J. Singh (Retd. in Sep 2023)	Online
3.	Shri Dinesh Singh, AAO	Online
4.	Shri Abhishek Srivastava Chief Administrative Officer	Online (after adjournment)

### **RECORD OF PROCEEDINGS**

At the outset, the Court asked the respondent about the status of the case and why they had not submitted any response to the Record of Proceedings (RoP) dated 08.08.2024 within the stipulated time. Shri Manish Kumar, Administrative Officer from the Respondent said that they had challenged the said RoP in the High Court and waiting for the direction of the Hon'ble High Court. To which the representative of the Respondent was asked whether any stay was granted by the Hon'ble High Court. The representative confirmed that no stay was granted.

2. At this stage, the Court asked the representative as to why the Director of the Respondent Institute was not present in the hearing as desired by this Court during the last hearing. Shri Manish Kumar, Administrative Officer submitted that the Director was not in the country and he was appearing on behalf of the Director. The Court sought to know who was the next officer below the Director to which the representative replied that the Chief Administrative Officer is the next level officer to the Director.

3. The Court adjourned the hearing for a short time and the matter was again taken up at 01.00 p.m. in which Shri Abhishek Srivastava, Chief Administrative Officer [CAO] appeared and informed the Court that the Director had returned from his foreign tour but is busy attending to his pending work and, therefore, he was appearing in the matter, instead.

4. The Court asked the CAO as to why the show-cause notice was issued to the Complainant on the ground that he approached this Court for resolution of his grievance, which the statutory right of a divyang person provided u/s 75 (1) (b) of the Rights of Persons with Disabilities Act, 2016 [in short "the Act"] read with Rule 38 (1) of the Rights of Persons with Disabilities Rules, 2017 [[in short "the Rules"]].

5. The Court observed that the Respondent by not furnishing a reply to the RoP dated 08.08.2024 without seeking any extension of time and/or obtaining a stay order from the High Court, has committed a punishable offence in terms of Section 93 of the Act. The Court underscored that the original issue raised by the Complainant was the non-allocation of a "student trainee" to him which was affecting his research activities while the other scientists whether or not they had lab facilities were allocated such student trainees. Once the matter was taken up by this Court, the increasing hostility between the two parties became quite apparent. The Complainant was denied experience certificates. Even when the same was issued, the language used in the certificate gave away the intent to scuttle his chances of selection elsewhere. He was issued a show-cause notice merely on the ground that he had approached this Court without following the proper channel.

6 . The Court felt that the head of the establishment had not been properly briefed

about the instant case and the legal framework. For example, Section 23 of the Act read with Rule 10 of the Rules mandates every government establishment to appoint a Grievance Redressal Officer who is required to maintain a Complaint Register and shall enquire into any complaint received by him within 2 weeks. In the present case despite clearly indicating the legal position vide Notice dated 03.03.2023, there appears to be no action on behalf of the Respondent in this regard. Rather, it became evident that the relation between the Complainant, an employee of the institute, got worsened with the Respondent after the institution of the case before the CCPD. The idea behind advising the Director to remain present in the hearing was not to proceed with the case in an adversarial way but to sensitize the head of the institute about the needs of persons with disabilities and the legal framework of the Act, and rules and instructions issued in pursuance thereof.

7. The Court expressed its dissatisfaction and anguish over the fact that the representatives of the Respondent were trying to mislead this Court on the reasons for the non-appearance of the Director before the Court during the hearing. As confirmed by the CAO, the Director was present in the office at the time of the hearing but despite allowing a short adjournment, he could not join the virtual hearing. The Court also expressed its concerns for the non-furnishing of any reply to the RoP by the Respondents, to the extent that they did not deem it necessary to inform this court about the Writ Petition filed by them before the High Court. The above acts of commissions and commissions on the part of the Respondent are clear violations of the RPwD Act, 2016.

8. The Court, therefore, decided to give another opportunity to the Director of the Respondent Institute along with the CAO **on 09.10.2024 at 10.30 a.m. for a Hearing in Hybrid mode**. The web link, PIN, and other details of the hearing will be sent one day before the scheduled hearing. The Complainant is also advised to remain present during the hearing either in person or through an advocate/authorised representative. The parties may take notice that in default of their appearance on the date & time of the hearing, the complaint may be heard and decided on the basis of the documents available on record and/or as per Rule 38 of the Rights of Persons with Disabilities Rules, 2017.

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

**Digitally signed by  
Praveen Prakash Ambashta  
Date: 03-10-2024 12:41:43**

**(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: 13952/1022/2023**

**In the matter of —**

Sh. Binod Kumar  
RZ-490/318, Gali No. 7,  
Geetanjali Park,  
West Sagarpur,  
New Delhi - 110046  
Email: binodkumar1074@gmail.com ... **Complainant**

**Versus**

- (1) The Pr. Chief Commissioner of Income-tax,  
Gujarat (CCA), Ahmedabad,  
Room No. 205, 2nd Floor  
Aayakar Bhawan, Ashram Road,  
Ahmedabad-380009  
Email: ahmedabad.dcit.hq.pers@incometax.gov.in ... **Respondent No.1**
- (2) The Director,  
O/o The Directorate of Income-tax,  
Central Board of Direct Taxes, (HRD)  
Jawahar Lal Nehru Stadium, 2nd Floor,  
Lodhi Road, New Delhi-110003.  
Ph. No.011-25130578 ... **Respondent No. 2**

### **RECORD OF PROCEEDINGS**

An online hearing was conducted in this matter on 20.09.2024 wherein the following persons appeared before the Court:

- (i) Shri Binod Kumar, Complainant along with Shri Madhurendra Jha, Advocate

(ii) Shri Arihant Singhi, DCIT, HQ for Respondent No. 1

(iii) Shri Radhey Shyam Jaiswal, JCIT, HRD for Respondent No. 2

2. During the hearing, the CCPD asked the Complainant to state his grievance briefly. The learned counsel appearing on behalf of the Complainant submitted that on his selection to the post of MTS, he was given his sixth choice for posting though candidates who were low in the merit ranking got the posting at Delhi, which was his first choice. The Court asked the respondents to clarify their stand on the issue.

3. Respondent No. 1 submitted that the Complainant was selected through SSC and allotment was made by the SSC. Their Department had no role in the allocation of regions. He further submitted that the Complainant's application dated 28.11.2019 was received on 28.12.2019. In March 2020 the Country faced the Covid 19 pandemic. Thereafter, the Committee couldn't sit for the next 3-4 months. The process was initiated and a list was sent to the Complainant on 29.07.2020. On 22.12.2020 they received a circular from CBDT to the effect that the Inter Commissionerate Transfer Policy was quashed. Respondent no. 2 submitted that this is as per D/oP&T's Rules/guidelines and they follow the guidelines.

4. The Court asked the respondents about the action taken by them to inform the SSC about the grievance of the Complainant. The Court also wanted to know whether the respondent has any policy to consider the request for the choice of posting subsequently at the time of promotion of the employee with disabilities. Respondent No. 2 submitted that after the allocation of the region, postings of the employees could be done only within the region even on promotion. As per the new policy revised on 22.12.2020, ICT is to be done only on a loan basis in extremely compassionate cases. If the CBDT considers it appropriate, an extension can be granted for a further period of 02 years.

5. After hearing all the parties, the CCPD asked the Respondents to furnish the following information on an affidavit within one week:

(i) A clarification of whether the application of the Complainant was forwarded to the Headquarters with or without recommendations;

(ii) Whether the Complainant was informed that the Inter Commissionerate Transfer can be done on a loan basis for 03 years which can be further extended for 02 years;

(iii) To provide the data showing the total no. of persons in his MTS batch with their merit ranking and posting details along with the details of subsequent transfers, if any.

(iv) To provide the last 03 years' data of ICT and transfer on deputation in respect of MTS and Tax Assistant showing category wise (Gen, OBC, SC/ST, PwD,

Ex-Serviceman);

(v) To provide copies of the notesheets in the instant matter; and

(vi) To share an action plan showing the tentative time to be taken in deciding the matter.

**Digitally signed by  
Praveen Prakash Ambashta  
Date: 07-10-2024 15:52:06**

**(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. 13980/1040/2023**

**In the matter of —**

Shri Ajay Kumar Singh  
 Q No. 7 A, Cross Road No. 5,  
 Zone No. 9, Infront of Kalimandir  
 Birsanagar, Jamshedpur-831 019  
 Mobile no-9431183125, 7091091021  
 Email – ajaykumarsingh.pnb@gmail.com ... **Complainant**

**Versus**

The Chairman and Managing Director  
 Punjab National Bank  
 Head Office, Plot No 4, Sector 10, Dwarka  
 New Delhi – 110075  
 Email – md@pnb.co.in;  
 reservationcell@pnb.co.in ... **Respondent**

**Hearing (I):**

A hearing was conducted on 20.09.2024 (Online through video conferencing).  
 The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
<b>From Complainant:</b>		
1.	Mr Ajay Kumar Singh, Complainant	Online
2.	Advocate Rishabh Sharma for the Complainant	Online
3.	Advocate Mayank Bhargava for the Complainant	Online

<b>From Respondent:</b>		
1.	Mr Mukesh Kumar Sinha, DGM General Manager (HRD) Punjab National Bank	Online

### **RECORD OF PROCEEDINGS**

At the very outset the Court asked the respondent to confirm whether the statement of the Complainant that two persons had carried the Complainant on their shoulders to take him to the first floor of the Examination Centre, where the Complainant had to appear in the promotional examination on 15.01.2023 was factually correct. The representative of the respondent affirmed and said that it was true.

2. The Court observed that it was an inhuman and degrading treatment of a person with disabilities. The Court then directed the Respondent to furnish the action taken report in the matter. The Court also directed that the IBPS be made a party to the case and they be also asked to furnish an action taken report within 15 days from the date of issue of this Record of Proceedings detailing measures adopted by them to ensure that no such incident happens in the future examinations and the examination centres are fully accessible for persons with any kind of disabilities.

3. This is issued with the approval of the Chief Commissioner.

**Digitally signed by  
Praveen Prakash Ambashta  
Date: 01-10-2024 17:24:42**

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

Copy to:

The Chairman,  
Institute of Banking Personnel Selection,  
90, IBPS House, 90 Feet DP Road,  
Near Thakur Polytechnic, Western Express Highway,  
Kandiwali (East), Mumbai-400001  
Email: dgmlegal@ibps.in





## 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)  
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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](mailto:ccpd@nic.in); Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)

**Case No. 14722/1011/2023**

**In the matter of —**

Shri Narayan Kumar,  
 S/o Shri Vivek Anand Singh,  
 Sirsi, Sirsikalan,  
 Patna – 803306 (Bihar)  
 Email: [narayankumar536@gmail.com](mailto:narayankumar536@gmail.com) ... **Complainant**

**Versus**

- (1) The Secretary,  
 Railway Board,  
 Ministry of Railways,  
 Room No. 256-A,  
 Rail Bhawan, Raisina Road,  
 New Delhi – 110001  
 Email: [secyrb@rb.railnet.gov.in](mailto:secyrb@rb.railnet.gov.in) ... **Respondent No.1**
- (2) The General Manager,  
 East Central Railway,  
 Hajipur, Vaishali – 844101 (Bihar)  
 Email: [gm@ecr.railnet.gov.in](mailto:gm@ecr.railnet.gov.in) ... **Respondent No.2**

**Hearing (I):**

A hearing was conducted on **20.09.2024** online through video conferencing. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
<b>From Complainant:</b>		
1.	Mr Narayan Kumar, Complainant	Online
<b>From Respondent No.2:</b>		

1.	Shri Rajesh Kumar, Dy. Secretary, RRB Patna	Online
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### **RECORD OF PROCEEDINGS**

During the hearing, the Complainant reiterated his complaint that one candidate for one post (1:1) was called for document verification as brought out in the advertisement. He sought to know as to why was he called for the document verification if his marks were below the marks of the qualified person in his category.

2. The representative appearing for the Respondent submitted that the Category 4 and Category 5 posts were under Level-5 posts which were reserved for candidates with blindness. The eligibility could have been decided only after a medical test. Therefore, the eligible candidates including the Complainant were called for document verification followed by the medical test so as to be able to select the Complainant if the candidate who had secured higher qualifying marks than the Complainant was not found eligible in the medical test and the Complainant was eligible for the said post. The Complainant was found 100% Blind, but he could not qualify on merit against the three (03) posts under category 5.

3. After hearing the parties, the Court advised the Respondent to submit their versions in writing within seven (07) days from the date of receipt of this Record of Proceedings.

4. This is issued with the approval of the Chief Commissioner.

**Digitally signed by  
Praveen Prakash Ambashta  
Date: 03-10-2024 15:57:39**

**(P. P. 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. 15028/1150/2024; and Case No. 15712/1101/2024**

**In the matter of —**

Suo-motu / Complainant	Respondent
(1) <b>Case No. 15028/1150/2024</b> Suo-motu	The Director General, National Informatics Centre A-Block, CGO Complex, Lodhi Road, New Delhi - 110 003 India Email: dg@nic.in
(2) <b>Case No. 15712/1101/2024</b> Shri Nikhil Jain, R/o House No. 11, 2 <sup>nd</sup> Floor, Block-E, Sector-85, Faridabad – 121002 (Haryana) Email: drnik31@gmail.com	

### Hearing (I):

The hearing scheduled on **20.09.2024** was adjourned and rescheduled on **30.09.2024** to be heard online through video conferencing. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
<b>From Complainant:</b>		
1.	Dr. Nikhil Jain, Complainant	Online
2.	Mr Pratap Bist, Nodal Officer, Directorate of Education, Govt. of NCT of Delhi	Online
<b>From Respondent:</b>		
1.	Mr Kapil Kumar Sharma, HoD NIC e-Office	Online
2.	Mr Saroja Kumar Patro, Scientist-F, NIC e-Office, Project Division	Online
3.	Mr Shailendra Johri, Scientist-F, HoD, Email Division,	Online
4.	Mr. Rajendra Prasad, HoD (Legal), Senior Technical Director	Online
5.	Ms Rachna Srivastava, Scientist-G, Deputy Director General, NIC e-Office	Online

<b>Special Invitee (Amicus Curiae)</b>		
1.	Shri Rakesh Kumar Srivastav, Director (IT), DEPWD	Online
2.	Advocate Amar Jain, a person with 100% Visual Impairment	Online

### **RECORD OF PROCEEDINGS**

During the hearing, Mr. Kapil K. Sharma submitted that as per the notice issued by this Court, a total of 23 issues relating to e-Office were flagged. The first issue was related to the 'Parichay Screen', which has been forwarded to the 'Parichay Team' for resolution. Out of the remaining 22 issues, 20 issues have now been resolved and have been implemented in three departments, namely, the Department of Empowerment of Persons with Disabilities (DEPwD); the Food Corporation of India (FCI); and the UT of Andaman & Nicobar Islands wef. 21.09.2024. As soon as the implemented issues get stable, it will be released to all the departments. The remaining 02 issues *at Sl. No. 18 - OCR capability missing especially for regional content such as Hindi; at Sl. No. 19 - Custom signature areas cannot be created through the keyboard alone* and are under deliberation.

2. The representative offered that the accessibility features are live in the e-office accounts of the DEPwD, which can be tested by a panel of access auditors and users from the visually impaired community.

3. Advocate Amar Jain submitted that although he has not used e-office on a regular basis, he had tested the e-Office and felt the difficulties in placing the signature on the pdf document at the desired place where the cursor is moved on the screen through the mouse to draw a box for placing signature. Advocate Amar Jain also suggested that within the NIC internally a dedicated email can be provided where accessibility-related issues/problems may be posted and within the defined SLAs, the issues/problems can be resolved proactively staying with the community. Shri Jain also suggested that the NIC nominate a nodal officer in each of the ministries and the department for the purpose of handling complaints about the accessibility of their services.

4. Mr Kapil K Sharma said that the issue of placing the signature at the desired place on a PDF document is under deliberation.

5. Ms. Rachna Srivastava stated that e-Office is an evolving software. Based on the feedback received from the users, changes/modifications are constantly added to the software. So, apart from security audit, etc. accessibility audit should be part of the next version.

6. Mr Shailendra Johri, submitted that they have just started migration because the old setup was reaching the end of life and providing accessibility support while ensuring service continuation was not

possible. It was decided to take up the issues along with migration to a new platform with the Master Service Provider (MSP) mode. The Master Service Agreement was signed on 08.03.2024. After that approximately fifty percent of MDOs have been taken and tests are being conducted with the other government departments. The versioning problem was not there and within a year full accessibility would be provided on the new platform.

7. After hearing the parties, the Court advised to conduct an audit on 07.10.2024 by a team comprising of the Complainant or his authorised representative and the amicus curiae Advocate Amar Jain to ensure that the updates launched on 21.09.2024 in the e-Office at DEPWD have been successfully rolled out. The said audit shall be facilitated by Shri R.K. Shrivastava, Sr. Technical Director, NIC-DEPwD and Shri Praveen Prakash Ambashta, Dy. CCPD. The access audit team shall submit a report to this Court by 08.10.2024. Shri Shrivastava may co-opt another member from the Respondent establishment for an effective audit.

8. The Court expressed its deep anguish over the fact that the NIC e-mail team did not submit any written statement/reply filed to the notice issued by this Court on 06.01.2024; and subsequent reminder dated 21.03.2024. The Court informed the representative of the NIC, e-mail team that non-furnishing of information sought by this Court under the provisions of the RPwD Act, 2016 is a punishable offence under Section 93 of the Act. The Court was dismayed at the fact that after almost 9 months since the matter was flagged to the respondent by this court, they are still seeking one year's time to provide accessibility features in the email service. The Court also drew the attention of the respondent to sections 42 and 46 of the Act, according to which the statutory time limit provided for making the services accessible was already over. In response to a query of the Court about the Master Service Provider, the Respondent informed the Court that it was M/s Zoho Technologies Private Limited, Chennai, Tamil Nadu. The Court directed to implead the Secretary, Ministry of Electronics and Information Technology; Chief Executive Officer (CEO), STQC; and the CEO, Digital India Corporation and the Director/CEO of Zoho Technologies Private Limited and ensure their presence in the next hearing which should be held after one week. The Court also directed to send to the newly impleaded respondents copies of the related documents of this case and be summoned to appear before this Court on the next date of hearing.

9. Accordingly, the Court decided to fix the next date of hearing on **09.10.2024 at 10:30 a.m. onward** to be conducted in Hybrid mode. The web link, PIN, and other details of the hearing will be sent one day before the scheduled hearing. The Complainant is also advised to remain present during the hearing either in person or through an advocate/authorised representative. The parties may take notice that in default of their appearance on the date & time of the hearing, the complaint may be heard and decided on the basis of the documents

available on record and/or as per Rule 38 of the Rights of Persons with Disabilities Rules, 2017.

10. The copies of the related documents of these cases are attached herewith this Record of Proceedings for reference of the newly impleaded respondents.

11. This is issued with the approval of the Chief Commissioner.

**Digitally signed by  
Praveen Prakash Ambashta  
Date: 04-10-2024 16:28:08**

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

**Copy to:**

- (1) The Secretary,  
Ministry of Electronics and Information Technology,  
Electronics Niketan, 6, CGO Complex,  
Lodhi Road, New Delhi – 110003  
Email: secretary@meity.gov.in
- (2) The Director General,  
Standardization Testing and Quality Certification (STQC) Directorate,  
Ministry of Electronics and Information Technology,  
Electronics Niketan, 6, CGO Complex,  
Lodhi Road, New Delhi – 110003  
E-mail: dgstqc[at]meity[dot]gov[dot]in
- (3) The Managing Director & CEO,  
Digital India Corporation,  
Electronics Niketan Annexe,  
6, CGO Complex, Lodhi Road,  
New Delhi-110003  
E-mail: ceo@digitalindia.gov.in
- (4) The Director/Chief Executive Officer,  
Zoho Technologies Private Limited,  
Flat No.2, 361, Avvai Shanmugam Salai (Lloyds Road),  
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Email: secretarial@zohocorp.com



## 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. 15104/1011/2024**

**In the matter of —**

Dr. Dhaval Govindbhai Makwana,  
 Vaishalinagar Na Chede,  
 Dharanagar -1, Bedeshwar,  
 Jamnagar – 361002 (Gujarat)  
 Email: dgmak001@gmail.com

**... Complainant**

**Versus**

(1) The Registrar,  
 National Institute of Ayurveda,  
 Jorawar Singh Gate, Amer Road,  
 Jaipur - 302002  
 Email – nir-rj@nic.in

**... Respondent No.1**

(2) The Chief Medical Officer,  
 SMS Hospital Medical College,  
 Jawahar Lal Nehru Marg,  
 Gangawal Park, Adarsh Nagar,  
 Jaipur – 302004 (Rajasthan)  
 Email – estt.smsmc@rajasthan.gov.in;  
 principalsmsmc@rajasthan.gov.in

**...Respondent No.2**

(3) The Chief Medical Officer,  
 M P Shah Medical College  
 Medical Campus, Solarium,  
 Off Pandit Nehru Marg,  
 Beside G. G. Hospital Indradeep Society,  
 Jamnagar Gujarat– 361008  
 Email - deanjamnagar@gmail.com;  
 jamnagar@gmail.com

ms.health.jamnagar@gmail.com

... Respondent No. 3

**Hearing (I):**

The hearing was scheduled on **20.09.2024** but was adjourned and rescheduled to **30.09.2024** to be heard online through video conferencing. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
<b>From Complainant:</b>		
1.	Dr. Dhaval Govindbhai Makwana, Complainant	Online
2.	Advocate Ishan Joshi Counsel for the Complainant	Online
<b>From Respondent No.1:</b>		
1.	Dr. J.P. Sharma, Joint Director National Institute of Ayurveda, Jaipur	Online
<b>From Respondent No.2:</b>		
1.	Dr. Anupam Johri, Prof. Forensic Medicine, SMS Medical College, Jaipur	Online
<b>From Respondent No.3:</b>		
1.	Dr. Deepak Sachchidanand Tiwari, Medical Superintendent, Guru Govindsinh Government Hospital, Jamnagar	Online
2.	Dr. Radhika Ben, Physiotherapist	Online
3.	Dr. Bharat Bhai, Physiotherapist	Online

**RECORD OF PROCEEDINGS**

During the hearing in reply to a question the representative from the National Institute of Ayurveda [Respondent No.1] submitted that as per the procedure in vogue, the selected candidates were sent to SMS Medical College, Jamnagar for medical examination and based on that medical report appointments were done. In case of any appeal against the medical report, the case is referred to the Lady Hardinge Medical College Delhi. The representative further submitted that as per the information received by them, the Complainant was examined on 25.09.2024 at the Lady Hardinge Medical College Delhi but the report is awaited.

2. The representative from SMS Hospital Medical College, Jaipur [Respondent No.1] said that SMS Hospital Medical College is one of the fourteen designated centers to verify the disability certificate in respect of all NEET candidates, including MBBS and PG candidates. In the instant case, the Complainant was



examined according to the modus operandi, and he was found suitable for the post of Assistant Professor at NIA not under the PH category, and accordingly, the medical report dated 08.01.2024 was issued.

3. Later on, another letter was received from Respondent No.1 to examine the eligibility of the subject/complainant under the PH category point of view. Thereafter, a medical board was constituted consisting of one Forensic Medicine Expert and two orthopedicians. The subject/Complainant was examined and a permanent 'Piano Valgus Deformity' was found firstly in both lower limbs having an extent of 3% disability. For selection to the post of Assistant Professor, a person with one leg disability was required. Therefore, a second opinion report was issued on 09.01.2024 stating inter-alia that the subject/Complainant was not eligible for the post of Assistant Professor under the PH category.

4. The Medical Superintendent, Guru Govindsinh Government Hospital, Jamnagar submitted that the Gazette (guidelines for evaluation of disabilities) does not make any mention of disability on account of Flat Foot, nor does it mention the percentage of disability that can be assigned to a person suffering from Flat Foot.

Considering that and in view of the reference of *Charcot Joint* leading to a Flat Foot as given on Page No. 79 of the Gazette, a temporary disability certificate was issued in the year 2018 with a validity of one year. After that, a permanent disability certificate was issued to the Complainant on 16.07.2024.

5. The representative of the Complainant read out Para 7 of the affidavit submitted on 04.03.2024 by the NIA as under:

*"Hence, in view of the above facts the action taken by this Institute is in accordance with the rules and procedure. However, in the second medical examination to be done by the Lady Hardinge Medical College, New Delhi-110055, in case the Complainant is declared fit as PH(OL) with 40% disability the Offer of Appointment withdrawn by this Institute will be revived."*

6.1 Pursuant to that categorical submission made by NIA, the Complainant received a call from NIA on 21<sup>st</sup> September 2024 to appear before the Lady Hardinge Medical College, New Delhi [LHMC] for re-examination on 24.09.2024, the Complainant attended the medical re-examination on the scheduled date. Therefore, the NIA may be directed to promptly reveal the result of that medical re-examination done by LHMC. If the medical certificate issued by the LHMC is 40%

or more than the whole issue stands settled. The Ld. Advocate also submitted that the certificate issued in 2018 is not the only disability certificate giving more than 40%. During the pendency of this case, the Complainant approached Respondent No. 3 on 16.07.2024, which also kept the disability at 40%.

6.2 Respondent No. 1 confirmed that the report from LHMC was awaited.

## 7. **Observations & Recommendations:**

7.1 After hearing the parties, the Court expressed its dissatisfaction over the statement of Respondent No.3 as they could not confirm which guidelines they used for the evaluation of the disabilities of the Complainant.

7.2 From the documents submitted by the Complainant it was seen that no temporary disability certificate was issued to the Complainant in the year 2018 by Respondent No. 3. In fact, a **Permanent** Disability Certificate No. GJ10110619930045007 was issued by Respondent No.3 to the Complainant on 21.07.2018 with the diagnosis - **B/L-Foot-Valgus deformity, not elsewhere classified, right knee**; based on which a UDID Card No. GJ10110619930045007 dated 21.07.2018 was issued. A **Temporary** Disability Certificate No. GJ1010619930162101 was issued by Respondent No.3 to the Complainant on 20.06.2023 with a validity of one year with the diagnosis – **BL-LL-Valgus deformity, not elsewhere classified, Flat Foot [Pes planus] [acquired]**. In this Disability Certificate, it is mentioned below point No. (C) that (*“Guidelines for the purpose of assessing the extent of specified disability in a person included under RPwD Act, 2016 notified by Government of India vide S.O. 76(E) dated 04/01/2018*). No Disability Certificate having been issued in the year 2024 to the Complainant by Respondent No.3 was found on record by the Complainant. It is thus, clear that the statement made by Respondent No. 3 with regard to the issue of a temporary certificate in 2018 before issuing the permanent disability certificate in the year 2024 is not supported by the documents on the record of the case.

7.3 The Court expressed its apprehension that Respondent No.3 might have issued the wrong disability certificates to other divyang persons also as the ‘Flat Foot’ is not a disability in the guidelines of evaluation of disabilities in vogue. The Court is still not certain as to which guidelines for the evaluation of disabilities are being used by Respondent No.3. The Court recommended that the documents of this case be sent to the Ministry of Health & Family Welfare for an inquiry within three months and furnishing to this Court an action taken report in this regard.

7.4 In view of the above, the Court further directed as under:

(i) Respondent No.1 is advised to submit a copy of the Disability Certificate used by the Complainant at the time of applying for the ibid post.

(ii) Respondent No.1 is further advised to furnish a copy of the report received from the Lady Hardinge Medical College, New Delhi as stated by them during the hearing. If the report has not been received so far a follow-up action may be taken under information to this Court.

(iii) Respondent No.3 is advised to confirm which guidelines of evaluation of disability are being used by them and also furnish to this Court a copy of the same along with a copy of the Permanent Disability Certificate issued to the Complainant on 16.07.2024.

7.5 The compliance of the recommendations be made within 15 days from the date of issue of this Record of Proceedings.

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

**Digitally signed by  
Praveen Prakash Ambashta  
Date: 21-10-2024 09:40:14**

**(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](mailto:ccpd@nic.in); Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)

**Case No. 15535/1132/2024**

**In the matter of —**

**Suo-motu**

**Versus**

(1) The Chairman-cum-Managing Director,  
 National Divyangjan Finance & Development Corporation,  
 Unit No. 11 & 12, Ground Floor,  
 DLF Prime Tower, Okhla Phase-I,  
 Near Tehkhand Village,  
 New Delhi – 110020  
 Email: [nhfcd97@gmail.com](mailto:nhfcd97@gmail.com) ... **Respondent No.1**

(2 to 44) The Channelizing Agencies,  
 All States & Union Territories  
 (As per Appendix) ... **Respondent No. 02 to 44**

**Hearing (II):**

A 2<sup>nd</sup> hearing was conducted on **09.10.2023 in hybrid mode** (Offline/Online through video conferencing) at the Office of the Secretary, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment at Room No. 529, B-III Wing, Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi. The following parties/representative were present in the hearing:

Res. No.	Name of the Respondent	Name & Designation of the representatives appeared in the hearing
01	The Chairman-cum-Managing Director,	Shri Anil Kumar,

National Divyangjan Finance & Development Corporation, New Delhi	General Manager, NDFDC
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## **RECORD OF PROCEEDINGS**

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At the very outset, the Court made it clear that this Court is not saying that no collateral should be taken from divyang applicants. The financial institutions should be pragmatic in ensuring that no NPA (None Performing Asset) is created and there is no confusion on the strict adherence to the repayment schedule. The Court appreciated that at present the sentiments are good as the return ratio is healthy. In fact, at the central level at NDFDC, there has been a good response to the scheme of a one percent rebate in the interest to those who repay the loan on time.

2. The Court recommended the following measures:

(i) The Collaterals should be commensurate with the loan amount, for example for a loan amount of Rs. 1.00 lac, collateral of Rs. 10 lacs can not be sought;

(ii) The State Channelising Agencies (SCAs) should consider providing an incentive of 1% rebate of interest to the beneficiary on repayment of loan on time on the pattern of the NDFDC scheme;

(iii) It must be ensured that the loans are given only to such divyang applicants who possess the UDID Card; and

(iv) All SCAs should prepare a database of the beneficiaries which should include the following:

- a. The date when the loan was sanctioned
- b. The amount of the loan
- c. Whether a collateral was pledged
- d. If yes, the value of the collateral
- e. Principal Amount repaid by the applicant
- f. Whether there is any mechanism for tracking the use of loan
- g. Whether the beneficiary is benefiting from the loan
- h. Does he or she need mentorship or training
- i. Whether any mentorship or training has been provided
- j. The UDID number; and
- k. The mobile number.

3. The representative of the NDFDC submitted that after the last hearing, they received reports from 12 states/UTs in the format as sought in the RoP dated 02.09.2024 of this Court. These SCAs are from

Assam, Bihar, Chandigarh, Gujarat. Haryana, Himachal Pradesh, Maharashtra, Manipur, Puducherry, Punjab, Srinidhi, and Tripura. He also submitted that loans are now being given only to the UDID holders.

4. This Court then asked all the SCAs to make their submissions. The reps from AP and Assam submitted that at present they are not facing any difficulties in running the scheme. As regards the recommendations of this court, they will examine the same at an appropriate level.

5. The Court observed that only such states/UTs are present in the hearing where an SCA has been put in place. Thus, the states where there is no SCAs are out of the monitoring radar. The CCPD directed Respondent No. 1 to submit within one week, a list of states/UTs where no SCA has been nominated. He also directed the rep of Respondent No. 1 to make a presentation before him of the database received from the states/UTs. The data compilation and presentation can also be done through an Excel Sheet. Based on the presentation, the Court may decide to drop the states/UTs where a proper database is maintained and the scheme is being conducted well and smoothly, from further proceedings in this case. The Court allowed 15 days to submit their compliance/ATR.

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

**Digitally signed by  
Praveen Prakash Ambashta  
Date: 18-10-2024 16:55:56  
(Praveen Prakash Ambashta)  
Dy. Chief Commissioner**