



## 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

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Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

### **Case No. 13721/1022/2023**

#### **In the matter of**

Mr. Tapan Kumar Mishra

#### **Respondent:**

National Aluminium Company Limited (NALCO),

### **1. Gist of Complaint**

1.1 The Complainant, Mr. Tapan Kumar Mishra, submitted a complaint on 19th April 2024 before the Hon'ble Chief Commissioner for Persons with Disabilities (CCPD), seeking intervention regarding his transfer from Captive Power Plant (CPP), NALCO, Angul, to the Corporate Office at Bhubaneswar, Odisha. As a Senior Manager with a 40% locomotor disability (right hand), the complainant highlighted the challenges of balancing professional duties with caregiving responsibilities for his 70-year-old father, a severe COPD patient, and his 64-year-old mother, who suffers from spinal immobility. The Complainant stated that his requests for transfer, submitted in 2016, 2017, and 2018, were ignored despite assurances from the then CMD of NALCO. He emphasized that the transfer would align with DoPT guidelines advocating for employees with disabilities to be posted near their native place, which in his case is Jatni, Khurda District. The complainant contended that his current posting, approximately 150 km away, exacerbates his personal and professional challenges, including frequent travel requirements that strain his physical health and emotional well-being. He sought the CCPD's intervention to secure his transfer to Bhubaneswar to

provide adequate care for his parents while complying with statutory provisions ensuring reasonable accommodation for employees with disabilities. Supporting documents, including his disability certificate and related correspondence, were enclosed to substantiate his grievance.

## **2. Reply filed by the Respondent**

2.1 The Respondent, represented by the General Manager (H&A) at National Aluminium Company Limited (NALCO), submitted their reply on 06-03-2023, addressing the complainant's grievance regarding his transfer from Captive Power Plant (CPP), Angul, to the Corporate Office, Bhubaneswar. The respondent stated that the complainant, a Senior Manager (Electrical), was assigned to the Safety Department at CPP, Angul, where his responsibilities do not involve frequent movement, ensuring accommodation for his disability. They emphasized that the complainant's presence at the production unit was critical due to operational requirements and manpower shortages caused by large-scale superannuation, which made his transfer operationally unfeasible.

2.2 The Respondent clarified that the DoPT guidelines regarding the placement of employees with disabilities near their native place are not applicable to Central Public Sector Enterprises (CPSEs) unless endorsed by the Department of Public Enterprises (DPE), which has not extended such guidelines to NALCO. They also highlighted that the Angul unit has a full-fledged hospital and provisions for external referrals to meet the complainant's medical needs. While acknowledging the complainant's request for a transfer to Bhubaneswar, the respondent assured that it would be considered at an appropriate time based on future organizational requirements.

## **3. Rejoinder filed by the Complainant**

3.1 The Complainant filed a rejoinder on 30th March 2023 and submitted that his posting at the Safety Department of Captive Power Plant (CPP), Angul, adequately accommodated his disability. He argued that the responsibilities in the department involve substantial movement and physical effort, which exacerbates his

health issues due to his locomotor disability. The Complainant emphasized that his medical condition, documented through certificates and doctors' recommendations, requires a posting closer to his family in Bhubaneswar to ensure better care and reduce physical strain.

3.2 The Complainant further countered the respondent's assertion regarding the inapplicability of Department of Personnel and Training (DoPT) guidelines to Central Public Sector Enterprises (CPSEs). He contended that the statutory obligations under the Rights of Persons with Disabilities Act, 2016 (RPwD Act), override departmental circulars, and the respondent has failed to fulfill their duty to provide reasonable accommodations. He highlighted that his current posting jeopardizes his health, well-being, and ability to perform his duties effectively. The complainant urged the Hon'ble Commissioner to direct the respondent to reconsider his transfer to the Corporate Office in Bhubaneswar and ensure compliance with the provisions of the RPwD Act. Supporting evidence, including medical documents and correspondence, was submitted to substantiate his claims.

**4. The Communication of the Legal Framework on the subject of posting/transfer of employees with Disabilities or those having a person with disabilities as a dependent family member** - Accessibility of the workplace is enshrined in Article 41 of the Indian Constitution. The Rights of Persons with Disabilities Act, Section 20(5), recommends framing a policy on the posting and transfer of persons with disabilities. Accordingly, the Department of Personnel and Training, through various instructions, has made stipulations in this regard. The latest instruction on the subject can be seen in Paragraph H of their OM number, dated 2 February 2024. Further, Section 21 of the RPWD Act makes it mandatory for all establishments, whether government or private, to frame equal opportunity policies in the manner prescribed by the Central Government. The Central Government, through the RPWD Rules 2017, has prescribed the manner to prepare and publish the equal opportunity policy. Rule 8 makes it mandatory that provisions regarding preference in posting and transfer are included in the

equal opportunity policy of all establishments. Accordingly, an advisory letter was issued by this Court on 15.01.2024 communicating the legal framework on the subject of posting/transfer of employees with Disabilities or those having a person with disabilities as a dependent family member. The Respondent was advised to review their EOP and Transfer Policy, if any in light of the same and inform this Court of the action taken. No response has been received to this communication.

5. **Hearing:** The case was heard via Video Conferencing on 15.05.2024. The following were present in the hearing:

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

5.1 **Record of Proceedings:** At the outset this court sought clarification from the Respondent on the implementation of Department of Personnel & Training (DoPT) circulars, extended to CPSEs via Department of Public Enterprises (DPE) directives in 2014 and 2023, regarding the transfer and posting of employees with disabilities. The Respondent acknowledged the validity of these circulars but cited operational constraints, including manpower requirements due to impending retirements, as challenges to full implementation. They noted that the Complainant was assigned office duties in the Safety Department to accommodate his disability while emphasizing the Angul Plant's robust infrastructure. However, the Complainant countered by highlighting his father's critical health condition and his long-standing transfer requests since 2016, seeking relocation to the Corporate Office on humanitarian grounds.

5.2 The Court expressed concern over the Respondent's HR Department's lack of awareness of relevant DPE circulars as the DoPT OM dated 31.03.2014 has already been made applicable on the CPSEs vide DPE circular No. 6(9)/2006-DPE (SC/ST Cell)- Part dated 07.04.2014. It directed the Respondent to review the DoPT's guidelines on disability-friendly policies. The Respondent was instructed to address the Complainant's transfer request and submit

detailed information on employees with disabilities, including their posting, allowances, and accommodation details, within a week. These steps aim to ensure compliance with statutory guidelines and equitable treatment for employees with disabilities.

## **6. Submissions made by the Respondent after ROP:**

6.1 The Respondent, National Aluminium Company Limited (NALCO), submitted its response to queries raised in the Record of Proceedings on 07.05.2024. They clarified that the Complainant, Mr. Tapan Kumar Mishra, was assigned to the Captive Power Plant due to a shortage of technical manpower caused by large-scale superannuation. He has been accommodated in the Safety Department with limited office duties. The Respondent emphasized that NALCO, as a production-oriented company, cannot place all PWD employees at the Corporate Office.

6.2 On allowances and accommodations for employees with disabilities, the Respondent stated that Transport Allowance at double the normal rate is under review with the administrative ministry. PWD employees receive all admissible allowances under the DPE guidelines. Additionally, NALCO prioritizes ground-floor accommodations for employees with disabilities and reserves a special quota for medical cases, with allotments made transparently online. Details on accommodations and other information were submitted as annexures.

## **7. Observations**

7.1 In light of the legal framework governing the transfer and posting of employees with disabilities, including statutory provisions and guidelines, the Court observes that the complainant's transfer to inaccessible locations is inconsistent with the principles of sensitivity, against the spirit of the law on the subject and the mandates of the Rights of Persons with Disabilities Act, 2016.

## **8. Recommendations**

8.1 The Respondent is recommended to review its decision regarding the Complainant's transfer to the NALCO Corporate Office at Bhubaneswar, Odisha to ensure compliance with the RPwD Act,

2016, particularly Sections 20 (2), 20 (5), and 21, and the relevant DoPT guidelines regarding reasonable accommodation and accessibility. If a post in the same grade/rank as that of the Complainant, namely, the Senior Manager, is available at the Corporate Office and the same is suitable for the disability of the Complainant then it does not appear to be reasonable to deny him transfer to the requested location closer to his domicile on the pretext of operational needs without objectively showing the exigencies. Transferring the Complainant to his requested location would not only address his grievances but also reflect the Respondent's commitment to fostering an inclusive and supportive workplace.

8.2 The Respondent is further recommended to review and revise NALCO's transfer policy and the Equal Opportunity Policy (EOP) to align with the statutory requirements of the RPwD Act, 2016 which may help the complainant to work in a conducive environment, the respondent must also ensure that there is no instance of discrimination against employees with disabilities or caregivers in this regard in future. With a view to facilitating establishments to prepare an appropriate and compliant EoP, this Court has prepared a template of the same which can be accessed on its website or by using the weblink "<https://ccpd.nic.in/guidelines-template-of-equal-opportunity-policy-eop/>". The Respondent may consider using the template mutatis mutandis to prepare/review their EOP and submit a copy to this Court in compliance with Section 21 (2) of the RPwD Act along with an Action Taken Report on the recommendation made by this Court within three months from the date of this order in terms of Section 76 of the RPwD Act, 2016.

8.3 The case is disposed of accordingly.

Digitally signed by  
Rajesh Aggarwal  
Date: 05-01-2025  
19:22:43

**(Rajesh Aggarwal)**  
Chief Commissioner



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

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5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364Email: [ccpd@nic.in](mailto:ccpd@nic.in); Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)**Case No. 14390/1024/2024****In the matter of -**

Ajay Kumar Singh

**... Complainant****Versus**

The Chairman &amp; Managing Director

Punjab National Bank

**... Respondent****1. Gist of Complaint:**

1.1 Shri Ajay Kumar Singh, a person with 60% locomotor disability, working as a Manager at Punjab National Bank filed a complaint on 07.08.2023, alleging mental and economic exploitation due to challenges in performing his duties. He requested leave from February 13 to February 24, 2023, for the wedding of his younger brother's daughter, but the same was denied after the Divisional Office issued a directive on February 8 restricting leave until March 31<sup>st</sup>. Despite submitting his request before this directive, his leave was rejected, while a similar request from a colleague, Mrs. Dhanalakshmi, was approved.

1.2 The Complainant submitted that the denial of leave added to his distress, affecting his ability to attend the wedding and manage other

responsibilities. His request for casual leave on April 19<sup>th</sup> was also rejected, and one day's salary was deducted in April. Despite appealing through the bank's resolution portal on 08.05.2023, no action was taken.

1.3 The Complainant requested the credit of his deducted salary with interest and highlighted discrimination in how his leave was handled, causing both mental distress and financial loss.

## 2. **Submissions made by the Respondent:**

2.1 The Deputy General Manager representing the Respondent through his reply on 04.09.2023, submitted that the complainant's leave was rejected by the Branch Manager as per the directive from the Divisional Office. In contrast, Smt. Dhanalakshmi's leave request from 13.02.2023 to 17.02.2023 for a property agreement in Bengaluru was approved.

2.2 Regarding the Complainant's leave on 19.04.2023, the respondent stated that the Complainant took leave without prior notification, leading the Branch Manager to mark it as unauthorized. However, the Branch Manager later approved the Complainant's leave from 19.04.2023 to 20.04.2023 in the HRMS system to avoid any financial loss at the time of retirement.

2.3 The bank clarified that leave approvals are based on organizational needs and personnel availability, and this policy applies equally to all employees, with no discrimination involved. The delay in the Complainant's leave approval was attributed to procedural requirements, and not any discriminatory intent. The bank respectfully requested the Hon'ble Court Chief Commissioner Divyangjan to close the case.

## 3. **Submissions made in Rejoinder:**

3.1 No Rejoinder has been received from the complainant

## 4. **Hearing (I):**

4.1 A hearing was conducted on **20.09.2024** in hybrid mode (offline/online through Video Conferencing at Room No. 529, BA III



Wing, Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi. The following parties were present during the hearing:

<b>SNo.</b>	<b>Name of the parties/ Representatives</b>	<b>Mode of Presence</b>
-	<b>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>Respondent:</b>		
1.	Mr. Mukesh Kumar Sinha, DGM (HRD), PNB HO	Online
2.	Mr. Sharat Srivastava AGM (HRD), PNB HO	Online

#### 5. **Observations and Recommendations:**

5.1 After hearing both parties, this Court observed that this was a prima facie case of denial of reasonable accommodation if not an outright case of discrimination. It is difficult to understand why the same dispensation allowed in the case of a non-disabled employee, could not have been made in the case of the Complainant by a fair-minded and duly sensitised administration. Rejecting casual leave of one day of an employee with disability and deducting salary for the same also appears to be insensitive.

5.2 The Respondent is recommended to conduct an inquiry into the circumstances under which the leaves of the Complainant were rejected and if any evidence of wilful discrimination or harassment is found, then it should take action against the responsible officers. The Respondent shall also confirm on affidavit that the salary of the Complainant for the day of 19.04.2023 was credited back to his account and that there was no loss on account of the deduction in his terminal benefits. Finally, the Respondent is recommended to review its Leave Policy and Equal Opportunity Policy (EOP) to align it with the RPwD Act, and rules and instructions of the central government in this regard and conduct periodic sensitisation training programmes for all its employees in a

time bound manner.

5.3 With a view to facilitating establishments to prepare an appropriate and compliant EoP, this Court has prepared a template of the same which can be accessed on its website or by using the weblink "<https://ccpd.nic.in/guidelines-template-of-equal-opportunity-policy-eop/>". The Respondent may consider using the template mutatis mutandis to prepare/review their EOP and submit a copy to this Court in compliance with Section 21 (2) of the RPwD Act along with an Action Taken Report on the recommendation made by this Court within three months from the date of this order in terms of Section 76 of the RPwD Act, 2016.

5.3 Accordingly, the case is disposed of.

Digitally signed by  
Rajesh Aggarwal  
Date: 05-01-2025  
19:38:13  
**(Rajesh Aggarwal)**  
Chief Commissioner



## न्यायालय मुख्य आयुक्त दिव्यांगजन

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**Case No. 14741/1023/2024**

**In the matter of —**

### **Complainant**

Snehasis Deb Goswami

### **Versus**

### **Respondents**

1. Principal Command, Ministry of Defence, Principal Directorate, Defence Estates, Central Command, Lucknow Cantt
2. Defence Estates Officer, Odisha Circle, Bhubaneswar

### **1. Gist of Complaint :**

1.1 Sh. Snehasis Dev Goswami with 40% locomotor disability, filed a complaint on 20-12-2023 regarding his termination from service. The Defence Estates Office issued an order on 05-12-2023, relieving him of his duties as Sub-Divisional Officer-Grade II (SDO-II) and striking him off the office's strength without prior notice or explanation. On 15-12-2023, he received a letter stating that although he had been appointed for the SDO-II position under the PH (D&E) category, it was found that his disability certificate did not meet the required criteria for this category, leading to his termination. He further mentioned that he had served for 17 months before being terminated.

### **2. Submissions made by the Respondent:**

2.1 Shri Snehasis Dev Goswami was selected for the position of Sub-Divisional Officer-Grade II (SDO-II) in the Defence Estates Organization, as part of a list of 89 candidates allotted by the Director General, Defence Estates, Delhi Cantt, out of which 14 were assigned to the Directorate of Defence Estates, Central Command. He was appointed under the PH (D\*E) category and received his appointment offer

on 16.06.2022, with instructions to complete pre-appointment formalities such as character verification and medical examination. The Defence Estates Officer, Bhubaneswar, was directed to complete pre-appointment formalities such as character antecedents verification and medical examination of the candidate as per the relevant rules and regulations and to follow the guidelines issued by the DoP&T.

2.2 The Directorate of Defence Estates, Central Command, Lucknow vide letter dated 27.06.2022 forwarded the documents, certificates, and dossier as received from the Directorate of Defence Estates, Southern Command, Pune in original to Defence Estates Officer, Bhubaneswar with instructions to carefully re-verify the documents for further necessary action and instructed the Complainant to report to Defence Estates Officer, Bhubaneswar. The Complainant joined the service on 29.06.2022 in the office of the Defence Estates Officer, Bhubaneswar.

2.3 Following a complaint from one Shri Rinku, the Directorate re-examined the complainant's candidature and found discrepancies in his disability certificate. The certificate indicated a physical (orthopaedic) disability that did not meet the criteria for the D & E sub-categories. Furthermore, the Chief Medical Officer (CMO) of Tamralipta, Purba Medinipur, confirmed on 21.09.2023 that the certificate was not valid. As a result, the Complainant's services were terminated, and he was compensated with one month's salary, as per the terms of his appointment.

### **3. Rejoinder of the Complainant:**

3.1 The Complainant submitted that the respondent has not served him any of the annexures they have referred to in their comments dated 23/01/2024 despite clear and unambiguous directions from this court. He also submitted that there was no mention of the sub-categories of "A, B, C, D & E" within the Physically Handicapped category in the relevant employment advertisement. The notice neither mentioned what these sub-categories meant nor was there any hint given as to where to find the relevant information in this regard.

3.2 The Complainant further submitted that after serving for nearly 18 months as a probationer he was wrongly and illegally terminated from the service and that he was not given any opportunity to be heard and put forward his case before termination of my service which makes the termination process illegal and bad in the eyes of law being violative of the principles of natural justice. He also said that he had already gone through three rounds of verification at different levels before as well as after his joining the respondent's establishment which included the medical exam, the police verification and the documents verification.

### **4. Hearing:**

4.1 A hearing was conducted on **21.10.2024** in hybrid mode (offline/online through Video Conferencing at Room No. 529, BA III Wing, Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi. The following parties were present during the hearing:

<b>S. No.</b>	<b>Name of the parties/ Representatives</b>	<b>Mode of Presence</b>
<b>Complainant:</b>		
1.	Mr. S.D.Goswami	Online
2.	Mr. Rahul Ghoshal, Advocate for the Complainant	Online
<b>Respondent:</b>		
1.	Mr. Varun Pandey, Central Government Counsel representing the Principal Director	Online
2.	Mr. Aumindo Dev, Defence Estate Officer, Bhubaneswar	Online
3.	Mr. Ajay Kumar, Joint Director, Central Command, Lucknow	Online

## **5. Record of Proceedings**

5.1 The Complainant submitted that he has been terminated from his service as Sub-Divisional Officer-Grade II (SDO-II) and was relieved from his duties by an Office Order dated December 5, 2023, with no prior notice or explanation. On December 15, 2023, he received a letter from the Joint Director, Defence Estates, stating that his appointment was under the PH (D&E) category, but his disability certificate did not support this claim. As a result, the authority decided to terminate his appointment, even though he had completed 17 months of service since joining. Appearing on behalf of the Complainant, learned Advocate Rahul Ghoshal submitted that the respondents did not provide the annexures referred to in their submissions, despite clear court instructions to do so. Additionally, it was argued that Mr. Goswami's termination was based on alleged discrepancies in his disability certificate, which the Complainant maintained to be genuine and issued by a competent authority.

5.2 The learned counsel representing the Respondent submitted a preliminary objection, stating that the case was service-related and not maintainable in the Court of the CCPD under Section 14 of the Administrative Tribunal Act. The respondents further argued that Mr. Goswami's disability certificate did not fulfil the criteria for the advertised post. It was also claimed that the certificate from CMO, Purab Medinipur, submitted by the Complainant, was not issued through proper official authority. The respondents admitted procedural lapses in verifying the certificate post-recruitment but insisted that they acted in good faith based on the documents provided by Mr. Goswami.

## **6. Observations of the Court**

6.1 The disability certificate submitted by the Complainant clearly mentions that he has a locomotor disability to the extent of 40%. It is not the case of the Respondent that the Complainant's certificates were fake. This Court is constrained to observe that due process was not followed by the Respondent in

the recruitment of the Complainant. For example, the verification of disability certificates should have been conducted before the issuance of the appointment letter. The fact that it took the Respondent approximately one and a half year to find out that the Complainant did not belong to the sub-category for which the vacancy was reserved indicates that the approach of the Respondent to an issue as serious as public recruitment was very casual. The termination of the Complainant without a show cause notice and without providing any opportunity for an appeal to the higher authorities was unjustifiable. It was noted that the advertisement itself was misleading, using outdated terminology like "physically handicapped," which was legally inappropriate post-2016 under the RPwD Act.

6.2 This Court is inclined to further observe that the broad classification of disabilities (A, B, C, D, and E) under a common heading "physically handicapped" without adequate explanation or appropriate reference, might have led to the confusion and wrongful exclusion of several eligible candidates. Respondent's reliance on post-recruitment verification created an unjust situation for the complainant.

## **7. Recommendations**

4.1 The Court recommends the respondents to review their decision to terminate the Complainant and explore feasibility of adjusting him against any current or future vacancy earmarked for the Locomotor Disability category.

4.2 The Court also finds itself constrained to recommend initiation of departmental proceedings against officers responsible for the faulty advertisement and procedural lapses in the recruitment so as to prioritize accountability within the organization rather than penalizing the complainant for their own procedural failures.

4.3 The respondents are further advised to revise their advertisements to align with legal mandates and avoid such discrepancies in the future.

4.4 An action taken report shall be submitted within 3 months of this Order in terms of Section 76 of the RPwD Act, 2016.

4.5 The Case is disposed of accordingly.

Digitally signed by  
Rajesh Aggarwal  
Date: 09-01-2025  
14:02:51  
**(Rajesh Aggarwal)**  
**Chief Commissioner**



## न्यायालय मुख्य आयुक्त दिव्यांगजन

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 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No. 15350/1024/2024**

**In the matter of –**

Ajay Kumar Singh

**... Complainant**

**Versus**

The Chairman & Managing Director  
 Punjab National Bank

**... Respondent**

### **1. Gist of the Complaint:**

1.1 Shri Ajay Kumar Singh, a person with Ankylosing Spondylitis, (60% locomotor disability) affecting both hip joints and the spinal cord approached this Court with a grievance related to the denial of petrol allowance. He submitted that he was the only officer at the Punjab National Bank SSI Adityapur, Jamshedpur, Jharkhand, who did not receive a petrol allowance. As per the Bank's policy, an employee who uses his own car or two-wheeler for official purposes is entitled to reimbursement of expenditure incurred on the purchase of petrol up to a determined quantity every month. A driver's licence is a requisite document for claiming reimbursement.

Due to his disability, he did not apply for a driving license. To perform my duties, he either relied on public transport or his own two-wheeler, Bajaj Pulsar 180 registered as JH05AN 8721 which the bank financed him to purchase but for which he had to employ a driver; Mr. Shyam Bihari Goswami, on a monthly salary of 2,000. He requested a special provision for reimbursement of expenses for travel on duty by auto or the Petrol Allowance.

1.2 He further submitted that he consistently sought reimbursement for petrol allowance since his promotion to the officer's grade on 15.07.2013. In response to his grievance registration (DODAF/E/2022/00402 dated 29.06.2022), the General Manager, Shri Sanjeev Kumar Dhupar mentioned that physically disabled employees who own a two-wheeler but don't have a driving license in their name and hire a driver may claim reimbursement for fuel if the vehicle is used for official purposes. He sought for reimbursement of expenses incurred in hiring a driver and fuel costs, starting from July 15, 2013, until his retirement on December 31, 2023,

at the rate of ₹ 9000 per month or the quantity allowed for the petrol limit per month as per his entitlement.

## 2. Submissions made by the Respondent

2.1 The Deputy General Manager of the Corporate Office, Punjab National Bank, Dwarka, New Delhi, submitted their reply dated 25.06.2024 and stated that the issue was earlier raised by Sh. Ajay Kumar Singh before the CCPD in 2014. The matter had been disposed of by the CCPD through an order dated 23.06.2014, which recommended that "the appropriate authority of the Bank may consider the request of Sh. Ajay Kumar Singh and keep him informed accordingly."

2.2 The matter was reviewed by the authorities at the Head Office, who concluded that the claim for reimbursement of auto fare expenses was not maintainable under the rules. However, they determined that Sh. Ajay Kumar Singh was entitled to a conveyance allowance of ₹400 per month as per HRDD Circular No. 523 dated 27.02.2009, for travel between his residence and workplace, which is being duly paid to him. Additionally, Shri Singh was permitted to claim reimbursement of travel expenses incurred on duty at the end of each month, subject to the prescribed limits under Circular No. 367 dated 02.01.2007. The competent authority was authorized to consider his case on its merits. Accordingly, Shri Ajay Kumar Singh was informed of these decisions via a letter dated 07.11.2014, communicated through the Branch Head.

2.3 The Respondent further cited from the HRD Division Circular No 367 /2007 dated 02.01.2007 (Later incorporated in HRMD Circular 49512020 dated 26.03.2020 post amalgamation of banks) under PNB (OFFICERS) SERVICE REGULATIONS, 1979 - REIMBURSEMENT OF EXPENSES FOR TRAVEL ON DUTY- for officers, which states that:-

*"The officers who are maintaining their own car, scooter, motorcycle, and are authorized by the Competent Authority to use the same for official work may claim reimbursement of expenses incurred for travel on bank business on monthly consolidated basis subject to the limit as per Scheme-A (Monetary limit) or Scheme-9 (Petrol/limit). Those officers who do not own a vehicle and claim reimbursement of expenses for travel on duty as monthly consolidated amount would be eligible to opt for monetary/petrol limits after they own a vehicle, subject to the conditions applicable to officers owning vehicles.*

*However, those officers who own a car but do not possess the driving license in their own name and employ driver may be reimbursed conveyance allowance for using their car for bank's work subject to the condition that the officer car is driven by hired driver. To this end the officer concerned must produce a receipt from the engaged driver for the salary paid along with the conveyance allowance reimbursement claim from the bank."*

2.4 The Respondent further submitted that Shri Ajay Kumar Singh owned a two-wheeler, not a car, and did not hold a valid driving license. Therefore, he was ineligible to receive the monthly petrol reimbursement as per the bank's current guidelines outlined in HRD Division Circular No. 367/2007 dated 02.01.2007.



2.5 The Complainant stated that he is unable to drive a vehicle and depends on public transport or a two-wheeler for commuting. However, since the bank does not have a provision to reimburse any other expenses related to routine commuting to and from the bank, the reimbursement of the full auto fare is not justified.

2.6 According to HRMD Circular dated 30.12.2021 (effective from 01.12.2021), "Physically Disabled Employees (PwD Employees) who own a two-wheeler but do not have a driving license in their name and hire a driver, may be eligible to claim fuel reimbursement, provided the vehicle is used for official purposes and is driven by the hired driver."

### **3. Submission made in Rejoinder:**

3.1 The Complainant submitted a rejoinder dated 10.07.2024, stating that the conveyance allowance of Rs. 400/- per month (as per HRDD Circular No. 523 dated 27.02.2009) is applicable to all PwD employees, regardless of their cadre, including sub-staff, clerical, and officers. Additionally, the provisions related to reasonable accommodation in Section 20(2) of the RPwD Act require every government establishment to provide reasonable accommodation for employees with disabilities. This minimal allowance fails to cover the actual expenses incurred, which were necessary for him to perform his official duties. He has consistently sought reimbursement for petrol expenses since his promotion to officer on 15.07.2013.

3.2 The bank's strict adherence to its circulars, without considering the Complainant's specific needs, contradicts the provisions of the RPwD Act. The bank references HRD Division Circular No. 367/2007 (later incorporated into Circular No. 495/2020) as the basis for denying his claim, despite this circular not explicitly excluding situations like his, where a person owns a two-wheeler but cannot drive it due to a disability. PNB relies on this circular, which requires car ownership and a valid driving license for claiming monthly petrol reimbursement, inherently excluding individuals with disabilities who are unable to drive. Although the Complainant owns a two-wheeler, his physical condition prevents him from driving it. The bank's rigid interpretation of Circular No. 367/2007 (dated 02.01.2007), which stipulates vehicle ownership and a driving license, fails to consider the challenges faced by individuals with severe disabilities. By limiting reimbursement to those who own and drive vehicles themselves, the bank's policy discriminates against persons with disabilities who are unable to drive due to their condition, violating Section 3 of the RPwD Act, which prohibits discrimination on the basis of disability.

3.3 The PNB's current policy effectively denies transportation reimbursement to disabled employees who are unable to drive, which is discriminatory and requires alternative solutions for such individuals. Precedents set by the CCPD highlight similar issues. In Case No. 157/1023/11-12 (Smt. Nirupama J. vs. NTPC) and Case No. 126/1028/10-11 (Shri Subhash Chandra vs. Department of Financial Services), both cases were resolved through orders dated 27.02.2012 and 14.01.2013, respectively. In response to the Chief Commissioner for Persons with Disabilities' order on 27.02.2012, NTPC amended its policy on the reimbursement scheme for local travel for official purposes, removing the requirement for employees to use a self-driven vehicle.

3.4 The Complainant further submitted that although HRMD Circular 611/2021, dated 30.12.2021, allows PwD employees who own a two-wheeler but lack a driving license to claim reimbursement, this policy was only implemented toward the end of his service. He has requested that this policy be applied retrospectively in his case, as a matter of fairness and justice.

#### 4. Hearing (I):

4.1 A hearing was conducted on 20.09.2024 in hybrid mode (offline/online through Video Conferencing at Room No. 529, BA III Wing, Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi. The following parties were present during the hearing:

S. No.	Name of the parties/ Representatives	Mode of Presence
<b>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>Respondent:</b>		
1.	Mr. Mukesh Kumar Sinha, DGM (HRD), PNB HO	Online
2.	Mr. Sharat Srivastava, AGM (HRD), PNB HO	Online

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#### Observations and Recommendations:

5.1 The main issue before this Court is to determine whether the Circular of the Respondent issued on 30.12.2021 should be applied retrospectively in the case of the Complainant from the date of his promotion to the grade of an Officer.

5.2 Upon considering the facts on the records of the case and hearing both the parties, this Court is of the view that the previous policy of providing dispensation to car owners who could not drive but have employed a driver and not extending the same to the two-wheeler owners, was made without considering a circumstance as in this case. It is not very common to employ drivers for two-wheelers, hence the policy took a general approach to the issue but failed to address the specific case of an employee having to hire a driver for his two-wheeler whether on account of his/her disabilities or any other medical grounds.

5.3 For the purpose of reimbursement of expenditure incurred on the purchase of fuel, there can't be any legally tenable intelligible differentia permitting different treatments of owners of cars with those having two-wheelers. This oversight could have been corrected had the Respondent acted on the numerous representations of the Complainant with the desired sensitivity and applied the spirit of their own

policy instead of being a prisoner of the language used in it. The essence of administrative law is in striking a balance between the rule of law and using discretionary powers of the authorities fairly and transparently. The Respondent should have examined the issue in light of the statutory provisions under sections 20 and 21 of the RPWD Act, 2016, which provide for reasonable accommodations and equal opportunities to employees with disabilities. Moreover, the fact that the Respondent finally in the year 2021, extended the reimbursement to employees who own a two-wheeler and had to hire a driver as they could not drive their vehicle, supports the merit in the case of the Complainant.

5.3 This Court, therefore, recommends the Respondent to review their decision in the light of the above observations and redress the grievance of the Complainant by applying the provisions of their Circular dated 30.12.2021 retrospectively from the date he became otherwise entitled to the reimbursement.

5.4 This Court is not inclined to recommend action against the individuals accused. by the Complainant of causing harassment, namely Mr. Deepak Kumar and Mr. Susheel Razak. However, the Respondent is recommended to conduct sensitivity training for all its employees so as to provide them with the skills for communicating with persons with disabilities and dealing with their issues appropriately.

5.5 In terms of Section 76 of the Act, the respondents are directed to submit the Compliance Report of this Order within 3 months from the date of this Order. In case the Respondent fails to submit the Compliance Report within 3 months from the date of the Order, it shall be presumed that the Respondent has not complied with the Order and the issue will be reported to the Parliament in accordance with Section 78 of Rights of Persons with Disabilities Act, 2016.

5.6 The case is accordingly disposed of.

Digitally signed by  
Rajesh Aggarwal  
Date: 05-01-2025  
**(Rajesh Aggarwal)**  
Chief Commissioner  
for Persons with Disabilities



## 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

परिवाद संख्या 15572/1102/2024

के मामले में —

श्री जितेन्द्र सिंह परिहार

... परिवादी

बनाम

प्रबन्ध निदेशक एवं मुख्य कार्यकारी अधिकारी,  
 कैनरा बैंक, बँगलूरु – 560002 (कर्नाटक)

... प्रतिवादी

### 1. परिवाद का सार —

1.1 श्री जितेन्द्र सिंह परिहार, 100% दृष्टिहीन व्यक्ति ने कैनरा बैंक, सी.टी.आर.सी. सेक्टर-7, द्वारका, नई दिल्ली शाखा द्वारा चेक बुक जारी न करने से सम्बन्धित एक अभ्यावेदन दिनांक 28.05.2024 इस न्यायालय के समक्ष प्रस्तुत किया।

1.2 परिवादी ने कहा कि कैनरा बैंक, सी.टी.आर.सी. सेक्टर-7, द्वारका, नई दिल्ली में उसका एक बचत खाता संख्या 2948101053159, व IFSC कोड न. CNRB0002948 है। बैंक मैनेजर कहा कि परिवादी हस्ताक्षर नहीं करते हैं अंगूठा लगाते हैं। इसलिए चेक बुक की सुविधा नहीं दे सकते, और चेक बुक से सम्बन्धित प्रार्थना पत्र लेने से मना कर दिया।

1.3 परिवादी ने सम्बन्धित बैंक से चेक बुक दिलाने का इस न्यायालय से निवेदन किया।

### 2. प्रतिवादी को नोटिस जारी —

भारतीय रिजर्व बैंक द्वारा दृष्टि दिव्यांग / दिव्यांग व्यक्तियों को चेकबुक आदि बैंकिंग सुविधाएँ प्रदान करने से सम्बन्धित सभी सूचीबद्ध वाणिज्यिक बैंकों को जारी पत्र संख्या RBI/2012-13/DBOD No. Leg.BC.38/9.07.005/2012-13 दिनांक 05.09.2012 के आलोक में इस न्यायालय द्वारा प्रबन्ध निदेशक एवं मुख्य कार्यकारी अधिकारी, कैनरा बैंक, बँगलूरु को 30 दिनों के भीतर परिवादी के अभ्यावेदन

पर टिप्पणी प्रस्तुत करने हेतु नोटिस दिनांक 22.07.2024 जारी किया गया। उसके पश्चात दिनांक 23.09.2024 को एक अनुस्मारक भी जारी किया गया।

### 3. प्रतिवादी द्वारा प्रस्तुत उत्तर —

सहायक महाप्रबन्धक, कैनरा बैंक ने उत्तर दिनांक 01.10.2024 में अन्य बातों के साथ कहा कि सम्बन्धित बैंक शाखा अधिकारी परिवादी ग्राहक को चेकबुक जारी करने के मामले में जारी दिशा निर्देशों को ठीक से समझ नहीं सका था जिसके कारण चेकबुक जारी नहीं किया जा सका। इस न्यायालय द्वारा जब यह मामला प्रतिवादी के संज्ञान में आने पर सम्बन्धित बैंक के वर्तमान शाखा प्रबन्धक को परिवादी ग्राहक से व्यक्तिगतरूप से मिलकर उसके शिकायत का निवारण करने के निर्देश दिए गए। दिनांक 02.08.2024 को सम्बन्धित बैंक के शाखा प्रबन्धक ने परिवादी ग्राहक के निवास पर जाकर उनसे चेकबुक हेतु प्रार्थना-पत्र लिया। डाक द्वारा पत्र दिनांक 06.08.2024 भेजकर परिवादी ग्राहक को चेकबुक जारी करने हेतु बैंक द्वारा की गई कार्यवाही से अवगत कराया गया।

### 4. परिवादी द्वारा प्रस्तुत प्रत्युत्तर —

4.1 परिवादी ने प्रत्युत्तर दिनांक 09.01.2025 प्रस्तुत कर कहा कि उसे कैनरा बैंक से चेकबुक प्राप्त हो गया है, और इस न्यायालय से यहा परिवाद बन्द करने का निवेदन किया।

### 5. अवलोकन एवं अनुसंशाएँ —

5.1 उपर्युक्त तथ्यों और मिसिल पर उपलब्ध पत्रावलियों के आलोक में प्रतिवादी बैंक द्वारा परिवादी के शिकायत का निवारण कर दिया गया है। इस प्रकरण में इस न्यायालय द्वारा किसी अग्रिम कार्यवाही की आवश्यकता नहीं है। अतः इसे यहीं बन्द किया जाता है।

5.2 तथापि यह प्रतीत होता है कि प्रतिवादी बैंक के सभी अधिकारी और कर्मचारियों को बैंक के दिव्यांगजन ग्राहकों को प्रदत्त उनके अधिकारों के प्रति संवेदनशील होने की आवश्यकता है। अतः इस न्यायालय द्वारा यह अनुसंशा की जाती है कि समय-समय पर प्रतिवादी बैंक द्वारा संवेदनशीलता कार्यशाला आयोजित किए जाएँ। दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 76 के अनुसार, प्रतिवादी बैंक इस सम्बन्ध में कृत कार्यवाही से इस न्यायालय को इस आदेश के जारी होने के तीन महीने के भीतर अवगत कराएँ।

5.3 यह आदेश मुख्य आयुक्त दिव्यांगजन के अनुमोदन से जारी किया जाता है।

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PRAVEEN PRAKASH AMBASHTA  
Date: 20-01-2025 17:12:58

(प्रवीण प्रकाश अम्बष्ठ)  
उप मुख्य आयुक्त