



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 20892364(011) :

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011)

20892364

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

Case No. 13812/1023/2023

In the matter of—

Complainant:

Shri Eswararao Sirila, Constable (GD)

Versus

Respondent:

The Directorate General

Border Security Force

Block 10, CGO Complex

Lodhi Road, New Delhi- 110003

Email: edpdte@bsf.nic.in

dgbbsf@nic.in

1. Gist of the Complaint:

1.1 Shri Eswararao Sirila, a person with 85% locomotor disability, filed a complaint dated 16.01.2023 regarding harassment. He had submitted that he was an employee of the Border Security Force and working as a Constable.

1.2 He further submitted that he was posted in 91 BN BSF under FTR HQ BSF Kashmir, where he had applied for posting/transfer many times since 2014. He joined Nowgam (J&K) on 22.07.2021 after completing 42 days earned leave and got a fracture of the neck of the femur bone (left) while on duty on 28.08.2021 which was already amputated above knee on 16.09.2012. He was admitted at CH BSF Hospital Kashmir (J&K). He alleged that the fracture was due to

harassment by his superior officers. He was treated at the Govt. Hospital for Bone and Joint Surgery through CH BSF Hospital Srinagar. The Doctor advised him that the old prosthesis could not be fitted due to the fracture. He had submitted an application for medical advance of Prosthesis through CH BSF hospital (Srinagar, J&K) on 27.11.2021. The medical advance bill was returned on 07.07.2022 vide letter dated 09.06.2022 from 91 BN BSF and returned to him on 09.07.2022 by FTR HQ SPL OPS Odisha.

1.3 He further submitted that after his case was heard by this Court on 28.12.2021 in case no. 12863/1022/2021, he was transferred from 91 BN BSF (Nawgam, JK) to FTR HQ (SPL-OPS) Odisha at Bengaluru (Karnataka) on 20.04.2022 and thereafter he reported at FTR HQ BSF (SPL-OPS) OD on 09.06.2022. His treatment started at the Sanjay Gandhi Institute of Trauma and Orthopaedics, Bengaluru, Karnataka for a United Left Neck of Femur Bone Fracture with Implant in situ and he was operated on for CC Screws Removal Done on 24.11.2022 under SAB. As per the FHQ BSF Medical DTE Message dated 23.11.2022, the same bill was returned by FTR HQ BSF (SPL-OPS) OD at Bengaluru, Karnataka on 15.12.2022.

1.5 He was not sanctioned the advance for the fitment of new prosthesis (HT) and the bill was returned on 15.12.2022 and hence, his rights have been denied. He has requested to consider his request on humanitarian grounds.

2. Submissions made by the Respondent:

2.1 No reply was received from the respondent.

3. Hearing (I):

A hearing was conducted on **21.10.2024** in hybrid mode. The following parties were present during the hearing:

SNo.	Name of the parties/ Representatives	Mode of Presence
Complainant:		
1.	Shri Eswararao Sirila	Online

Respondents:		
1.	Mr. Sanjeev Sharma Commandant (BSF)	Online
2.	Shri Madan Singh, Deputy Commandant (BSF, Delhi Headquarters)	Online

4. Submission of the Complainant

4.1 The Complainant stated that he lost his limb in a train accident in 2012, which resulted in 80% disability, occurring eight years after he joined the BSF. Initially, he acquired a prosthetic limb in 2013 from Jaipur, and later, based on a medical advice, obtained a prosthesis from Indolite Pvt. Ltd. in 2014. However, all subsequent repairs and replacements were carried out at government hospitals under the BSF's arrangements.

4.2 The Complainant served in Rajasthan from 2014 to 2021 before being deployed to Nowgam in J & K 2021, despite his 85% disability. He claimed that his repeated requests for a more suitable posting were denied. During his deployment, he was assigned night standing duties, which resulted in a femur neck fracture. He alleged that this fracture occurred due to the deployment and that the injury was inadequately treated. Furthermore, his request for a high-tech prosthetic limb, as recommended by medical professionals, was refused. He was admitted to a government hospital in Srinagar and underwent a surgery on September 1, 2021.

4.3 The Complainant stated that from September 4,

2021, to December 18, 2021, he was admitted to the Srinagar CH BSF Hospital and later got treated at the Government Bone and Joint Hospital for his femur neck fracture. The cold weather caused recurring infections at the fracture area, requiring emergency treatment.

4.4 For advanced treatment, the FSQ Medical team at the BSF hospital referred him to AIIMS Delhi. Then, he was admitted to AIIMS for treatment from December 18, 2021, to June 7, 2022. The Complainant revealed that due to the unavailability of a high-tech prosthetic limb, he underwent three surgeries, two of which were performed in Bangalore and one at AIIMS. Despite these surgeries, the femur neck fracture did not fully heal.

5. Issues with Medical Advances and Accommodation

5.1 The Complainant requested approval for a high-tech prosthesis in 2021, with the lowest quotation being ₹9 lakhs. However, his request was repeatedly returned without any action. Cheaper prosthetic options, such as Endolite and Autobug (costing ₹2.5 to ₹3 lakhs), were deemed unsuitable by doctors at AIIMS Delhi and Sanjay Gandhi Institute in Bangalore due to insufficient strength and functionality for his condition. His request for a medical advance was delayed since 2021, with the denial based on the fact that the injury was not sustained during operational duty. He felt this reasoning was unfair considering his deployment circumstances.

5.2 The Complainant mentioned an incident where he was scolded by Shri D.K. Sharma, IG, B.S.R., for not wearing

proper attire before a medical procedure. He felt this treatment was insensitive, especially after being instructed to undergo medical treatment for his condition. He also highlighted delays in the court of inquiry related to his case, further extending his suffering.

5.3 In 2023, the Complainant filed a case seeking medical advance for high-quality prosthesis and raised concerns that no reasonable accommodations were made for his disability. He also highlighted the additional hardships he faced due to his deployment in inappropriate roles.

5.4 The Complainant reported that he was allotted government accommodation for only 50 days post-retirement while others were provided extended retentions, an apparent act of discriminatory and unfair treatment.

5.5 On 7th February 2023, the Complainant was declared medically unfit by the medical board, leading to his retirement on the grounds of medical unfitness. The Complainant reported a 10-month delay in receiving his pension, and stated that his Pension Payment Order (PPO) was not uploaded to the BSF Portal. Additionally, no justification was provided for the delay in generating the PPO.

5.6 The Complainant also alleged harassment by officers who mishandled his medical requests and delayed his entitlements. He pointed out that Shri Devendra Singh, the Commandant of 91 BN BSF, was absent during the time of his need. The Complainant also named Shri Lakhwinder Singh Barar, the Deputy Commandant, along with Inspector Rameshwarlal and Constable Ashok Kumar, for making

incorrect entries in the General Diary regarding his case. He expressed frustration over the mishandling of his case and the lack of accountability within the 91 Battalion and Frontier Headquarters, calling for an investigation into the conduct of these officers, particularly concerning the mishandling of medical requests and improper documentation. Additionally, the Complainant accused Assistant Commandant Shri K. Devakar Rao of contributing to the delays and harassment, insisting that these officers be held accountable for their wrongful actions during his service and medical review process.

6. Submissions Made by the Respondent

6.1 The Respondent stated that the Complainant joined the Frontier Headquarters (FHQ) in June 2021, after being transferred from the 91 Battalion. He submitted a request for a medical device, specifically a prosthesis. The Respondent stated that the request for the prosthetic limb was denied in 2022 as the injury was not sustained during operational duty. However, the case was reconsidered on humanitarian grounds and it is currently under review. The Respondent submitted that the delay was due to the procedural reasons and not on account of any intentional neglect.

6.2 The Respondent stated that the Complainant's disability pension was approved on 11.09.2024, and the necessary documents were sent to the Pension Accounts Department (PAD). He clarified that the Complainant's deployment to Srinagar followed BSF protocols and denied any intention of harassment.

6.3 The Respondent further clarified that, similar to other

government organizations, the BSF promptly addressed the medical needs and pensionary benefits of senior officers. However, they denied providing special treatment or preferences for officers over regular soldiers, asserting that all cases were handled according to BSF rules. Additionally, the Respondent assured the Court that pending issues are being resolved in line with internal policies and directives from higher authorities.

6. Observations and Recommendations

6.1 This Court observed that paramilitary forces, such as the BSF, have a great tradition of showing sympathy and compassion not only towards their own personnel, but also towards ordinary citizens. This is the reason why Indian security forces are admired and revered by the whole nation. Employees with disabilities are worthy of empathy and compassion from all, particularly from their family and organisation.

6.2 This Court notes that the posting of the Complainant to the state of J & K and being assigned standing duties despite his amputation and 85% disability was not in conformity with the statutory mandate of the RPwD Act and instructions issued by the central government in pursuance thereof. The quick deterioration of his condition after being posted in the valley indicates that the decision lacked sensitivity to disability issues and understanding of the concept of reasonable accommodation under the UNCRPD and the RPwD Act, 2016.

6.3 This Court further observes that the delay in procurement of high-tech prosthetic limb required by the

Complainant as per the recommendation of the doctors could have resulted in further complications in his leg. This Court observed that such delays, especially when it comes to medical devices, are critical to the Complainant's health. The Respondent also could not produce any rule to show that attributability of the injury to government service is an essential condition for allowing re-imbursement of the cost of such high tech prosthetic limbs. The inordinate delay in approving medical advances for prosthesis and in the generation of the PPO is prima facie grossly negligent acts on the part of the Respondent.

6.4 This Court is of the view that all the issues raised by the Complainant including the harassment by individuals, posting to difficult area, denial and discrimination in the matter of retention of government accommodation on retirement, denial of approval for purchase of high tech limb, delay in issue of medical advance, delay in issue of PPO, etc. are required to be investigated in a time bound manner by a board of senior officers to be constituted by the DG, BSF. The Board shall examine whether there was any intentional harassment of the Complainant and if yes, it shall identify the responsible authorities and recommend suitable action against them. The Respondent shall submit the report of the inquiry conducted by the Board of Officers along with an Action Taken Report to this Court within three months from the date of issue of these proceedings. All dues in the forms of arrears of pension or medical re-imbursements shall be released without further delay within a period of one month. The Respondent shall also submit a copy of their Equal Opportunity Policy and details of the Grievance Redressal Officer as mandated under sections 21 and 23 of the RPwD Act within 7 days from the date of issue of these

proceedings.

6.5 The Respondent may note that furnishing of information sought by this Court is not a mere formality but a mandate for the recommended establishment under Section 76 of the RPwD Act and failure to do so is a punishable offence under Section 93 of the Act.

6.6 Accordingly, this case is disposed of.

Digitally signed by

Rajesh Aggarwal

Date: 08-03-2025

10:58:56

(Rajesh Aggarwal)

Chief Commissioner for Persons with Disabilities



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
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5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075 दूरभाष : (011) 20892364
5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No. **14429** /1031/2023

In the matter of —

Ms Anshu Saxena
Versus

... Complainant

(1) The Superintendent,
Dr. Ram Manohar Lohia Hospital
New Delhi

... Respondent No.1

(2) The Director,
National Testing Agency (NTA)

... Respondent No.2

1. Gist of the Complainant:

1.1 Ms. Anshu Saxena filed a Complaint dated 17.08.2023 regarding the denial of an appropriate disability certificate for NEET UG admission for her son Mr Prakhar Saxena, a person with 77% Locomotor Disability

1.2 The Complainant submitted that Mr. Prakhar cleared NEET in one attempt and that he did so without any coaching. He had always written his exam himself without any scribe. He was sent to Dr. Ram Manohar Lohia Hospital [RMLH] for medical certification. During the medical examination, he did what he was asked to by the examining doctors. He climbed up the stairs up to the third story. He was then sent for an IQ Test where he replied to all the questions appropriately. After 5-6 days, the medical certificate was issued by RMLH in which he was declared ineligible.

2. Notice issued to the Respondents:

In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons

with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a notice dated 30.08.2023 was issued to the above-mentioned respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondents:

No reply was received from the respondent despite the issuance of a notice dated 30.08.2023 followed by a reminder dated 22.11.2023.

4. Hearing (I):

A hearing was conducted on **16.01.2025 in hybrid mode** (offline/online through video conferencing). The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
From Complainant:		
1.	Ms Anshu Saxena, Mother of Mr Prakhar Saxena, the Complainant	Online
2.	Mr Prakhar Saxena, the victim	Online
From Respondent No.1:		
1.	Dr. Jyoti Garg, HoD Neurology, Dr. RML Hospital	Online
From Respondent No.2:		
1.	Mr Binod Kumar Sahu, Director (Legal), National Testing Agency	Online

5. Observations & Recommendations:

5.1 Both parties were heard.

5.2 After hearing both the parties and scrutiny of the documents available on file the Complainant is advised to approach the appellate hospital if she feels aggrieved on account of the medical certificate issued by a board at Dr. R.M.L. Hospital.

5.3 No further intervention is warranted in this matter and the case is accordingly disposed of.

Digitally signed by
Rajesh Aggarwal
Date: 28-03-2025
18/Rajesh Aggarwal)

Chief Commissioner for Persons with Disabilities



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

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5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

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

Case No. 14529/1011/2023

In the matter of —

Mr Jitendra Kumar Yadav ... **Complainant**

Versus

- (1) The Secretary,
Railway Board
... Respondent No.1
- (2) The Chairman,
Railway Recruitment Cell,
South Eastern Railway,
Kolkata
... Respondent No.2

1. Gist of the Complaint:

1.1 Mr. Jitendra Kumar Yadav, a person with 100% Blindness, filed a complaint dated 30.08.2023, regarding the denial of appointment despite completion of all formalities pursuant to CEN-RRC No.01/2019 and clearing of written exam, medical test, and document verification.

1.2 He submitted that the South Eastern Railway was not issuing him the appointment letter like other candidates.

2. Notice issued to the Respondents:

The matter was taken up and a notice dated 04.10.2023 was issued to the above-mentioned respondent for forwarding to this Court their comments on the affidavit on the complaint within the stipulated time.

3. Reply filed by the Respondent No.1:

The Director Estt. (N), Railway Board vide letter dated 17.10.2023 directed the Chairman, RRC/SER/Kolkata to furnish a detailed reply directly to this Court.

4. Reply filed by the Respondent No.2:

4.1 The Chairman, RRC/SER/Kolkata filed its reply dated 12.10.2023 and inter alia submitted that —

(a) Shri Jitendra Kumar Yadav, Complainant was initially posted as Hospital Assistant, Level-I at Divisional Railway Hospital, Chakradharpur Division, under CMS/CKP vide Office Order dated 22.09.2023.

(b) Subsequently, on partial modification of the above office order, he was further posted by the competent authority(CMs/CKP) as Hospital Assistant at Sub Divisional Railway Hospital, Tata Nagar under ACMS/TATA vide Office Order dated 06.10.2023. Accordingly, he has reported for duties as a Hospital Assistant at Sub Divisional Railway Hospital, Tata Nagar under ACMS/TATA w.e.f. 07.10.2023.

5. Rejoinder filed by the Complainant:

The Complainant vide his rejoinder dated 25.11.2023 and confirmed that SER/Kolkata has given him joining at Sub Divisional Railway Hospital, Tata Nagar on 07.10.2023. He further submitted that the proceedings of the case be stopped forthwith.

6. Observations & Recommendations:

In light of the facts mentioned above and the documents available on record, the grievance of the Complainant has been redressed. Hence, no further intervention is warranted in this matter and the case is accordingly disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

**Digitally signed by
Praveen Prakash Ambashta
Date: 27-03-2025 01:30:17**

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



न्यायालय मुख्य आयुक्त दिव्यांगजन

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

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

Case No.14743/1022/2024

In the matter of—

Shri Sandip Pradhani Chandure

...Complainant

Versus

The Chairman
Central Board of Indirect Taxes & Customs
North Block,
New Delhi-110001

...Respondent

1. Gist of the Complaint:

1.1 Shri Sandip Pradhani Chandure, a person with 90% visual impairment filed a complaint on 01.01.2024, stating that after being selected for the position of Central GST Inspector through the CGLE 2023, the CBIC assigned him to the Thiruvananthapuram Zone on 19.12.2023. This posting is significantly far from his home in Maharashtra, and he was informed that he would be required to serve exclusively in the Thiruvananthapuram Zone for the duration of his service at the CBIC.

1.2 The Complainant further submitted that he is the sole caregiver for his younger sister, who has 60% physical disability, as both of their parents have passed away. His sister is currently studying in the 12th

standard and is fully dependent on him. He requested a transfer closer to his hometown, but his request was not considered. In support of his appeal, he referred to the DoPT OM dated 13.03.2002. Furthermore, he mentioned that the Staff Selection Commission (SSC) had reserved only two vacancies nationwide for visually impaired candidates, and while one of the candidates was posted in their home state, he was denied the same opportunity.

2. Submissions made by the Respondent:

2.1 The Director of the Department of Revenue, Central Board of Indirect Taxes and Customs, in a letter dated 10.01.2024, responded and explained that during the zone allocation process, the instructions issued by the DoPT in its O.M. dated 13.03.2002 are strictly followed. The allocation of zones to Persons with Disabilities (PwDs) is done based on a Merit-cum-Preference approach, with overriding priority given to PwDs as per the extant rules, subject to the availability of vacancies in the relevant category fields or zones. While prioritizing PwDs, the merit-cum-preference principle is applied to zone allocation among PwDs. All the benefits and privileges due to physically handicapped candidates, as per the DoPT guidelines and instructions, were extended to all candidates with disabilities, including the Complainant, when the zone allocation for CGLE 2023 was announced.

2.2 The Respondent further clarified that two vacancies for the position of Inspector (CGST) were reported to the SSC under the VH category for CGLE-2023. Of these two vacancies, one was reported by the Jaipur CGST and the other by the Thiruvananthapuram CGST to the SSC. As a result, no vacancy was available in Mumbai CGST. Furthermore, another employee with a disability, Shri Kaushal (5700) had a higher rank than the Complainant (Rank 5780). Therefore, Shri Kaushal was allotted the Jaipur CGST as per his preference, while the remaining vacancy in Thiruvananthapuram CGST was assigned to the Complainant.

3. Submissions made in the Rejoinder:

3.1 The Complainant vide email dated 17.01.2024 filed a rejoinder

reiterating his complaint and stated that the respondent department is not adhering to the DoPT's instructions and is not providing any exemptions for employees with disabilities regarding transfers. He further requested to be reallocated to the Mumbai Zone, his native place, either against the UR category or by creating a vacancy in the Mumbai Zone. He mentioned that he needs to support his sister during her exams, which are scheduled for February-March 2024. Furthermore, in emails dated 27.05.2024 and 29.05.2024, the Complainant informed that the respondent set his last date of joining as 15.06.2024.

4. Hearing (I): An online hearing was conducted on 25.06.2024. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Sandip Pradhani Chandure	Complainant	Online
2.	Shri Mohammad Ashif, Under Secretary Under Secretary, SSC	Respondent	Online

5. Record of Proceedings:

5 . 1 This Court sought an update on the current status of the case from the Respondent and whether there was any possibility of addressing the complainant's grievance. The Respondent clarified that there were two vacancies for candidates with visual impairment in 2023—one in Jaipur and one in Thiruvananthapuram—and zone allocations were made based on merit-cum-preference. The Complainant ranked 5780 and was allocated Thiruvananthapuram, while a senior candidate, Shri Kaushal, with rank 5700, was allocated Jaipur as per his preference.

The Respondent also noted that inter-zone transfers were not allowed, although transfers on a loan basis or deputation were possible.

5.2 The Complainant stated that he would face language challenges in Thiruvananthapuram. He further submitted that if he had known about the vacancies in advance, he would have opted for another service or post closer to his home in Mumbai or Maharashtra. The Court questioned whether zone-wise vacancy details were available to candidates at the time of application submission. The Respondent claimed that such details were posted on their website, but the Complainant argued that they were not included in the Staff Selection Commission advertisement. The Court acknowledged the Complainant's concerns and decided that the Staff Selection Commission should be added as a respondent for a further review of the policy.

5.3 The Respondent was asked to provide a detailed recruitment procedure and the Complainant was instructed to submit evidence supporting his claim that the vacancy details were not published.

6 . Additional Submission made by the Complainant after RoP:

6.1 The Complainant in emails dated 20.12.2024 and 15.12.2024 reiterated his grievance, noting that the last date for joining was 08.08.2024, but he was not permitted to join duty in Kochi. He requested either an extension until 31.01.2025 or permission to join the duty in Kochi.

7. Hearing (II): An online hearing was conducted on 24.03.2025. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Sandip Pradhani Chandure	Complainant	Online
2.	Shri Sanjay Kashyap, Under	Respondent	Online

	Secretary, SSC		
3.	Smt. Rani C R, ADC, CGST, Kochi	Respondent	Online
4.	Sh. Mohammad Ashif, U.S.CBIC,D/O Revenue	Respondent	Offline

8. Record of Proceedings:

8.1 The Complainant expressed his willingness to join the CBIC at Kochi/Thiruvananthapuram and requested some more time because his resignation had not yet been accepted by his present employer, namely the Western Railway. The officer representing the CBIC HQrs, submitted that as per the rule of the DoPT, an appointment offer not accepted within 6 months automatically lapses. However, the representative of the CBIC, Kochi confirmed that the Complainant was earlier allowed to join till 08.08.2024, which was extended till 31.01.2025 and again up to 20.02.2025. The Complainant's fresh request for an extension of time up to 31.03.2025 has also been sent to the SSC vide their letter dated 13.03.2025. The representative for the SSC submitted that if the requisition for an extension comes with the due recommendation of the user organisation, the SSC will allow the same.

8.2 The Court appreciated the accommodation provided by the respondents in this case and recommended all authorities concerned to deal with this matter with due sensitivity as it relates to the employment of a visually impaired person who is also the sole caregiver to his younger sister, a person with a locomotor disability. The Court recommends to the respondents to allow him the requested extension of

time if the same is permissible or there are enabling provisions for the authorities to favourably consider this case or if there is a precedent of this nature and also advised the Complainant to pursue his pending application for technical resignation with his current employer.

8.3 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.

8.4 Accordingly, the case is disposed of.

Digitally signed by
Rajesh Aggarwal
Date: 28-03-2025
18:20:22

(Rajesh Aggarwal)
Chief Commissioner for
Persons with Disabilities



कार्यालय मुख्य आयुक्त दिव्यांगजन

OFFICE OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय/ Ministry of Social Justice & Empowerment
भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364
5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No. 15493/1022/2024

In the matter of -

Ms. Deepa Stephen
Nursing Officer
Guru Nanak Eye Center,
Delhi-110002

Vs

The Director
Guru Nanak Eye Centre
Maharaja Ranjeet Singh Marg,
New Delhi-110002

1. Gist of the Complaint

1.1 Ms. Deepa Stephen, a person with 51% locomotor disability who works as a Nursing Officer in the Respondent establishment, filed a complaint dated 26.06.2024 regarding mental harassment and humiliation towards a person with disability by rotational transfer and ordering a constitution of a fresh Medical Board to determine the duties that can be performed by her.

1.2 The Complainant submitted that she suffered an accident on 20.02.2024 resulting in a fracture in her left elbow with soft tissue injury. As per the reports received from the Lok Nayak Hospital and a review report received from the Sant Parmanand Hospital, the Complainant has Osteoarthritis (OA) - a degenerative joint condition and is advised to avoid long-standing hours. The Complainant rejoined her duty on 29.03.2024. The Assistant Nursing Superintendent (ANS) verbally allowed her to work at the DNS Office on a desk job. The Complainant vide application dated 21.03.2024 requested the ANS to continue work at the ANS Office. The application was allowed by the

ANS on humanitarian grounds.

1.4 On 08.05.2024, she was transferred from the Investigation Lab to OPD + ECG, which had a lot of commotion and rush, which makes it difficult for her due to her disability. On a previous occasion, the Complainant while discharging her duties in the OPD had lost balance and suffered minor injuries. The Officiating ANS informed the Director who insisted that the Complainant would be given a wheelchair and threatened her with termination under FR 56 (J).

1.5 She further submitted that the assignment of duties among the Nursing Staff is the responsibility of the Deputy Nursing Superintendent (DNS) and in the absence of DNS, this responsibility is undertaken by the ANS. The Director of the Centre does not get involved in such matters. However, Dr. Kirti Singh took personal interest in her matter, which indicates her malafide against the Complainant. The Complainant also gave a representation to the Grievance Officer on 10.05.2024 but no response was received. Instead, the Administrative Officer, Guru Nanak Eye Centre vide order dated 24.06.2024 constituted a fresh medical board with a term that the board shall determine the duties that can be performed by the Complainant in an eye hospital. In an attempt to prejudice the minds of the board members, the said letter includes the following line:

"....since sister Deepa has refused to do even the OPD and the ECG duty, in an eye hospital (which is very light), it is recommended that a fresh medical may be conducted through special board from GIPMER involving a neurologist, a physician and an orthopedician."

1.7 The Complainant alleged that the act of denying due benefits, insisting on reassessment without valid reasons and instances of humiliation and harassment by the Director, violates the legal rights of the Complainant. She prayed for the following reliefs:-

- (i) Keep the order for medical reassessment dated 25.06.2024 in abeyance and direct the Respondent to rely on the existing disability certificate issued by a competent authority;
- (ii) Ensure that reasonable accommodations are made for the Complainant as per Section 3(5) of the RPwD Act, including assignment to suitable duties in accordance with her current medical condition;
- (iii) Issue a formal apology from the Respondents for the public humiliation and mental harassment inflicted upon the Complainant;
- (iv) Impose appropriate penalties under Section 92 (a) of the RPwD Act, 2016 for the humiliation and harassment endured by the Complainant;
- (v) Take any other action or pass any order as this Hon'ble

Court may deem fit and proper in the interest of Justice.

2. Submission of the Respondent

2.1 The Director, Guru Nanak Eye Centre filed a reply dated 26.07.2024 in the matter and submitted that the present complaint has been made out with malafide intention and its contents are false and frivolous and deserves to be dismissed with costs. She further submitted that on 20.02.2024 the Complainant fractured her left elbow and was also diagnosed with Osteoarthritis (OA). Upon the Complainant's rejoining on 29.03.2024 she was allegedly verbally allowed to work at the DNS Office and help desk job, and the extension of the same was allowed by the approval of the Complainant's application dated 21.03.2024. As per transfer order dated 08.05.2024, the Complainant was asked to report for work at the ECG Room (Ground Floor) and to help in OPD paper work in the afternoon. The Complainant refused to join the designated new posting, citing that her poor health prevents her from working in the new department.

2.2 The Director, Dr. Kirti Singh, considering the non compliance of the transfer order by the Complainant recommended a medical assessment by a Special Board of the G B Pant Hospital.

2.3 The present Complaint has been filed before the Chief Commissioner. However, the provision relied upon by the Complainant is Section 80 (b) which pertains to the State Commissioner.

2.4 The Respondent denied the allegations of public humiliation or harassment of the Complainant and said that the same can be verified from the Nursing Staff who were present during that time. The Respondent also denied the allegation of any threat being issued to the Complainant of termination under FR 56 (J). She further submitted that the assessment recommended by her was not for the purpose of issuing another disability certificate but it was merely to find out the exact nature of work that may be safely undertaken by the holder of the certificate. Lastly she submitted that the injury sustained by the Complainant occurred during her Child Care Leave between 19 and 28 February, 2024 and not during her hospital duty.

3. Submission made in the Rejoinder

3.1 The Complainant in her rejoinder submitted that on the direction of the Respondent for re-assessment of her disability, a medical board was constituted on 25.07.2024. The Complainant appeared before the Board on the same day and the report was issued by the Board on 26.07.2024. The medical board noted as under:-

(i) That it is not under the purview of an Administrative Officer-GNEC to direct the constitution of the medical board regarding the assessment of a patient's disability,

(ii) That the petitioner has already been granted a certificate of 51% disability for Gullian Barre Syndrome (GBS) and thus, there is no need to revalidate this disability certificate; and

(iii) That it is beyond the purview of the Board to determine the nature of duty which can be allocated to the Petitioner.

3.2 The Complainant refuted all the averments made by the Respondent in their reply dated 26.07.2024 and reiterated her prayers as mentioned in para 1.7 above.

4. Hearing (I):

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:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
Complainant:		
1.	Ms. Deepa Stephen	Online
2.	Adv. Rishabh Sharma, representing Complainant	Online
Respondents:		
1.	Dr. Kirti Singh, (Director Professor Ophthalmology, Maulana Azad Medical College and Director, Guru Nanak Eye Centre)	Online
2.	Dr. Aastha, Assistant Professor, Guru Nanak Eye Centre	Online
3.	Mr. Jitendra, Admin Officer, Guru Nanak Eye Centre.	Online

5. Record of Proceedings

5.1 The Complainant emphasized that the Honorable Court's order dated 7th October 2024 had already directed the Respondent to reconsider the transfer order. She sought two findings in the present hearing:

- I. ***A declaration that the transfer order and related actions amounted to harassment.***
- II. ***A directive confirming that the veracity of a legally issued disability certificate cannot be questioned unless done as per the provisions of the RPwD Act.***

5.2 The Complainant, represented by Advocate Rishabh Sharma, submitted that the transfer order issued on 8th May 2024, lacked reasoning and resulted in undue harassment. The said order transferred the Complainant, Ms. Deepa Stephen, from a desk job in the investigation lab to the OPD ECG section, a physically demanding role unsuitable for her due to a 51% locomotor disability.

5.3 The Complainant contended that this transfer violated the Delhi High Court's precedent, which establishes that transfers without just cause constitute harassment. She submitted that under Sections 58 (3) and 59 of the RPwD Act, a disability certificate issued by a competent authority is final unless formally challenged with recorded reasons, which had not been done in her case.

5.4 The Complainant referred to Annexure 6, the transfer order dated 8th May 2024, which merely stated the reassignment from her desk role to the OPD+ECG section without providing any reasoning. She contended that this arbitrary decision disregarded her disability and required her to perform physically demanding tasks unsuitable for her condition.

5.5 The Complainant presented Annexure 9, the minutes of the meeting dated 19th June 2024, which alleged non-compliance with the transfer order by four nursing staff, including her. She clarified that her non-compliance was due to her prior representation submitted on 10th May 2024, wherein she requested to continue her desk job due to her 51% locomotor disability and that the same was also mentioned in the very minutes of the meeting, albeit without any response from the Centre.

5.6 The Complainant emphasized that the Respondents directed a medical reassessment of her disability by GB Pant Hospital through a special medical board from GIPMER, which was conducted on July 26, 2024, despite her valid disability certificate dated 27th June 2022, which is not in conformity with Sections 58 and 59 of the RPwD Act. The Complainant highlighted that the Respondents later claimed they did not intend to conduct a medical reassessment. However, their actions, including issuing directions to GB Pant Hospital, contradicted this assertion. The reassessment was carried out following their instructions, further aggravating her distress.

5.7 Relying on a Delhi High Court judgment in Bhavneet Singh, the Complainant underscored that persons with disabilities are entitled to preferential postings and exemptions from rotational transfers.

5.8 Lastly, the Complainant alleged that the Respondents' actions caused her humiliation and mental distress. She referred to the findings of GB Pant Hospital's medical board, which confirmed her significant disability and criticized the improper referral process initiated by the administrative officer at Guru Nanak Eye Centre. She called this breach of protocol, which is an example of administrative impropriety and argued that such instances were part of a repeated pattern at Guru Nanak Eye Centre, necessitating strong corrective action to prevent recurrence.

5.9 In her response, Dr. Kirti Singh contended that the transfer order issued on May 8th 2024 was a routine administrative action without any malice or intent to harass the Complainant. They emphasized that the ECG duty assigned was on the ground floor and considered to be one of the lightest roles available. She clarified that the administration was unaware of the Complainant's shift to the ANS office, which was done without proper authorization. She explained that when the transfer order was issued, they believed that the Complainant was still working in the investigation lab. This miscommunication was attributed to the administrative officer being on vacation at the time.

5.10 She further submitted that the ECG section was newly established to provide convenience for elderly and visually impaired patients, ensuring that they did not have to travel to Lok Nayak Hospital for ECG services. She claimed that the duties involved minimal physical exertion and were well within the Complainant's capabilities. While acknowledging an administrative lapse in failing to realize the updated posting status of the Complainant and overlooking the Complainant's objection to the transfer, the Respondent denied questioning the Complainant's disability certificate or its validity. They asserted that the reassessment was suggested solely to determine the specific duties that the Complainant could perform in light of any changes or deterioration in her condition.

5.11 The Respondent further contended that the Complainant's non-compliance with the transfer order was primarily due to her desire to

remain in the ANS office, which was not a designated duty post for a Nursing Assistant. They argued that this position was not officially sanctioned and could not be considered a permanent posting. Referring to the light nature of ECG duties, the Respondents stated that the Complainant had been working in the investigation lab before her reassignment and that the reassigned duties were comparable in physical demand. They claimed that the reassignment did not impose any undue burden on the Complainant.

5.12 The Respondents concluded by reiterating their commitment to supporting persons with disabilities and requested the court to consider the administrative constraints and challenges faced by the hospital. They elaborated that if the Complainant's disability had increased due to her condition, which warranted creation of a supernumerary post for her, they are willing to take it up with the Ministry of Health. They expressed regret for any inadvertent lapses in communication or procedure but denied any intentional wrongdoing or harassment.

6. Observations and Recommendations

6.1 After hearing both the parties, this court acknowledged that submissions made by the parties signify the role lack of communication or lack of awareness and sensitivity towards disability issues and laws governing them can play in arousing grievances and creating conflicts in an organisation. For example, the Respondent has clearly informed that they were not aware of the informal arrangement in which the Complainant was working with the ANS Office. Similarly, the Complainant submitted that her impugned posting order was issued without providing any reasons.

6.2 This Court informed the parties of their rights and duties in the matter of posting and transfers of persons with disabilities as contained in sections 20 and 21 of the RPwD Act, read with Rule 8 of the RPwD Rules and instructions of the DoPT in this regard. This Court observed that in such matters the laws are governed by the concept of **reasonable accommodation**. The demand needs to be reasonable and the administration should be willing to meet or accommodate such reasonable demands. The Complainant's need for her role and duties are to be aligned with the job description of the post for which she has

been recruited, keeping her documented disability in mind.

6.3 This Court observed that in an environment like a hospital, the primary focus must remain on ensuring the patient's care. It emphasized the need to balance the convenience of patients with the rights and accommodations required by employees. The court stated that while employees with disabilities have the right to reasonable accommodations, the expectation of work output in a hospital setting remains critical. It noted that employees cannot demand to be exempted from all duties related to their post. In the instant case, it will be unreasonable for the Complainant to insist for a desk job, while her job entails patient care, unless it is established by due process of law that she has acquired a disability due to which she is no longer fit to work in the post to which she was recruited and is liable, in terms of Section 20 (4) of the RPwD Act, 2016, to be shifted to an alternate suitable post.

6.4 Notwithstanding the above, this Court is also of the view that if any Nursing Officer at the Guru Nanak Eye Hospital has been assigned with only desk roles, the Complainant and other similarly placed employees should also be considered for such assignments as part of reasonable accommodation.

6.5 This Court is also of the view that the referral process followed by the Respondent in directing the GB Pant Hospital for a medical reassessment was not only inappropriate according to the settled procedure but was also unwarranted and contrary to law, imposing an undue burden on her as a person with a locomotor disability.

6.6 Accordingly, the case is disposed of.

Digitally signed by
Rajesh Aggarwal
Date: 10-03-2025
15:31:49

(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

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

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

In the matter of —

Mr. Rahul Kumar Sharma

... Complainant

Versus

- (1) The Director,
Indian Institute of Management Tiruchirappalli **...Respondent No. 1**
- (2) The Secretary,
Department of Higher Education
Ministry of Education **... Respondent No.2**
- (3) The Managing Director and CEO,
Central Bank of India **... Respondent No.3**

1. Gist of the Complaint:

1.1 Mr. Rahul Kumar Sharma, a person with 40% Locomotor Disability (OL) filed a Complaint dated 16.07.2024 regarding the denial of his admission to PGPM (2024-26) by the Indian Institute of Management Tiruchirappalli (IIM Trichy).

1.2 The Complainant submitted that he was a student in IIM Trichy. He alleged as under:

- (a) He was thrown out of the hostel and the Institute because of non-deposition of full fees, while a loan under Vidya Lakshmi Scheme (Loan ID No. 2520994) was about to be sanctioned from the Central Bank of India

(IFSC Code CBIN0280900, Tiruchirapalli).

(b) An application was made to be written to him by pressurizing him wherein there is no matching of signature, and he was insulted so much by making fun of his poverty.

1.3 He prayed that IIM Trichy be directed to offer him provisional admission in the PGPM-2024-26.

2. Notice issued to the Respondents:

In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a notice dated 23.07.2024 was issued to the respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondents:

3.1 The Director, IIM Trichy [Respondent No.1] filed its reply on affidavit dated 22.08.2024 and inter-alia submitted that Mr. Rahul Kumar Sharma [Complainant] was waitlisted in the PGPM on 10.05.2024. He paid the waitlist commitment fee of ₹20,000/- on 14.05.2024. Based on the waitlist movement, he was provided an admission offer for PGPM on 3 June 2024. For that round of offers, the last date for the payment of the offer acceptance fee was 07.06.2024 by 5:00 pm, and the last date for the payment of the remaining first term fee was 15.06.2024 by 5:00 pm.

3.2 The Complainant claimed that he had paid the offer commitment fee of ₹80,000/- through a bank loan obtained from the Central Bank of India. The admission office cross-checked the payment transaction and the following observations were found:

(a) The last date of the offer acceptance fee was 07.06.2024, but the payment details provided by the Complainant affirmed the date to be 14.05.2024. As per the Admissions portal, the offer commitment fee for the waitlisted candidate will only be active upon providing an offer to the candidate. The Complainant was provided an offer only on 03.06.2024 and the payment date could not be before 03.06.2024. Hence, his claim that he had paid the offer acceptance fee of ₹80,000/- on 14.05.2024 was false and he had submitted a fake fee detail.

(b) The transaction reference number (0885579730519) that he had provided towards the offer acceptance fee of ₹80,000/- is nothing but the

same transaction number that he paid towards the waitlist fee of ₹20,000/- on 14.05.2024. He had also generated a fake acceptance offer letter and submitted fake details twice to the institute that he had paid ₹1,00,000/-. This is an offence that could not be justified under the law of the land.

(c) Due to the fake claim and discrepancies in the payment, the offer was forfeited.

3.2 No reply was received from Respondent No.2 and Respondent No.3.

4. Rejoinder filed by the Complainant:

4.1 The Complainant filed his rejoinder dated 06.09.2024 and reiterated his complaint that he had a few difficulties due to his poverty that were hindering him from completing his degree and that He was punished for a mistake that was beyond his control.

5. Hearing:

A hearing was conducted on **08.01.2025 in hybrid mode** (offline/online through video conferencing). The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
From Complainant:		
1.	Mr Rahul Kumar Sharma, Complainant	Online
From Respondent No.1:		
1.	Mr Prabhakar Mishra, Legal Counsel	Online
2.	Mr K. Muttukamaran	Online
3.	Mr Vipin Chairperson (Admission)	Online
From Respondent No.2:		
	None appeared	---
From Respondent No.3:		
1.	Mr Vivek Kumar, General Manager, Corporate Office, Bank of India	Online

2.	Mr Sasnidharan, Zonal Manager, Bank of India, Chennai	Online
3.	Mr. Sanjay, Officer	Online

6. Observations & Recommendations:

6.1 Both the parties were heard.

6.2 The Complainant and Respondent No. 1 stuck to the stand taken by them in their written submissions. Respondent No. 3 mentioned that they had sanctioned the loan to meet the expenditure on admission fees on 11.06.2024, which is after the last date for submission of the fees. Respondent No. 3 also submitted that multiple efforts to contact the Complainant on phone and through WhatsApp did not yield any result. It was observed that the Complainant had submitted fake details/documents to the institute to show that he had paid the requisite fee of ₹1,00,000/-. Such an offence is not justifiable under the law of the land, under any circumstances. The Complainant could have talked to the authorities of the Respondent Institute for the grant of more time as he had applied for a loan instead of submitting fake documents to the Institute. At the time of hearing this matter, the admission process has been completed, and no direction can be issued for admission of the Complainant. Hence, there appears no merit in the Complaint.

6.3 Accordingly, the case is disposed of.

Digitally signed by

Rajesh Aggarwal

Date: 09-03-2025

10 (Rajesh Aggarwal)

Chief Commissioner for Persons with Disabilities



सत्यमेव जयते

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
5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No. 15588/1011/2024**In the matter of —**

Mr. Vinit Nana Hagone ... **Complainant**

Versus

- (1) The Chairman
Bharat Petroleum Corporation Limited ... **Respondent (1)**
- (2) The Chairman & Managing Director
Engineers India Ltd ... **Respondent (2)**
- (3) The Chief Executive Officer,
C-Dot ... **Respondent (3)**

1. Gist of the Complaint:

1.1 Mr Vinit, a person with 100% Hearing Impairment (Deaf) filed a complaint dated 21.07.2024 regarding the denial of reservation in employment by C-Dot [Respondents].

1.2 The Complainant submitted that he is a recent B. Tech (CSE). His rights of getting selection under divyang were discriminated against by the respondents during campus selection despite meeting the eligibility criteria. He is afraid that either he is being ignored or the respondents are not following the provision under Section 34 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"].

1.3 He prayed for intervention by this Court for strict adherence of the provisions of the Act by the respondents.

2. Notice issued to the Respondents:

In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], notices dated 24.07.2024 and 20.09.2024 were issued to the respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondent No.1 [BPCL]:

Respondent No.1 filed its reply on affidavit dated 22.08.2024 and inter-alia submitted that they had visited the IIT Ropar campus on 31.10.2023, 01.11.2023, and 02.11.2023 to recruit students from the Mechanical, Chemical, Civil and Electrical Engineering streams only. They had not visited there for hiring Computer Science graduates during that period. Subsequently, by email dated 30.05.2024, BPCL again reached out to IIT Ropar to assess the numbers of eligible and available B.Tech/B.E. Final Year (2024 passouts) students as per BPCL's eligibility criteria in the Mechanical, Chemical, Instrumentation, electrical, Computer Science, and Civil Engineering streams. The college provided the requested details on 02.06.2024. However, BPCL did not proceed further in this regard. Hence no discrimination, the complaint was filed without any basis. The BPCL stated to have endeavoured to comply with all applicable guidelines regarding reservations and necessary relaxations applicable to PwBDs.

4. Reply filed by the Respondent No.2 [EIL]:

The EIL filed its reply dated 07.01.2025 and inter-alis submitted that —

(a) Shri Vinit Nana Hagone, having category declared as HH (100%) from IIT Ropar, had applied against EIL Campus recruitment. year 2024 for Management Trainee in Computer Science/CSE/IT discipline.

(b) As per the declaration of the Complainant and duly forwarded by the Training Placement Officer of IIT Ropar, the last declared percentage up to 7th Semester was 71.70% as against the cut-off 83.49% of the shortlisted PwD candidate for interview. Thus, the Complainant was below the cut-off

marks and, accordingly, he was not shortlisted for the interview.

(c) They finally selected a PwD candidate as a Management Trainee in Computer Science/CSE/IT discipline under campus recruitment mode, to which the Complainant had also applied. The selected candidate scored 83.49% marks,

5. Reply filed by the Respondent No.3 [C-DoT]:

No comment/reply was received from Respondent No.3.

6. Rejoinder filed by the Complainant:

6.1 The Complainant in his rejoinder dated 08.11.2024 submitted that despite completing his B. Tech with good marks, he is jobless and struggling to secure employment despite multiple applications in both private and government sectors.

7. Hearing:

8.1 A hearing was conducted on **08.01.2025 in hybrid mode** (Offline/Online through Video Conferencing). The following parties/representatives appeared during the hearing:

Sl. No.	Name of the parties/Representatives	Mode of Presence
From Complainant:		
1.	Mr Vinit Nana Hagone, Complainant	Online
From Respondent No.1:		
1.	Mr. Rajnish Kumar, Chief General Manager, BPCL	Online
2.	Ms. Jyoti Gouda, Chief Manager (HRD), BPCL	Online
From Respondent No.2:		
1.	Mr. Praveen Kumar, General Manager (HR), EIL	Online
2.	Ms Smitha Sehgal, Dy General Manager (Legal) Engineers India Ltd.	Online
3.	Mr Anand	Online
From Respondent No.3:		
1.	Ms Akshita Gupta,	Online

Legal Manager, C-DoT	
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8.2 Proceedings of the Hearing: At the very outset, the parties were apprised that Mr. Vinit, Complainant, in this case, is a person with 100% hearing impairment who does not know Sign Language. So, he had submitted his written arguments dated 08.01.2025 before this Court. In his written submission, the complainant made the following points:

- (a) The EIL did not comply with the 4% reservation for PwBD as per the Act, i.e. 1% for Blindness and Low Vision; 1% for Deaf and Hard of Hearing; 1% for Locomotor Disability; and 1% for Autism, Intellectual Disability, Mental Illness, and Multiple Disabilities.
- (b) Not a single candidate was selected from the Hearing Impairment category in this recruitment and even since 2016.
- (c) The EIL applied a disproportionately high cut-off mark of 83.49% for PwBD which effectively excluded the qualified candidates like the Complainant (71.7%).
- (d) The workforce of the EIL currently includes only 1.7% PwD, which is significantly below the mandated 4% reservation.
- (e) The EIL rejected the application of the Complainant despite the IIT Ropar Placement Office highlighting the need for reservation with the request for relaxation in eligibility criteria for PwBD candidates; and failed to provide reasonable accommodation.
- (f) The EIL's misunderstanding of the 4% reservation policy led to systemic neglect of PwBDs more particularly, persons with hearing impairment. This not only violates the Act but also undermines constitutional principles of equality and fairness.
- (g) The EIL be directed — (i) to consider the application of the Complainant and ensure fair treatment as a qualified PwBD candidate as Management Trainee position under relaxed criteria; (ii) to fulfill the 1-1-1-1% reservation requirement to ensure equitable representation of all PwBD categories; and (iii) to take affirmative action to recruit PwBD candidates for

jobs until the 4% reservation target is met, particularly categories such as Deaf and Hard of Hearing (1%) and Multiple disabilities (1%).

8.3 The representative from BPCL reiterated their reply that they had visited the IIT Roper campus to recruit students from the Mechanical, Chemical, Civil, and Electrical Engineering streams only and not for Computer Science graduates. In a reply to a question by this Court, the representative said that PwDs constitute 3% of their workforce as of now.

8.4 The representative from the EIL submitted that they invited applications from all the chosen colleges based on their requirements. The candidates are shortlisted based on their ranking followed by an interview. Whoever is performing well in the interview as per procedure, that candidate is selected. In this particular discipline Computer Science and Engineering, the cut-off of the candidates who have been called was much higher than the Marks secured by the Complainant, Mr Vinit. So, he was not called for the interview as his marks were around 70%. The selected candidates had qualified the cut-off of over 83%.

8.5 The representative from C-DoT submitted that they go to the campuses based on the project requirements and selections are made accordingly. There was no requirement at that time where the Complainant could not fit into the specifications which were given to the HR department. So he could not be shortlisted. At present, there are about twenty-four (24) divyang candidates working in their organization and all are working on a contract basis; the maximum period of contract is five (05) years.

9. Observations & Recommendations:

9.1 Upon hearing the parties and perusing the records of the case, it was observed that all the respondents have prima facie failed to comply with Section 34 of the RPwD Act, which provides for 4% reservation for PwBD in appointment, of which 1% is reserved for persons with hearing impairment. By their own admission, the respondents have accepted having approximately 3% PwBDs in their workforce, without commenting on the representation of the hearing impaired persons.

9.2 Notwithstanding, the Complainant has failed to establish his case of discrimination and denial of his rights as no candidate including any persons with disabilities, who scored lesser marks than him, was selected for the appointment.

As such, this Court is not inclined to intervene in the individual matter of the Complainant.

9.3 However, respondent numbers 1 and 2 are recommended to submit their version on the issues of implementation of Section 34 of the RPwD Act, 2016 in their establishment and submit their action plan within three months ensuring that the unfilled vacancies are filled up within six (06) months from the date of issue of this Order.

9.4 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.

9.5 The case is accordingly disposed of.

Digitally signed by
Rajesh Aggarwal
Date: 25-03-2025
06:44:38
(Rajesh Aggarwal)
Chief Commissioner
for Persons with Disabilities



सत्यमेव जयते

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

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

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

Case No. 14321/1041/2023

In the matter of —

Mx Anushka Priyadarshini ... **Complainant**

Versus

- (1) The Secretary,
Department of Empowerment of
Persons with Disabilities (Divyangjan), ... **Respondent No.1**
- (2) The President,
Consortium of National Law University ... **Respondent No.2**

1. Gist of Complainant:

1.1 Mx Anushka Priyadarshini, a person with 48% intellectual disability filed a Complaint dated 06.07.2023, presenting herself as an aggrieved person, regarding the denial of Scribe in Common Law Admission Test-2024 to persons with disabilities except for blindness, both arms affected and cerebral palsy, by the Consortium of National Law Universities in its Notification dated 01.07.2023.

1.2 The Complainant submitted that it is a clear violation of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"] and Para IV of the 'Guidelines for conducting Written Examination for Persons with Benchmark Disabilities' [Guidelines] issued by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment [DEPwD/MSJE] vide Office Memorandum No.34-02/2015-DD-III dated 29.08.2018, which reads as

under:—

"IV. The facility of Scribe/Reader/Lab Assistant should be allowed to any person with benchmark disability as defined under Section 2(r) of the RPwD Act, 2016 and his limitation in writing including that of speed if so desired by him/her.

In case of persons with benchmark disabilities in the category of blindness locomotor disability (both arm affected-BA) and cerebral palsy, the facility of scribe/reader/lab assistant shall be given, if so desired by the person.

In case of other category of persons with benchmark disabilities, the provision of scribe/reader/lab assistant can be allowed on production of a certificate to the effect that the person concerned has physical limitation to write, and scribe is essential to write examination on his behalf, from the Chief Medical Officer/Civil Surgeon/ Medical Superintendent of a Government health care institution as per proforma at APPENDIX-I."

1.4 The Complainant further submitted that not providing a reader/scribe to persons with benchmark disabilities about mental illness (insomnia), ADHD and learning/intellectual disabilities, chronic fatigue syndrome, etc., goes against the international norms and the spirit of the Act. It is ridiculous for the candidates to obtain a medical certificate if the same is required as per OM dated 29.08.2018, as once it is certified that the concerned person suffers from such a disability he/she may require either a reader or scribe or both. It is just harassment of persons with disabilities to obtain such a certificate from a doctor every time despite having a UDID Card and Disability Certificate from a competent medical authority.

1.5 Further, if the concerned examination authority is mandating a certain category of candidates to obtain a medical certificate for the requirement of scribe/reader each time then it should make the same rule applicable for all irrespective of one's disability and no exception should be carved out for blind persons, locomotor disability (both arm affected-BA), and cerebral palsy.

1.6 That every person who falls under section 2 (r) of the Act is allowed to use the service of a scribe/reader provided that the assistance of reader or scribe or both is essential due to the very fact of their disabilities; whose nature of disability is to fundamental that demanding those persons who fall under section 2 (r) with

certain kind of disabilities is like asking a fish to prove this fact every time that it cannot come out of the water or fly in the sky. The Complainant prayed that DEPWD/MSJE be directed to issue a fresh Office Memorandum after obtaining an opinion from a Committee of medical professionals.

2. Notice issued to the Respondents:

The matter was taken up and a notice dated 26.07.2023 was issued to (1) The Secretary, DEPWD/MSJE; and (2) The Registrar, National Law School of India University, Bengaluru for forwarding their comments on the affidavit on the complaint within 30 days.

3. Reply filed by the Respondents:

3.1 The DEPWD/MSJE [Respondent No.1] filed its reply dated 18.08.2023 and inter-alia submitted that the said Guidelines are based on the findings of a Committee constituted on 26.03.2015 under the Chairmanship of Secretary, DEPWD which has representation from UPSC, SSC, DoPT, Department of Higher Education, National Institutes under DEPWD/MSJE, Office of Chief Commissioner for Persons with Disabilities and representatives from PwD organizations.

3.2 As given in Para IV of the Guidelines dated 29.08.2018, the manner of availing scribe/reader/lab assistant for various categories of disabilities was extensively deliberated in the Committee and a Sub Committee was further constituted to specifically look into the issue relating to engagement of scribe while taking written examination. Hence, the provision for availing scribes for various categories of benchmark disabilities has been arrived at after due deliberation.

3.3 The Registrar, National Law School of India University [NLSIU], Bengaluru filed its reply dated 07.09.2023 and inter-alia submitted that Prof. (Dr.) Vijender Kumar, Vice-Chancellor, MNLU, Nagpur is the current President of the Consortium of NLU, and therefore, he is the appropriate authority to receive the Notice in the instant complaint. He further submitted that to assist this Court a soft copy of the Notice issued by this Court had been shared to the Consortium of NLUs. The Registrar, NLSIU is neither the President of the Consortium of NLUs nor a member of the Consortium of NLUs in his professional capacity.

3.4 Dr. Sudhir Krishnaswamy, Secretary-Treasurer, Consortium of National Law Universities [Respondent No.2] filed its reply on affidavit dated 16.10.2023 and

inter-alia submitted that the impugned Notification dated 01.07.2023 for availing a scribe for Persons with Benchmark Disabilities was issued by Para IV of the Guidelines dated 29.08.2018 and read with the Guidelines issued vide OM No. 29-6/2019-DD-III dated 10.08.2022 which provide that persons with Benchmark Disabilities shall be provided scribe assistance if so desired by them. According to these Guidelines, the facility of a scribe shall only be granted solely to those having difficulty in writing subject to the production of a certificate from the competent medical authority certifying that the person concerned has a limitation that impedes writing and that the scribe is essential to write the examination on their behalf. The impugned notification imposes the same requirements to provide scribe facilities to candidates. The proforma to the impugned Notification for the certificate required for such scribe assistance is a verbatim copy of the proforma prescribed in the 2022 Guidelines and as such cannot violate the Act.

3.5 Respondent No.2 also submitted that there is no need for candidates to obtain any separate medical certificate, which is especially issued for the CLAT examination. Candidates having a medical certificate issued under the 2022 Guidelines are allowed to use the same certificate to request scribe assistance at the CLAT examination also. The Complainant's grievance is misconceived, as the rules of the CLAT exam do not restrict scribe assistance to only candidates with benchmark disabilities. Scribe assistance is offered to all candidates with disabilities, who face an impediment in writing.

4. Rejoinder filed by the Complainant:

4.1 The Complainant filed her Rejoinder dated 30.10.2023 and reiterated her Complaint. She added that the 2018 Guidelines cannot be applied in conjunction with the 2022 Guidelines, as they are mutually exclusive and apply to two different categories, specifically section 2(r) and 2(s) of the Act, respectively. The 2018 Guidelines specify the provision of a scribe/reader/lab assistant for individuals falling under section 2(r) (persons with benchmark disabilities) upon the submission of a medical certificate, as per the format provided in APPENDIX-I. The impugned Notification dated 1st July 2023 complies with the 2022 Guidelines but not with the 2018 Guidelines, as it entirely excludes individuals with benchmark disabilities from receiving scribe/reader assistance, failing to mention APPENDIX-I of the 2018 Guidelines in its CLAT notification. The rules of the CLAT examination restrict reader assistance to candidates who face impediments in writing, thereby excluding those individuals who suffer from mental or brain impairments from

receiving reader assistance.

4.2 Consequently, both the contested notification dated 01/07/2023 and the Office Memorandum (OM) from the Department of Empowerment of Persons with Disabilities (Divyangjan) dated 10/10/2022 are in violation of the RPwD Act, 2016, and the judgment of the Supreme Court of India in Vikash Kumar v. UPSC (2021). This violation is due to their restriction of reasonable accommodations to only specified disabilities, as outlined in Section 2(zc) of the RPwD Act, 2016, which runs counter to the broader provisions of Section 2(s) and the overarching intent of the RPwD Act.

5. Clarification sought from the Complainant:

5.1 This Court vide letter dated 25.04.2024 asked the Complainant to clarify/furnish as to whether she appeared in the ibid Common Law Admission Test-2024 and whether the facility of the scribe was denied to her. She was also asked to file supporting documents, such as a copy of the complaint made with the concerned authority or any other document.

6. Clarification submitted by the Complainant:

The Complainant vide email dated 17.05.2024 inter-alia submitted that due to financial constraints, she could not get admission in BA LL.B program. She, however, apologized for any inconvenience caused due to the filing of this case; and requested to close the case.

7. Observations & Recommendations:

In light of the facts mentioned above and the documents available on file, it is apparent that the Complainant has not been able to establish prima facie any case of denial of any rights of a person with disabilities or of any discrimination on grounds of disability. Hence, no further intervention is warranted in this case, and the case is disposed of as withdrawn with the approval of the Chief Commissioner for Persons with Disabilities.

**Digitally signed by
Praveen Prakash Ambashta
Date: 27-03-2025 23:00:00**

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



न्यायालय मुख्य आयुक्त दिव्यांगजन

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

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

In the matter of —

Mr. Rahul Kumar Sharma

... Complainant

Versus

(1) The Director,
Indian Institute of Management Tiruchirappalli **...Respondent No. 1**

(2) The Secretary,
Department of Higher Education
Ministry of Education **... Respondent No.2**

(3) The Managing Director and CEO,
Central Bank of India **... Respondent No.3**

1. Gist of the Complaint:

1.1 Mr. Rahul Kumar Sharma, a person with 40% Locomotor Disability (OL) filed a Complaint dated 16.07.2024 regarding the denial of his admission to PGPM (2024-26) by the Indian Institute of Management Tiruchirappalli (IIM Trichy).

1.2 The Complainant submitted that he was a student in IIM Trichy. He alleged as under:

(a) He was thrown out of the hostel and the Institute because of non-deposition of full fees, while a loan under Vidya Lakshmi Scheme (Loan ID No. 2520994) was about to be sanctioned from the Central Bank of India

(IFSC Code CBIN0280900, Tiruchirapalli).

(b) An application was made to be written to him by pressurizing him wherein there is no matching of signature, and he was insulted so much by making fun of his poverty.

1.3 He prayed that IIM Trichy be directed to offer him provisional admission in the PGPM-2024-26.

2. Notice issued to the Respondents:

In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a notice dated 23.07.2024 was issued to the respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondents:

3.1 The Director, IIM Trichy [Respondent No.1] filed its reply on affidavit dated 22.08.2024 and inter-alia submitted that Mr. Rahul Kumar Sharma [Complainant] was waitlisted in the PGPM on 10.05.2024. He paid the waitlist commitment fee of ₹20,000/- on 14.05.2024. Based on the waitlist movement, he was provided an admission offer for PGPM on 3 June 2024. For that round of offers, the last date for the payment of the offer acceptance fee was 07.06.2024 by 5:00 pm, and the last date for the payment of the remaining first term fee was 15.06.2024 by 5:00 pm.

3.2 The Complainant claimed that he had paid the offer commitment fee of ₹80,000/- through a bank loan obtained from the Central Bank of India. The admission office cross-checked the payment transaction and the following observations were found:

(a) The last date of the offer acceptance fee was 07.06.2024, but the payment details provided by the Complainant affirmed the date to be 14.05.2024. As per the Admissions portal, the offer commitment fee for the waitlisted candidate will only be active upon providing an offer to the candidate. The Complainant was provided an offer only on 03.06.2024 and the payment date could not be before 03.06.2024. Hence, his claim that he had paid the offer acceptance fee of ₹80,000/- on 14.05.2024 was false and he had submitted a fake fee detail.

(b) The transaction reference number (0885579730519) that he had provided towards the offer acceptance fee of ₹80,000/- is nothing but the

same transaction number that he paid towards the waitlist fee of ₹20,000/- on 14.05.2024. He had also generated a fake acceptance offer letter and submitted fake details twice to the institute that he had paid ₹1,00,000/-. This is an offence that could not be justified under the law of the land.

(c) Due to the fake claim and discrepancies in the payment, the offer was forfeited.

3.2 No reply was received from Respondent No.2 and Respondent No.3.

4. Rejoinder filed by the Complainant:

4.1 The Complainant filed his rejoinder dated 06.09.2024 and reiterated his complaint that he had a few difficulties due to his poverty that were hindering him from completing his degree and that He was punished for a mistake that was beyond his control.

5. Hearing:

A hearing was conducted on **08.01.2025 in hybrid mode** (offline/online through video conferencing). The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
From Complainant:		
1.	Mr Rahul Kumar Sharma, Complainant	Online
From Respondent No.1:		
1.	Mr Prabhakar Mishra, Legal Counsel	Online
2.	Mr K. Muttukamaran	Online
3.	Mr Vipin Chairperson (Admission)	Online
From Respondent No.2:		
	None appeared	---
From Respondent No.3:		
1.	Mr Vivek Kumar, General Manager, Corporate Office, Bank of India	Online

2.	Mr Sasnidharan, Zonal Manager, Bank of India, Chennai	Online
3.	Mr. Sanjay, Officer	Online

6. Observations & Recommendations:

6.1 Both the parties were heard.

6.2 The Complainant and Respondent No. 1 stuck to the stand taken by them in their written submissions. Respondent No. 3 mentioned that they had sanctioned the loan to meet the expenditure on admission fees on 11.06.2024, which is after the last date for submission of the fees. Respondent No. 3 also submitted that multiple efforts to contact the Complainant on phone and through WhatsApp did not yield any result. It was observed that the Complainant had submitted fake details/documents to the institute to show that he had paid the requisite fee of ₹1,00,000/-. Such an offence is not justifiable under the law of the land, under any circumstances. The Complainant could have talked to the authorities of the Respondent Institute for the grant of more time as he had applied for a loan instead of submitting fake documents to the Institute. At the time of hearing this matter, the admission process has been completed, and no direction can be issued for admission of the Complainant. Hence, there appears no merit in the Complaint.

6.3 Accordingly, the case is disposed of.

Digitally signed by
Rajesh Aggarwal
Date: 09-03-2025
10:26
Rajesh Aggarwal

Chief Commissioner for Persons with Disabilities