



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) 20892364Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in**Case No. 14390/1024/2024****In the matter of -**

Ajay Kumar Singh

... Complainant**Versus**

The Chairman & 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 31st. 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 19th 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:

| SNo. | Name of the parties/ Representatives | Mode of Presence |
|--------------------|---|------------------|
| – | Complainant: | |
| 1. | Mr. Ajay Kumar Singh. Complainant | Online |
| 2. | Advocate Rishabh Sharma, For the Complainant | Online |
| 3. | Advocate Mayank Bhargava, For the Complainant | Online |
| Respondent: | | |
| 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.

(Rajesh Aggarwal)
Chief Commissioner