



## न्यायालय मुख्य आयुक्त दिव्यांगजन

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

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

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

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

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

**Case No. 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:

S. No.	Name of the parties/ Representatives	Mode of Presence
<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.

**(Rajesh Aggarwal)**  
**Chief Commissioner**