



न्यायालय मुख्य आयुक्त दिव्यांगजन

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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075 दूरभाष : (011) 20892364
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Case No. 14013/1014/2023

In the matter of —

Mr Babulal

... Complainant

Versus

The Director,
 Bhabha Atomic Research Centre,
 Mumbai

... Respondent

Hearing (I):

A hearing was conducted on **06.02.2025 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 Babu Lal, Complainant	Online
From Respondent:		
1.	Ms J.C. Jacob, Dy Establishment Officer, BARC	Online

RECORD OF PROCEEDINGS

During the hearing, the Complainant reiterated his grievance that he was denied selection despite clearing both the phases of written tests and told that since he could not qualify under OBC category and the ibid post-Work Assistant/A was not notified suitable for Persons with Benchmark Disabilities [PwBD], his

selection was denied.

2. The representative appearing for the Respondent relied on the written reply filed on record. However, in reply to a question, the representative submitted that since there was no shortfall of vacancies for PwBD, no post was reserved for PwBD out of the total seventy-four (74) vacancies advertised by the Respondent.

3. After hearing the parties, it was observed that in the advertisement published for the *ibid* post it was written *that this post is identified for persons with benchmark disability (as per Government of India Orders). Identified Disability: Orthopedically Handicapped (One leg/One Arm Affected), Hearing Handicapped (Partially Deaf) and Visually Handicapped (Partially Blind). Reservation to the identified post for PWD will be as per Government of India Orders. Physical Disability should not be less than 40%.* But it was not mentioned in the advertisement how many post was reserved for PwBD as per the instructions issued by the Government.

4. As replied by the Respondent and as relied upon by the representative appearing during the hearing, it is the case of the Respondent that since they had already employed more than the required number of PwBDs employees in their organization and since there was no shortfall, it was not needed for them to reserve the seat for PwBD in the advertisement in question.

5. Prima-facie there appears to be a violation of Para 7 of the DoPT OM No. 36035/02/2017-Estt (Res) dated 15.01.2028. The Respondent was directed to furnish to this Court the following information/documents within fifteen (15) days from the date of issue of this Record of Proceedings —

(a) the details of the total employees group-wise and the details of the PwBD employees in their organization on the date of issue of the advertisement; and

(b) the Reservation Roster maintained by them since 1996 till the issue of the advertisement in question, in accordance with Para 15 of the DoPT OM dated 29.12.2005 and para 7.1 of the OM dated 15.01.2018.

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

(Praveen Prakash Ambashta)
Dy. Chief Commissioner