



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

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Case No. 13956/1021/2023

Complainant:

Shri Surendra Singh Rawat

Respondent:

Secretary,
Indian Council of Agricultural Research,

1. GIST OF COMPLAINT:

1.1 Shri Surender Singh Rawat, a person with 50% locomotor disability, filed his complaint on 10.03.2023, stating that he was employed as an Assistant Administrative Officer (AAO) in the Audit II Section at ICAR-IVRL, Izatnagar, Bareilly, UP. He requested for reservation in promotion under the PwBD category. The promotion in question was for the position of Administrative Officer (AO), but he was informed that there were no vacancies reserved for PwBD under the promotion quota for the recruitment year 2022 at ICAR.

1.2 The Complainant sought the implementation of the reservation roster from 19.04.2017 and urges that backlog

vacancies be addressed. The ICAR's actions have led to restricted promotion opportunities for PwBD employees, pointing out a disparity between the implementation of the reservation roster and the filling of Administrative Officer positions.

1.3 ICAR provided that the PwBD Reservation Roster under RTI, revealed that only 4 out of 8 vacancies for AO in 2022 were reserved for PwBD under the promotion quota. Despite meeting the minimum service requirement of 3 years as AAO by 01.01.2023, the delay in issuing promotion orders has impacted his seniority. The Complainant has requested that the Secretary ICAR, be directed to convene the DPC and issue promotion orders.

2. SUBMISSIONS MADE BY THE RESPONDENT:

2.1 Shri S.K. Singh, Director (Legal) in his reply dated 11.05.2023 on behalf of the Respondent, referred to a Circular dated 25.11.2022 which outlines the details of PwBD candidates included in the seniority list issued by ICAR. Furthermore, an RTI response dated 19.10.2022 confirmed that for the year 2022, there were four (04) anticipated vacancies for the AAO post, with no specific vacancies reserved for PwBD candidates. The reservation roster allocates the first point for PwBD candidates under Category 'a', with the remaining three points being unreserved. The zone of consideration for the promotion included 12 eligible AAOs, with an extended zone of 20 eligible AAOs, but no eligible PwBD candidates were found. Consequently, the reserved vacancy for PwBD Category 'a' has been carried forward for the following year. According to Clause 13.1 of

the DoP&T OM dated 17/05/2022, PwBD candidates within the normal zone of consideration should be considered for promotion, and if no adequate candidates are found, the zone may be extended up to five times the number of vacancies. If no candidates are found even in the extended zone, the vacancy shall not be filled and be carried forward to the subsequent year.

3. SUBMISSIONS MADE IN REJOINDER:

3.1 No rejoinder has been received from the Complainant.

4. FORWARDING of DoPT OM DATED 28.12.2023 TO THE RESPONDENT

4.1 The Court on 05-02-2024 forwarded a copy of the DOP&T OM No. 36012/1/2020- Estt. (Res-II) dated 28.12.2023 for re-examining the issues involved in this case in light of the fresh instructions and for taking necessary actions accordingly.

5. HEARING (I):

A hearing in hybrid mode (online/offline) was conducted on 28.02.2025, where the following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/ Respondent	Mode of Attendance

1.	Sh. Surendra Singh Rawat	Complainant	Online
2.	Sh. Himanshu Kumar, Under Secretary, Admin (ICAR)	For Respondent	Online

6. Observations and Recommendations:

6.1 The Complainant initially stated that the 3% reservation for promotion to Group A was not implemented. However, his grievance has now been addressed by ICAR, as he has been promoted and has also retired subsequently.

6.2 Sh. Himanshu Kumar, representing the Respondent, stated that the Complainant was granted a notional promotion on 20th May 2022, followed by an actual promotion on 30th April 2024, and subsequently he retired on 30th June 2024. The Complainant has been granted the promotion along with the associated benefits that were due to him.

6.3 The Court noted with due concern that neither of the parties informed it about the development of the pending matter before it, despite this court's letter on 05-02-2024, which included a copy of DOP&T OM No. 36012/1/2020-Estt. (Res-II) dated 28.12.2023, requesting necessary actions and the notice of hearing dated 24.02.2025, rendering the hearing infructuous.

6.4 The Court observed that the request for consideration of the reservation in promotion wef at the 2017 would be non est in view of the fact that the DoPT guidelines in this regard, namely reservation in promotion in Gp "A" and "B" posts, were issued on 17.05.2022, and these were given retrospective effect from 30.06.2016 vide DoPT OM dated 28.12.2023.

6.5 The Court further observed that the Respondents have resolved the grievance of the Complainant, and the Complainant also expressed his satisfaction about the resolution. As such, the Court finds no further avenue to intervene in this matter.

6.6 Accordingly, the case is disposed of.



06/06/2025

(Dr. S. Govindaraj)**Commissioner for Persons with Disabilities**