



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

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Case No. 13830/1021/2023In The Matter of:**SHRI K. Khetrabasi**

...Complainant

*Versus***Principal Chief Personnel Officer,
East Coast Railway.**

...Respondent

1. Hearing:

A hearing in hybrid mode (online/offline) was conducted on 25.02.2025. The following parties/representatives were present during the hearing:

| S. No. | Name and designation of the party/representative | For Complainant/Respondent | Mode of attendance |
|--------|--|----------------------------|--------------------|
| 1. | Mr. K. Khetrabasi – Complainant | Complainant | Online |
| 2. | Mrs. Renubala Sahoo – Authorised Representative | For Complainant | Online |
| 3. | Chief Personnel Officer (Administration), ECoR | Respondent | Online |

2. Record of Proceedings:

2.1 The Complainant and the Counsel for Respondent briefly reiterated their respective contentions, which they had made earlier in their pleadings.

2.2 Referring to Railway Board Circular RBE No. 58/2001, the Respondent, CPO (Admin) ECoR, along with the CPO (Administration), submitted that the vacancy was treated as UR as it was a case of a **single vacancy**. As per the

circular, in cases of single vacancies, reservation is not applied, and such vacancies are treated as unreserved.

3. Observations & Recommendations:

3.1. The Court observed that while the respondent's argument aligns with the Railway Board's instructions, the matter of denial of opportunity to PwD candidates on both reservation and merit grounds raises serious concerns. It is noted that such treatment could result in systemic exclusion of PwDs from promotional avenues, akin to restricting women to women-only seats in public transport.

3.2. The Court acknowledged the complexity of the issue, which involves the applicability of reservation in a single-vacancy scenario, particularly in a vacancy-based reservation system. It concluded that inputs from the DoP&T is necessary for clarity and consistency across departments. Accordingly, DoP&T be impleaded as Respondent No. 2, to whom the documents of this case shall be forwarded with a request to furnish their comments within 15 days from the date of receipt of this Communication.

3.3. The matter shall be listed for a further hearing after one month from the date of issue of this Record of Proceedings with representation from DoP&T to address the interpretation and implementation of reservation in promotions, particularly in cases involving single vacancies.

3.4. This is issued with the approval of the Commissioner for Persons with disabilities.

(Praveen Prakash Ambashta)
Dy. Chief Commissioner for Persons with Disabilities