



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15584/1023/24

Dated: 06/08/2025

Case No. CCPD/15584/1023/2024

In the matter of:

Complainant(s):

Sh. M. Balakrishnan

Respondent (s) :

The Director General

Bureau of Indian Standards (BIS)

RECORD OF PROCEEDINGS

1. Hearing:

1.1 A hearing in hybrid mode (online/offline) was conducted on **21.04.2025**. 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	M. Balakrishnan	Complainant	Online
2	Mr. Vijay Kumar Gupta, Scientist-E and Head, HR Dept., BIS	Respondent	Online

2. At the outset, the Complainant briefly outlined the facts of the case and reaffirmed the submissions presented in his complaint. He raised a new grievance concerning the delay in his posting, which had not

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been mentioned in his initial complaint. He referred to a departmental proceeding initiated against him, resulting in the imposition of a minor penalty- withholding of three increments — for availing leave from 18.07.2022 to 22.07.2022. This leave had been duly approved by a senior officer on the grounds that his father and daughter were unwell.

3. The Respondent reiterated the department's written submissions and clarified that the disciplinary action pertained to the Complainant's absence during March, April, and May, and not for the leave taken in July. The Bureau of Indian Standards (BIS) did not impose any penalty for the leave from 18.07.2022 to 22.07.2022.

4. The Complainant stated that the Order for his transfer from Chennai to Mumbai was issued on 12th March 2022, when he was on an official tour. He was asked to join the new station by 14.03.2022, i.e., without availing the joining time. He joined the new station on 21.03.2022.

5. The Court wanted to know from the Respondent the reasons for the denial of the admissible joining time to the Complainant, who is a person with disabilities and who was at the time of issue of the transfer order, already on an official tour.

6. The Respondent answered that the transfer order was issued on 09.03.2022, and since it was a routine transfer, he was well within his rights to avail of the joining time. The Court noted from the Respondent's reply dated 08.08.2024, the Complainant was directed to report to his new posting at MUBO I, Mumbai, on 14.03.2022, and he reported on 21.03.2022—within the allowed 10-day joining period.

7. The Court observed that the denial of joining time in this case smacks of a discriminatory attitude towards a Divyang person. The Court questioned the Respondent on why departmental proceedings were initiated against the Complainant when he availed of the joining time, which, according to the Respondent, was admissible and a rightful claim of the Complainant.

8. The Respondent further submitted that the disciplinary proceedings were carried out in accordance with the Central Civil Services (Classification, Control, and Appeal) Rules, 1965. It was clarified that joining time is generally granted to all officers, except in cases of local transfers or transfers made on request.

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9. The Respondent further submitted that the departmental proceedings were initiated for the Complainant's absence from 28.03.2022 to 08.04.2022, and again from 27.04.2022 to 29.04.2022 and on 02.05.2022, despite his leave applications having been rejected due to urgent work requirements—rejections that were allegedly communicated to him on multiple occasions. He emphasised that no disciplinary proceedings were taken up for not reporting to the new station in Mumbai on 14.03.2022.

10. The Complainant further submitted that even for this duration, he had verbal as well as formal approval of his senior officer, Mr. Ameeruzaam, through WhatsApp and the formal online HRMS. He claimed that the fact that the leave he applied for was deducted from his leave account indicated that his leave was approved. The Respondent rebutted this point and said that no leaves were applied for in the HRMS for the period for which the disciplinary proceedings were taken up, i.e. between 28.03.2022 and 08.04.2022 or thereafter. The only period for which he applied for leave was between 14.03.2022 and 17.03.2022.

11. The Court observed that the versions of the two parties are totally at odds with each other. There is nothing on record to prove the stand of any of the parties. The Court made it abundantly clear that it has no intention to intervene in a departmental proceeding, which is as per the rules and is also a quasi-judicial proceeding. It further clarified that this Court doesn't have any jurisdiction over a purely service matter. It will be concerned only with seeing whether there is any violation of any provisions of the RPwD Act, 2016, or any rules made thereunder, or whether there is any case of denial of any right vested in a person on account of his disability, or whether this is a case of discrimination on the grounds of disability. In order to determine the appropriate disposal of the matter, it will need to see the documentary evidence.

12. The Court directed the Complainant to submit screenshots from the online leave system and relevant payslips showing deductions, to verify whether his claim or the Respondent's assertion is supported by evidence. The Court also directed the Complainant to file a detailed para-wise reply with supporting documents. The Respondent must similarly submit documents in support of their stand, including on the propriety of denial of reasonable accommodation, such as the grant of joining time and leaves to attend to the ailing parent. Both parties are to exchange documents and submit them to the Court

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within 15 days. Any further reply or rejoinder, if required, must be filed within 15 days of receipt of these recommendations.

13. The matter is scheduled for a hybrid hearing on **02.09.2025**. The time and weblink for virtual appearance will be provided 24–48 hours prior to the hearing. The Court cautioned that failure to provide the required information or to appear—either personally or through a duly authorised representative (not below Group 'A/Class-I rank) or legal counsel—may result in penalties under Sections 89 and 93 of the Rights of Persons with Disabilities Act, 2016.

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

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner

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