



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. 14004/1021/2023

In the matter of:

Shri Jagdeep Singh

...Complainant

Versus

The Chairman,
 Punjab and Sindh Bank

...Respondent

1. Gist of the Complaint:

1.1 Shri Jagdeep Singh, a person with 70% locomotor disability and a specialist officer in MMG-II at Punjab & Sind Bank, filed a complaint dated 30.03.2023 under Section 34 of the Rights of Persons with Disabilities Act, 2016, alleging that no reservation was provided for persons with disabilities in the promotion exam from MMG-II to MMG-III (Group 'A'), even as other reserved categories benefited from reservation, and that candidates with lower marks than himself were selected for interview.

2. Notice Issued to the Respondent:

2.1 A notice dated 08.05.2023 was issued to the Respondent by this Court under sections 75 and 77 of the RPwD Act, 2016, seeking their comments on the complaint within the statutory time limit.

3. Reply filed by the Respondent :

3.1 In reply dated 13.06.2023, the Respondent cited Department of Personnel and Training OM dated 17.05.2022, which mandates 4% reservation for persons with benchmark disabilities only in promotions where direct recruitment is less than 75% from Group 'B' to the lowest rung of Group 'A'. Referring to Ministry of Finance OM dated 06.12.2017, the Respondent clarified that there is no reservation for persons with disabilities in promotions within Group 'A', including from MMG-II to MMG-III, and asserted that the Complainant did not meet the minimum qualifying marks for the interview.

4. REJOINDER FILED BY THE COMPLAINANT:

4.1 No rejoinder was filed by the Complainant in this regard.

5. HEARING:

5.1 A hearing in hybrid mode (online/offline) was conducted on 27.05.2025. 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. Jagdeep Singh – Complainant	Complainant	Online
2	Mr. Rajat Arora	Respondent	Online

6. Record of Proceedings:

6.1. The Complainant submitted that he appeared for the promotion examination from the post of MMG-II to MMG-III on 08.01.2023; however, no post was reserved for persons with disabilities.

6.2. He further submitted that in the results declared by the Respondent, the persons who were from other reserved categories got selected despite securing lower marks than the Complainant and were called upon for the interview.

6.3. The lawyer appearing for the Respondent relied on the OM dated

17.05.2022 issued by the Department of Personnel and Training and contended that the requirement of extending the reservation from Group 'B' to Group 'A' is restricted to the lowest rung. The counsel for the Respondent further submitted that the Department of Financial Services, Ministry of Finance, OM No. 19/4/2017-Welfare dated 06.12.2017, clarifies that the JMGS-1 in the nationalised bank is an equivalent grade for the lowest rung of Group A in the Central government. Hence, reservations for persons with disabilities do not apply in promotion to higher posts such as JMGS-1 to MMGS-II, MMGS-II to MMGS-III, and so on. Also, the Complainant did not secure the minimum qualifying marks to be eligible to appear in the interview

6.4. The Complainant, per contra, submitted that the Respondent is giving lesser marks to the Complainant in the last 2-3 years to keep him out of the promotion process.

6.5. The Complainant also pressed upon the grant of reservation on the basis of the judgment in the case of *Ravinder Kumar Dhariwal vs. the Union of India [2021] 13 SCR 823* to state that a person with disability is entitled to protection under the RPwD Act as long as the disability was one of the factors for the discriminatory act.

7. Observations and Recommendations:

7.1. The RPwD Act, 2016, at the first proviso under Section 34 provides as under:

"Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time,"

7.2 It has been established by the learned counsel of the Respondent by placing copies of the relevant instructions from the Ministry of Finance as well as the DoPT that reservation in promotion is available to the persons with disabilities, only upto the lowest rung of Group A post, which in the instant case is limited to the post of JMGS-I and not beyond.

7.2. Hence, the Complainant has failed to establish any case of denial of his rights as no such right, namely, reservation in promotion to the grade of MMGS-III, exists.

7.3. On the argument of the Complainant that the Respondent is deliberately giving him low marks to keep him out of contention, this Court is of the opinion that the Complainant has raised this only at the stage of hearing and that too without placing any evidence in support of the said contention. This Court advises the Complainant to bring a fresh Complaint for the stated purpose, should he be so inclined.

7.4. This Court has also perused the judgment relied upon by the Complainant in *Ravinder Dhariwal* [supra] and is of the view that the said judgment is not applicable in the given circumstances as the element of discrimination is not proved.

7.5. This Case is disposed of accordingly.

(S. Govindraj)
Commissioner for Persons with Disabilities