



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
5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No. 14184/1021/2023

Complainant:

Shri RSS Murty Malladi

Respondent:

The Director General
Employees' State Insurance Corporation

1. Gist of the Complaint:

1.1 Shri RRS Murthy Malladi, a person with 100% visual impairment, filed a complaint on 25.05.2023, stating that his promotion application for the position of Lower Division Clerk (LDC) was rejected by the ESIC.

1.2 He stated that on 21st March 2023, a screening committee was formed and recommended five candidates for the promotion from Multi-Tasking Staff (MTS) to LDC. Although his name appeared on the merit list, he was not included in the final promotion list. Despite communicating with the Regional Director (Establishment Branch) of the ESI Corporation, Andhra Pradesh, Vijayawada, through the proper channel, the response he received was vague and unclear. Furthermore, on 27th March 2023, the competent authority issued an order that did not include his name, instead promoting junior employees.

2. Submissions made by the Respondent:

2 . 1 Sh. G. Venumadhav, Assistant Director, ESIC, submitted a reply dated 17.07.2023, stating that the Departmental Screening Committee convened on 21.03.2023 to review the promotion of eligible officials to the post of Lower Division Clerk on an ad hoc basis for five vacancies, in accordance with the category-wise reservation as per the ad hoc promotion roster register.

2.2 The Screening Committee reviewed officials who met the minimum qualification of matriculation or its equivalent and had completed the required qualifying service in the MTS cadre as of 01.01.2023. These officials were deemed "FIT" for promotion to the post of Lower Division Clerk on an ad hoc basis. Additionally, those who had not completed the necessary training before the Screening Committee meeting were also considered, on the condition that the required training would be completed within one year of the meeting date.

2 . 3 Furthermore, all the Complainant's APARs were reviewed. It was found that for the year 2019-20, the reporting officer had marked the complainant as "not fit for promotion," a conclusion that was agreed upon by the reviewing officer. The complainant also accepted this APAR. As a result, the committee concluded that the complainant was "NOT FIT" for promotion to the post of Lower Division Clerk on an ad hoc basis.

3. Submissions made in Rejoinder:

3.1 The complainant filed his rejoinder on 20.07.2023, reiterating his complaint and stating that, as per DOPT orders, certain posts should be reserved for PwD candidates in accordance with the roster system. He pointed out that no vacancies were reserved for PwD candidates when promotions were offered in 2023. Regarding the APAR comments from the reporting officer and the reviewing officer, the complainant argued that the remarks were made due to his visual impairment, which he deemed invalid.

4. Observations and Recommendations:

4.1 In an email dated 06.11.2024, the Complainant expressed his desire to withdraw the case and requested that the matter be closed due to personal reasons.

4.2 After careful consideration of all relevant facts, including the submissions of the parties, it was concluded that no further action is warranted in this case.

4.3 Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

(Praveen Prakash Ambashta)

Dy. Chief Commissioner