



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: 14583/1021/2023

In the matter of –

Sh. Kanhaiya Jee Pathak

... Complainant

Versus

The Chairman cum Managing Director, Bharat Coking Coal Ltd,
Dhanbad

... Respondent

1. Hearing:

1.1 A hearing in hybrid mode (online/offline) was conducted on 13.05.2025. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties /Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Sh. Kanhaiya Jee Pathak	Complainant	Absent
2.	Sh. K.K Mitra, DGM, BCCL	Respondent	Online
3.	Smt. Kiran Rani Rai, Nodal Officer, BCCL	Respondent	Online

2. RECORD OF PROCEEDINGS

2.1 The Complainant stated that he suffered an accident in 2006, resulting in a 55% upper limb disability, making him eligible for reservation in promotion from Electrician (Pay Level 5) to Assistant Foreman Technical Grade-C (Pay Level 6).

2.2 In response to when he informed his employer of his disability, he clarified that he did so in 2008 after receiving his disability certificate, after which he began receiving benefits such as income tax rebates.

2.3 The Respondent, a Maharatna company, submitted that they do not discriminate and that the Complainant could not be promoted due to the lack of vacancies. They further stated that no Electrician has been promoted so far and that since the Complainant became eligible in 2018, there have been no vacancies for office supervisors.

2.4 When asked whether they maintain a 100-point vacancy-based group-wise reservation roster for promotions as per Department of Public Enterprises and DoPT instructions, the Respondent replied that they use a 200-point roster. The Court referred to DoPT OM dated 17.05.2022, which requires a 100-point, group-wise, vacancy-based roster for Persons with Disabilities, and noted that similar instructions were in the OM dated 29.12.2005.

2.5 The Court inquired when the Respondent last conducted training on disability-related HR issues; the Respondent was unable to provide a clear answer.

2.6 The Court observed that the Respondent is violating both Section 34 and Section 47 of the RPwD Act. The Respondent requested additional time to prepare a better response, which the Court granted, giving them 15 days to submit copies of group-wise reservation rosters, their Equal Opportunity Policy as per Section 21 of the RPwD Act read with Rule 8 of the RPwD Rules, 2017, and details of the Grievance Officer appointed under Section 23 of the Act, before the next hearing.

2.7 This order has the approval of the Commissioner for Persons with Disabilities.

(P. P. Ambashta)
Dy. Chief Commissioner