



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

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 & Empowerment

भारत सरकार/Government of India

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CASE NO. 13834/1024/2023

Shri Sonu Kumar,
(National Education Society for Tribal Students)Complainant

vs.

The Chairman & Managing Director, BEML LtdRespondent

1. GIST OF THE COMPLAINT:

1.1 Shri Sonu Kumar, who has a 50% locomotor disability (upper limb) and serves as Office Superintendent (Finance) in the National Education Society for Tribal Students (NESTS), an autonomous body under the Ministry of Tribal Affairs, Government of India, filed a complaint dated 10.02.2023 under Sections 3, 20, 21, and 75 of the Rights of Persons with Disabilities Act, 2016, against his previous employer, BEML. His main grievances are the denial of medical reimbursement and promotion. BEML headquarters rejected the reimbursement because the medical bills were issued in the name of Manju Singh, rather than Manju Kumari as recorded in official documents.

1.2 He states that during his wife's advanced pregnancy, she was rushed to the hospital for delivery. In the urgency, his friend mistakenly gave her name as Manju Singh instead of Manju Kumari, leading to medical bills being paid using the incorrect name. He submitted bills totalling Rs. 1,11,187 to his HR department, which forwarded them to headquarters. The reimbursement was denied because the bills bore the name Manju Singh instead of Manju Kumari, as per official records.

1.3 After notifying BEML of the error, he was asked to submit an affidavit affirming that Manju Singh and Manju Kumari are the same person, which he did on 28.06.2022. However, headquarters still did not clear the bills and requested a declaration from the hospital confirming that the names referred to the same person. He obtained and submitted this declaration, but reimbursement was still denied.

1.4 He further states that in April 2021, his promotion was denied without explanation, and in April 2022, it was again denied over the phone by HR, despite his eligibility. The only reason cited was his participation in an exam for another job, suggesting he might leave BEML.

2. NOTICE TO RESPONDENT:

2.1 A notice dated 13.03.2023 was issued under Sections 75 and 77 of the RPwD Act, 2016, directing the Respondents to submit their comments and supporting documents, if any.

3. REPLY BY THE RESPONDENT:

3.1 In a response dated 04.05.2023, the General Manager (HR), BEML Limited, stated that the medical bills and hospital reports were scrutinised before processing. It was observed that the Complainant's wife's name appeared as "Manju Singh" instead of "Manju Kumari" as per official records. The Complainant was asked to resubmit corrected bills, which were required for processing reimbursement. Due to the name mismatch, the case required additional examination under company rules, causing administrative delay. Further, by letter dated 20.03.2023, the Respondent requested the original medical bills. The Complainant replied that, as the matter was before this Commission, he could not provide them without its consent.

3.2 Regarding promotion, the Respondent stated that promotions are based on Annual Performance Appraisal Reports (APARs) of the preceding three years, seniority, and the Online Promotion Test (OPT). In 2021, due to the pandemic, no OPT was conducted, and the merit list was prepared on performance appraisal and seniority. The Complainant fell below the cut-off and was not promoted that year.

3.3 The 2022-23 promotion cycle was conducted between 23.08.2022 and 23.09.2022, with results announced on 24.09.2022. The Complainant had already

resigned and was relieved from BEML on 07.09.2022, before the promotion results were published.

4. REJOINDER BY THE COMPLAINANT:

4.1 In his rejoinder dated 26.05.2023, the Complainant stated that, following HQ advice, he submitted a fresh family declaration, which was rejected. He also claimed to have filed the affidavit on 28.06.2022—2.5 months before resigning—but it was rejected as unacceptable. He refuted the claim that he filed the declaration after resigning. Regarding promotion, he asserted that management gave no reason for its denial. After resigning, the headquarters informed him that he could not participate in the online promotion test due to his resignation, which he believes was unwarranted.

5. HEARING:

5.1 By notice dated 06.02.2025, a hearing was scheduled for 11.02.2025. The following parties participated online:

- (a) Shri Sonu Kumar, Complainant
- (b) Mr. Bishnu Prasad, HR and Marketing Head, BEML, Respondent

5.2 During the hearing, Mr. Sonu Kumar repeated his submissions from the complaint and rejoinder. He stated that only after he approached the CCPD did the Respondent agree to consider medical reimbursement. When asked, he specified the amount as INR 1,12,000.

5.3 Mr. Kumar attempted to raise other issues, such as non-grant of promotion and frequent transfers. The Court directed him to limit his submissions during the hearing to the reimbursement of medical bills.

5.4 The Respondent stated that the only controversy was the name discrepancy on the medical bills. They explained that the bill could not be processed due to audit requirements. After the Complainant submitted the undertaking, he was asked on 30.03.2023 to provide the original bills.

5.5 On 03.04.2023, the Complainant stated that he had submitted the original bills to this Commission and the Respondent could obtain them from the

Commission.

6. OBSERVATIONS AND RECOMMENDATIONS:

6.1 In response to a specific query from the Court, the Respondent confirmed that reimbursement would be processed once the original bills were provided.

6.2 The Respondent is willing to clear the reimbursement request upon receipt of the original bills.

6.3 The Complainant is directed to submit the original bills within one week of receiving this Order, upon receipt of which the Respondent is recommended to process the reimbursement within a further period of two weeks and submit an action taken report to this Court.

6.4 The Complainant's other claims are not addressed in this order, but liberty is granted to raise them separately in appropriate proceedings.

6.5 This complaint is accordingly disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities