



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/15298/1021/24

Dated: 12/08/2025

In the matter of:

Ms. Anitha T.

...Complainant

Versus

1. The CMD, BSNL, New Delhi

...Respondent No.1

Ministry of PPG & Pensions

2. The Secretary, M/o Communications

...Respondent No.2

Hearing (II):

A hearing in hybrid mode (offline/online) was conducted on **11.06.2025**. The following parties/representatives were present during the hearing:

Sl.No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
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5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364, 20892275

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(पया भविष्य मे पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखे)

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1.	Ms. Anitha T.	Complainant	Online
2.	Mr. K. Suresh Kumar, Associate Professor, University of Delhi	For Complainant	Online
3.	Mr. O.N. Tiwari, Jt. General Manager, DPC, BSNL	For Respondent No.1	Online
4.	Mr. Bhuwanendra Kumar, Director, DOT	For Respondent No.2	Online

RECORD OF PROCEEDINGS

At the outset, the Court sought clarification from the Respondent on the group to which the post currently held by the Complainant, namely Sub Divisional Engineer (SDE) and the promotional post, i.e., the Assistant General Manager (AGM), belong. The Court also wanted to know whether promotion from SDE to AGM is a promotion by Selection or Non-Selection.

2. The Respondent submitted that SDE is a Group-B Gazetted post, and AGM is the lowest of the Group-A posts. As such, reservation in promotion for persons with disabilities

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is applicable for the post of AGM. He submitted that they have been providing the reservations to employees with disabilities in the feeder grade since 2023 and have also conducted review DPCs to give effect to the DoP&T instructions on the subject.

3. The Complainant submitted that though BSNL is providing reservations in promotion to persons with benchmark disabilities, it suffers from the following discrepancies:

(a) The quantum of reservation is only 1% and not 4% as per the statutory requirement.

(b). They are allowing reservations only for the HH & OH categories.

4. He further submitted that even if only two sub-categories are suitable, the quantum of reservation cannot be reduced below 4% in terms of Section 34 of the RPwD Act, 2016 and Para 6 of the DoP&T O.M. dated 17.05.2022. The Complainant submitted that if only HH & OH candidates are available in the feeder grade, then the 4% reservation should be distributed between HH & OH categories at 2% each.

5. The Respondent submitted that the post of AGM is suitable for all categories of disabilities, and any interchange of reservation from one category of disability to another can only be done in the second recruitment year as per the RPwD Act, 2016.

6. The Complainant countered by saying that BSNL issued a notification in 2018 restricting the post of AGM to two categories, HH and OH. The Respondent submitted that

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the reservation in promotion in Group-A & B was introduced in DoP&T O.M. dated 17.05.2022 only. Therefore, the question of identifying the post of AGM to be reserved for any categories of disabilities in 2018 does not arise.

7. The Court asked the Complainant to cite the number and date of the BSNL letter he quoted. The Complainant, however, could not do so.

8. Upon hearing both parties, the Court observed that the Complainant alleges that the Respondent have not implemented the Central Government instructions on reservation for promotion for persons with benchmark disabilities in its right earnest. Whereas the Respondent has rebutted the allegation, saying that they have implemented these instructions from 2023 and have also conducted review DPCs. The Respondent further submitted that they have reserved a total of 58 vacancies in 2024. The Complainant became eligible for promotion from January 2021, but she was not covered within the zone of consideration. Promotion orders dated 08.08.2024 for 58 persons with disabilities after implementing DoP&T O.M. dated 28.12.2023 have also been shared with this Court vide letter dated 05.06.2025.

9. The Court concluded that for better clarity of the issue, the parties must furnish documentary evidence supporting their respective claims. As such, the Complainant shall submit a copy of the BSNL order of 2018, which he repeatedly quoted during the hearing in support of his allegation that the Respondent has restricted the suitability of the post of AGM to only HH & OH categories. The Court also desired from the Respondent the following information:

(a) The Recruitment Rules of the post of AGM to establish whether the promotion is

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by way of Selection or Non-Selection, and whether the element of direct recruitment of AGM does not exceed 75%;

(b) Any Order issued for the suitability of the post of AGM.

(c) All orders of promotions from the grade of SDE to AGM issued after 17.05.2022.

(d) A statement duly signed by the Liaison Officer showing the total number of vacancies filled in Gp A by way of promotion since 30.06.2016, including but not limited to the grade of AGM, and persons with disabilities appointed against the reserved vacancies from that date showing break up of selected candidates into VI, HI, LD, and ID & MD categories on a regular or notional promotion basis or by regular or review DPC against an existing or a supernumerary post.

10. The parties shall submit the above information/documents within 15 days.

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

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Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner

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