



COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
/ Department of Empowerment of Persons with Disabilities (Divyangjan)
/ Ministry of Social Justice and Empowerment
/ Government of India

Case No. CCPD/15298/1021/24

Dated: 21/05/2025

Case No. 15298/1021/2024

In the matter of:

Ms. Anitha T

...Complainant

Versus

The Chairman & MD

Bharat Sanchar Nigam Limited, New Delhi

...Respondent No.1

The Secretary,

Ministry of Communications, New Delhi

...Respondent No.2

Hearing (I):

A hearing was conducted in the above matter in hybrid mode on 21.04.2025. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties /Representatives	Parties	Mode
1.	Anitha T	Complainant	Online
2.	K. Suresh Kumar, Associate Professor, University of Delhi	For Complainant	Online

3.	Onkar nath Tiwary, Joint GM, DPC, BSNL	For Respondent No.1	Online
4.	Bhuvnendra kumar, Director, Ministry of Communications	For Respondent No.2	Online

RECORD OF PROCEEDINGS

1. At the outset, the representative of the Complainant reiterated the complaint and submitted that the Respondent, Bharat Sanchar Nigam Limited (BSNL), has demonstrated reluctance in implementing the 4% reservation in promotions for Persons with Disabilities (PwDs) as mandated under Section 34 of the Rights of Persons with Disabilities Act, 2016 (In short "the Act"). It was submitted that, till date, BSNL has not taken adequate steps to comply with the said mandate.

2. Complainant further submitted that promotional orders to the post of Assistant General Manager (AGM) were issued by the Respondent in the year 2019 for 3,450 posts and again in 2022 for 1,891 posts. However, in both instances, the provisions for reservation in promotion for PwDs were either not implemented or grossly under-implemented.

3. Complainant also submitted that the Respondent appears to be confused regarding the applicability of identified posts for PwDs. While it is recognized that four broad categories of disabilities exist, there is no ambiguity in the statutory mandate under Section 34 of the Act, which requires a 1% reservation for each category.

4. Complainant stated that it is observed that in the 2022 promotion cycle, out of 438 promotions granted, only one candidate belonging to the PwD category was promoted. This is a clear violation of the provisions under Section 34 of the Act, which mandates a minimum 4% reservation in promotions for PwDs.

5. Complainant further stated that it has come to light that the Respondent has not maintained a separate 100-points roster for PwDs as required under the Department of Personnel and Training (DoPT) guidelines. Instead, the Respondent has only maintained a 200-point roster and has clubbed the PwD category with the general reservation list, which is in contravention of statutory rules.

6. Respondent No. 1 submitted that BSNL has been following the roster system introduced through DoPT's

Office Memorandum dated 17.05.2022. There was an initial misunderstanding within the organization regarding whether the provisions under the said Office Memorandum were to be applied prospectively or retrospectively. This confusion was subsequently clarified by the DoPT via its Office Memorandum dated 28.12.2023, wherein it was categorically stated that the 4% reservation in promotion for PwDs must be implemented with effect from 30.06.2016.

7. Respondent No. 1 further submitted that pursuant to the 2022 promotion cycle, a group of affected individuals approached the Hon'ble Central Administrative Tribunal (PB), which issued a direction that all eligible PwD candidates must be considered for promotion.

8. In compliance with the said directive of the Hon'ble Central Administrative Tribunal (PB) and the clarification/guidelines issued by the DoPT, the BSNL included 71 PwD candidates in 2022, who fulfilled the eligibility criteria of 7 years of service at the Sub-Divisional level, including Complainant. Furthermore, pursuant to the 2023 DoPT clarification, BSNL conducted a Review Departmental Promotion Committee (DPC) and extended zone of consideration as per the applicable guidelines.

9. It is noted that while the Complainant became eligible for the promotional vacancies of 2020, 2021, and 2023, her name fell beyond the extended zone of consideration, which is statutorily limited to five times the number of vacancies. Hence, her name was not included in the final list of candidates recommended for promotion.


10. After hearing both parties, it is incumbent upon the Respondent to establish, by way of cogent evidence, that the name of the Complainant does not fall within the permissible limits for consideration under the relevant criteria and the basis for exclusion of the Complainant under both zone and extra-zone considerations needs to be furnished.

11. Hence, the Respondent is hereby recommended to submit the following within 15 days:

- a. A copy of the reservation rosters being maintained by the Respondent from 30.06.2016.
- b. Details of total promotions made from 2016 to date, including the number of reserved vacancies for different disability categories, group-wise.
- c. A copy of the Recruitment Rules specifying whether the post is a selection or a non-selection post, which determines the applicability of the zone of consideration.
- d. An undertaking that no person junior to the Complainant in the Grade of SDE (disabled or non-disabled) has been promoted to the Grade of AGM, supported by documentary evidence.

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

Yours faithfully,



(Praveen Prakash Ambashta)
Dy. Chief Commissioner

5 , , . -2, -10, , -110075; 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075; Tele# 011-20892364, 20892275
E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

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(Please quote the above file/case number in future correspondence)