



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. 14230/1011/2023

In the matter of —

Ms. Vaibhaveebahen Jayantilal

... Complainant

Versus

(1) The Secretary,
Department of Posts,
Ministry of Communications

... Respondent No.1

(2) The Chief Postmaster General,
Gujarat Circle

... Respondent No.2

1. Gist of the Complaint:

1.1 Ms. Patel Vaibhaveebahen Jayantilal, a person with 62% Hearing Impairment having a temporary disability certificate valid up to 09.09.2027, filed a complaint against the Chief Post Officer, Bharuch Division (Gujarat) regarding the rejection of her selection to the post of Gramin Dak Sevak (GDS) at Chikda BO - ABPM in India Posts.

1.2 She submitted that so far, she has got her certification done four times— (1) 19.11.2008 for 5 years tenure; (2) 27.11.2013 for 5 years tenure; (3) 20.07.2019 for 3 years tenure; and (4) on 09.09.2022 for 5 years tenure; and the Civil Surgeon has issued disability certificates. She is aggrieved that she is hard of hearing and both of her ears have been blocked since birth. Both ears have also undergone surgical operation to create an ear canal, which came to the original position, but is still blocked, and she cannot use a hearing aid. Due to this condition, she has to remain in this condition for

the rest of her life. She is a person who is hard of hearing. Despite such a situation, the Civil Surgeon Doctor gave her a temporary certificate, which does not seem to work anywhere.

1.3 Due to the temporary nature of the disability certificate, India Post rejected her selection. She implored for proper justice.

2. Reply submitted by the Respondents:

2.1 The Asstt. Director Postal Services (Recruitment), Gujarat Circle, Ahmedabad [Respondent No.2] filed a reply on affidavit dated 11.08.2023 and *inter alia* submitted that the Complainant was selected as Assistant Branch Post Master (ABPM) at Chikda BO. During document verification on 09.03.2023, it was noticed that her disability certificate is temporary and has been renewed every 3 years. She was requested to submit a permanent disability certificate, and at that time, her application was neither accepted nor rejected, as there was enough time to complete the verification process before 23.06.2023. However, the Complainant did not attend the Division Office at Bharuch, nor did she communicate any matter before the deadline. As the last date expired, a new list of shortlisted candidates was automatically generated on the GDS Online Engagement Portal, and her candidature was automatically rejected/expired. No human intervention is involved in this online engagement process, and it is operated centrally pan-India by the Centre for Excellence in Postal Technology (CEPT), Hyderabad. Since her candidature expired on the last date, the next candidate from the waiting list was offered the post in the online system.

2.2 Further, in para 4.3 of DoPT OM No. 36012/1/2020-Estt.(Res.II) dated 17.05.2022, it is categorically mentioned that "No benefit of reservation shall be given based on a temporary certificate of disability."

2.3 Assistant Director General (PE-I & SCT), Department of Posts [Respondent No.1] filed its reply dated 09.10.2023 and submitted that the matter was examined and a decision was taken that the Complainant may be considered as a person with a disability for engagement to the post of GDS and may be engaged against any vacant post identified for respective PwD category under Bharuch Division in Gujarat Circle. Necessary instructions stated to have been issued to the Chief Postmaster General, Gujarat Circle vide letter No. 17-08/2017-GDS dated 03.10.2023. However, a copy of the same was not furnished. The Respondent submitted that, as the issue raised in the

complaint was resolved, the complaint should be closed.

3. Rejoinder filed by the Complainant:

3.1 The Complainant filed her Rejoinder dated 03.09.2023 to the reply dated 11.08.2023 filed by the Respondent No.2 and *inter alia* submitted that when she had gone for the documents verification at Bharuch division, she was verbally told that her temporary disability certificate was not valid and a permanent disability certificate was required. But a copy of the circular in this regard was not provided to her for taking a proper decision. Further, in the advertisement for vacancies, nothing regarding temporary disability was mentioned. Hence, due to the lack of such complete information, she was confused about this matter. So she had to approach this Court. She came to know only when she received the reply from the Respondent. She would accept the decision of this Court in this regard, and she would not proceed further in this matter.

3.2 The Reply dated 09.10.2023 filed by the Assistant Director General (PE-I & SCT), Department of Posts, was forwarded to the Complainant vide email dated 16.10.2023 for submission of comments/reply within 15 days, but no response was received from the Complainant. Later on, the Complainant vide emails dated 11.01.2024 and 15.04.2024, requested this Court to close this case as she has been appointed in the Gujarat Government.

4. Observations & Recommendations:

Considering that the Complainant has requested to close the case, no further intervention is warranted in the matter, and accordingly, the case is closed as withdrawn with the approval of the Chief Commissioner for Persons with Disabilities.

(P. P. Ambashta)
Dy. Chief Commissioner