



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. 14227/1024/2023

In the matter of —

Smt. Susmita Saha

... Complainant

Versus

The General Manager (Principal Nodal Officer),
Baroda Bhawan,

... Respondent

1. Gist of the Complaint:

1.1 Smt. Susmita Saha, a person with 60% locomotor disability filed a Complaint on 12.06.2023 regarding the denial of her confirmation in service despite passing the online test with a minimum cut-off mark of 40% according to concession marks for PwDs and also regarding harassment by posting to a place which is far off from her residence (without specifying the locations or the distance). The Complainant submitted that her probation period was extended for a further six months to harass her and to spoil her seniority in service.

2. Reply made by the Respondent:

2.1 General Manager, Zonal Office Kolkata vide letter dated 27.07.2023 filed the Reply and submitted that the Complainant joined the service on 17.05.2022, and accordingly, she was due for confirmation on 17.05.2023. She appeared for an online confirmation test on 04.03.2023, wherein she failed to score the minimum cut-off marks, i.e., 50% to be eligible for confirmation in the service. The duration of

the test was 50 minutes and was provided with a time concession of an additional 20 minutes as per Govt. guidelines.

2.2 The Respondent further submitted that the Complainant failed in confirmation test and accordingly her probation period was extended for a further six months. She addressed the Regional Head Office vide letter dated 26.04.2023 and requested to give minimum cut-off marks considering her PwD and SC category as she is entitled to concession under the RPwD Act, 2016 and SC Quota.

2.3 The Respondent further submitted that the Complainant was called to the Zonal Office Kolkata on 10.05.2023, where the Zonal HR Head briefed her about the confirmation process. The Zonal Liaison Officer for PwD and the Zonal Secretary SC/ST Welfare Association were also present. The Complainant was not ready to accept the clarification and refused to sign the minutes. She is habitual in approaching higher authorities directly without maintaining a proper channel of communication.

2.4 The Respondent further submitted that the Bank is complying with the provisions of the RPwD Act, 2016, and there is no provision in the Act with regard to 40% as passing marks. The allegations of mental harassment and torture are expressly denied. Hence, it is humbly requested to close the Complaint.

3. Rejoinder filed by Complainant:

3.1 The Complainant filed the Rejoinder vide letter dated 07.08.2023 and submitted that despite many bank branches near her residence with vacancies available there, she was posted to the Greater Kolkata Region, which is far away from her residence. After requesting several times, she was posted to the Patipukar branch after 4 months, which is also far away from her residence.

3.2 The Complainant further submitted that the bank did not follow the provisions contained in the RPwD Act, 2016, and caused grave mental harassment to her. On 10.05.2023, the Zonal Officer and other officers asked her many unnecessary questions and tried to get her consent for an extension of the probation by a period of six months. The Respondent failed to ensure reasonable accommodation for PwDs.

4. Hearing: An online hearing through Video Conferencing was conducted on 05.01.2024. The following parties/representatives were present during the hearing:

- (1) Shri Shashank Khurana, Advocate, for Complainant
- (2) Shri Mandeep Kumar, AGM (HR), for Respondent

5. Record of Proceedings:

5.1 Learned Counsel of the Complainant submitted that after her appointment, the Respondent asked to clear the probation examination within a year. The criteria for passing the examination are fixed at 50% marks. No relaxation was provided to her as a PwD candidate. She obtained 40% marks in her first attempt and 42% in her second attempt. Simultaneously, the Respondent initiated a proceeding of misconduct and framed charges against her. The Counsel also submitted that the Respondent doesn't want to confirm her in service because, on becoming a permanent employee, all the benefits have to be given to her.

5.2 The representative of the Respondent submitted that EOP is implemented as per the RPwD Act, 2016. There is no relaxation for any category in probation examinations. The Respondent also submitted that another opportunity is being provided to the Complainant.

5.3 After hearing both parties, this Court observed that the Respondent failed to provide reasonable accommodation to the Complainant and recommended that the Respondent provide 15 days of special coaching to the Complainant in accordance with Rule 8 (3) of the RPwD Rules, 2017, and a relaxation in cut-off marks for the said examination.

6. Written Reply by Respondent after ROP:

6.1 The General Manager (HRM), Bank of Baroda, Baroda, vide email dated 25.01.2024, submitted that in terms of the laid down policy of the Bank, during the probation period, DROs are expected to acquaint themselves with banking practices, systems, products, and operational knowledge. Hence, until the officer concerned has attained the required level of operational skills and banking knowledge, he or she can not be confirmed in the Bank. Therefore, the following eligibility criteria are required to be fulfilled by each probationer in the grade of the DRO, irrespective of their caste, gender, religion, or any other category, before they can be confirmed:

- a. Verification of Caste Certificate
- b. Satisfactory Antecedent Report
- c. Passing the Online Test with a minimum cut- off of 50% marks
- d. Performance & Managerial Effectiveness Report- minimum cut off 50%
- e. Completion of 20 e-Learning Courses

6.2 Since the confirmation test is qualifying in nature, the prevailing policy does not provide any reservation or concession in terms of qualifying marks for any category of officers. All the DROs are required to undergo a confirmation process, including an online exam. In case any of the DROs fails to secure a minimum of 50% cut-off marks in the Online test and an overall 70% score, his/her probation is extended up to 02 occasions for a maximum period of 6 months on each occasion.

6.3 The Complainant appeared for the Online Confirmation Test on 04.03.2023, wherein she could not secure the minimum cut-off marks for confirmation in service, and thus, her probation was extended for 6 months. She reappeared in the Confirmation Test held on 02.09.2023, but could not qualify yet again. Therefore, her probation period was again extended for another 6 months. The Complainant availed the concession of an additional 20 minutes for writing the Confirmation Test of duration 50 minutes. The Complainant has also not completed 20 mandatory e-Courses, which is a part of the confirmation process.

6.4 Subsequent to this Court's recommendation, the Complainant was accorded another opportunity in the Confirmation Test, scheduled in March 2024. The bank also undertook to arrange training/ coaching as recommended by the Hon'ble Court prior to the Confirmation Test in order to facilitate her preparation for the same. The Bank asserted that the Complainant's request to confirm her service without qualifying the test is not in line with the Bank's policy.

6.5 As for the relaxation in cut-off marks for the Confirmation Test, the Bank averred that no such guidelines or directives from the Government of India exist in this regard.

7. Status Update on Grievance Redressal:

7.1 The CCPD, via email dated 06.06.2025, sought an update on whether the grievance was still pending. In response, the Respondent replied on 09.06.2025, stating that the Complainant had been confirmed in bank service effective from 17.05.2024.

8. Observation and Recommendations:

8.1 Upon reviewing the facts of the case and the available records, it is observed that the Complainant's grievance has already been resolved. The Bank has stated before this Court that they adhere to all guidelines related to the PwDs and have duly notified their Equal Opportunity Policy. In terms of Section 23 of the Act, the bank also has adopted a two-tier system and has appointed a Chief Liaison Officer in the rank of a General Manager at the HQ level, and Zonal Liaison Officers at all Zonal Levels, who are also mandated for the redressal of grievances of PwD employees.

8.2 After considering the reply from both parties, especially the Respondent's email dated 09.06.202, the Court has determined that no further intervention is necessary, as the Complainant's grievance has been redressed and as such, the case is disposed of.

(Rajesh Aggarwal)
Chief Commissioner for
Persons with Disabilities