



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/15570/1024/24

Dated: 15/06/2025

In the matter of:

Mr. Vitthal Gajanan Paradhi

...Complainant

Versus

The In-Charge Officer, 512 Army Base Workshop

...Respondent

1. Hearing (I):

1.1 The matter came up for hearing at **11.30 a.m.** on **12.06.2025**; however, due to the unavailability of the Respondent, three to four short adjournments were given, and it was finally taken up at **1.00 p.m.** The following attended the hearing:-

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E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

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

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Sl.No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
1.	Mr. Vitthal Gajanan Paradhi	Complainant	Online
2.	Advocate K.S. Shukla	Counsel for the Complainant	Online
3.	Mr. Pravin Kumar, DLWC (C)	On behalf of the Respondent	Online

2. Record Of Proceedings

2.1 The Learned Counsel for the Complainant submitted that the Complainant, a poor man with 75% visual impairment, was appointed as a Majdoor in the Respondent's establishment in February 2018. He was given transport allowance at double the normal rate, but suddenly in January 2020, the transport allowance was reduced to normal rates without giving any reason. He submitted that the reason cited by the Respondent that the Complainant, being a person with low vision, is not eligible for transport allowance at double the rate, as per the Department of Expenditure, Ministry of Finance, O.M. No.21/1/2018-E.IIB dated 15th September 2022 is not convincing because –

(a) This O.M. was issued on 15th September 2022 whereas the allowance was reduced to the normal rate in January 2020 itself;

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(b) This O.M. at Para 3.4 provides –

“Government employees already getting the benefit of Transport Allowance at double the normal rate on the basis of certificates obtained from Government Civil Hospitals as per earlier instructions, would continue to get it on the basis of those certificates.”

(c) This O.M. lists all the disabilities mentioned in the Act, including blood disorders, and Chronic Neurological conditions, but low vision has not been mentioned in that list, probably because blindness in a general sense includes Low Vision also.

2.2 He further stated that, according to this literal interpretation by the O.M., a person with 40% locomotor disability would be eligible for Transport Allowance at double the normal rate, but the Complainant, a person with 75% permanent disability in his eyes, would not get it. It is clear that the said Government instructions cannot deliberately discriminate between different categories of disabilities. He also said that five other visually challenged employees continue to receive transport allowance at double the normal rate, while the Complainant has been denied the same.

2.3 The representative of the Respondent was not able to counter any of the aforesaid arguments and requested two weeks' time, submitting that he has joined as the Dy. Labour Welfare Commissioner very recently.

2.4 The Court noted that the arguments made by the learned Counsel for the Complainant are quite persuasive. The Court directed **the Respondent to provide an explanation within 10 days** from the date of receipt of this record of proceedings, for the denial of the enhanced TA and response to the assertions made by the learned counsel of the Complainant, explaining why Para 3.4 of the O.M. was not considered and how the notification dated 4th January, 2018 of the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment Notification, which is on assessment and

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evaluation of disabilities, is relevant in this matter. A copy of the same shall be furnished to **the Complainant, who shall, within the next 5 days**, furnish his rejoinder, if any, along with the names of other VI employees who are receiving double the rate TA. The Court also directed for the impleading of the Department of Expenditure, Ministry of Finance, in this matter and forwarding a copy each of this Record of and all relevant documents from the records of the case. **The Department of Expenditure is required to submit their comments within 15 days**, on the Complaint and on the issue whether the intent of their OM dated 15.09.2022 is to deny the benefit of double the rate TA to persons having low vision whereas all other categories including those which are not recognised by Section 34 of the RPwD Act, 2016 as eligible for the purpose of reservation in appointments. The matter will be heard again on **15.07.2025**. The exact time and weblink will be shared through email 24 – 48 hours before the hearing.

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

Yours faithfully,

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(Praveen Prakash Ambashta)
Dy. Chief Commissioner

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