



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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364
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Case No: 13826/1021/2023

In the matter of—

Mr. Ladesh Nayak

...Complainant

Versus

The Chief Executive Officer, Prasar Bharti
 Email: ceo@prasarbharti.gov.in

The Director General, All India Radio

The Dy. Director General (E), All India Radio

...Respondent

Hearing:

A hearing in hybrid mode (online/offline) was conducted on 09.07.2025. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties /Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Mr. Ladesh Nayak	Complainant	Online
2.	Mr. Rajesh Kumar, DDG(Admin)	Respondent	Online
3.	Mr. Ratan Prasad, DDG, Akashvani, Cuttack	Respondent	Online

RECORD OF PROCEEDINGS

At the outset, the Complainant expressed his grievance related to his rightful promotion under the PwD Quota to the post of Head Clerk/Assistant which should have been antedated to 25.05.2003, following his earlier antedated promotion to UDC on 25.05.1998. Had this been done correctly, his name would have appeared in both draft seniority lists i.e. (AO and Senior AO).

2. The Complainant also submitted a request to direct Respondent No. 2 to conduct a review DPC and grant him ante-dated promotion to the post of

Administrative Officer with effect from 30.12.2014. He further submitted that other colleagues who were part of the same Head Clerk promotion batch (including employees with benchmark disability) in 2006 received their AO promotions in 2013, while he was overlooked.

3. The Court asked the Complainant about the written representation submitted to the department. The Complainant stated that he submitted his written representation to his department from 2009 onwards, however, his requests went unheeded until his retirement.

4. Respondent No. 2 explained that his promotion to the post of Head Clerk was given in 2006, however, he is eligible for promotion from the post of Head Clerk to Administrative Officer from 2016 onwards only. The post of AO is a Group B post, for which the reservation policy was adopted in the year 2022 only, which was later given effect from the year 2016. He further submitted that the seniority lists are being prepared for all 15 zones. One common seniority list is prepared at the Directorate level, and they are waiting for the list from all the zones. When they receive the seniority list from all 15 zones, they will make a common seniority list for the next promotion to AO from 2016 onwards.

5. The Court asked the Complainant about this date of appointment, to which the complainant replied that he joined as LDC in 1990 and became eligible for UDC in 1998, but was promoted to the post of UDC in 2015. He became eligible for Head Clerk in 2006 and sought ante-dated promotion. His promotion to Head Clerk was finally retrospectively granted in August 2023, effective from 2006, making him eligible for promotion to AO in 2013–2014.

6. After hearing both parties, the Court observed that despite a clear direction for reservation in promotion issued by the DoPT in May 2022 and December 2023, the Respondent have not been able to implement the same in more than a year. The Court found that the facts of the case prima facie establish a case of discrimination against the Complainant.

7. The Court recommended that Respondent No. 2 shall, within 15 days, submit the documents related to Seniority lists from 2013 onwards and provide a detailed explanation for the apparent discrepancy in promotional practices. This explanation should include the reason(s) for not promoting the complainant in 2006 as Head Clerk, like his colleagues.

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

(P. P. Ambashta)
Dy. Chief Commissioner