



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. CCPD/14478/1021/2023

In the matter of —

Shri Himanshu Kabra

...Complainant

Versus

The Chairman,
Coal India Ltd.

... Respondent

1. Gist of the Case:

1.1 Shri Himanshu Kabra, a person with 100% visual impairment, filed a complaint dated 01.09.2023 regarding the denial of a reservation in promotion.

1.2 He submitted that Coal India Limited (CIL) failed to provide reservation for persons with disabilities (PwDs) in the promotion process from non-executive to executive cadre, in violation of the Rights of Persons with Disabilities (RPwD) Act, 2016, and contrary to several judgments of the Hon'ble Supreme Court and High Courts.

1.3 He stated that the Notification No. 1/2023 dated 01.08.2023 issued by CIL for promotions does not implement the 4% reservation mandated for PwDs under the Act. As a result, eligible disabled employees, including the Complainant, were excluded from the promotion process. He further pointed out that CIL's Office Memorandum No. CIL/C5A(PC)/989 dated 29.11.2022 prescribed certain eligibility

norms that should apply only to vacancies advertised thereafter. The current vacancies, being backlog posts, should have followed the earlier eligibility criteria, not the revised ones.

2. Notice issued to the Respondents:

2.1 A notice dated 18.09.2023 was issued to the above-mentioned respondents for forwarding to this Court comments on affidavit on the complaint for violation of sections 20,21, and 34 of the Act and DOPT OM dated 17.05.2022 and 28.12.2023 within the statutory time limit.

3. Reply filed by the Respondents:

3.1 The Respondents filed a reply dated 06.10.2023. They stated that the Department of Public Enterprises (DPE) Office Memorandum dated 27.06.2022, providing reservation in promotions to persons with benchmark disabilities, was to be applied prospectively, as clarified by the Department of Posts letter dated 14.09.2022.

3.2 CIL clarified that the vacancies mentioned in Notification No. 01/2023 dated 01.08.2023 covered the superannuation period from 02.04.2017 to 31.03.2024, including backlog vacancies. Accordingly, six posts were reserved for PwD candidates. The company contended that the eligibility criteria applicable at the time of vacancy assessment must govern the recruitment process, and that subsequent amendments or revised criteria introduced through the Office Memorandum dated 29.11.2022 would not apply retrospectively.

3.3 CIL further submitted that it has complied with the provisions of Sections 21 and 23 of the RPwD Act, 2016, by maintaining a PwD policy on its website and appointing a designated Grievance Redressal Officer. It argued that all rights and facilities for persons with disabilities have been duly ensured and that the complaint filed by Shri Kabra, therefore, lacks merit and deserves dismissal.

4. Rejoinder by the Complainant:

4.1 The Complainant filed no rejoinder in this regard.

5. Current status of the Case:

5.1 The Current status was sought from the parties via email dated 01.07.2025. The Respondent filed their response dated 15.07.2025 and stated that the complaint pertained to the alleged denial of reservation in promotion under Notification No. 01/2023 dated 01.08.2023 and the applicability of Office Memorandum No. CIL/C5A(PC)/989 dated 29.11.2022.

5.2 CIL further stated that Notification No. 01/2023 had been cancelled on 24.02.2025, rendering the complaint infructuous. Subsequently, a fresh Notification No. 02/2025 dated 25.02.2025 was issued for promotion/selection from non-executive to executive cadre, including reserved vacancies for persons with disabilities in line with DoPT OM dated 28.12.2023. It was also noted that Shri Kabra had applied under this new notification. Hence, CIL prayed for dismissal and closure of the earlier complaint, as the grievance no longer subsists.

5.3 The Complainant, via his email dated 08.11.2025, informed the Court that the notification for which the Complaint was filed was cancelled by the CIL. Hence, he seeks withdrawal of the Complaint.

6. Observations and Recommendations:

6.1 In light of the withdrawal request and the subsequent development, the Court is of the view that the matter now stands resolved and does not require any further consideration or intervention. The case is, therefore, disposed of accordingly.

6.2 This is issued with the approval of the Commissioner for Persons with disabilities.

(P.P. Ambashta)
Dy. Chief Commissioner