



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. 14670/1024/2023

Complainant(s):

Shri Navratan Yadav

Respondent(s):

1. The Secretary,
Ministry of Tribal Affairs,
New Delhi

2. The Managing Director,
Tribal Co-Operative Marketing Development,
New Delhi

1. Gist of Complaint:

1.1 Mr Navratan Yadav, a PwBD (40%) employee appointed as Senior Accountant at TRIFED on July 1, 2021, filed a complaint on 23.10.2023 citing violations of the RPwD Act, DoPT guidelines, and Supreme Court directives. He was transferred from New Delhi to Kolkata on 23.06.2023 and requested a transfer to Jaipur, which was denied without reason. He joined in Kolkata on 09.10.2023, alleging the transfer was arbitrary and caused personal hardship.

1.2 He also highlighted TRIFED's systemic non-compliance with the RPwD Act, including failure to notify an Equal Opportunity Policy, appoint a Grievance Redressal Officer, maintain reservation rosters, implement reservation in promotions, confirm probation periods, and ensure an inclusive workplace. Despite completing over 2 years of service, his

probation was not confirmed, resulting in a financial loss.

1.3 Additionally, he raised TRIFED's failure to implement reservation in promotions for PwBDs, in violation of the Supreme Court judgment in *Siddaraju vs. State of Karnataka* and subsequent DoPT/Ministry directives. He seeks: (a) transfer to Jaipur with all benefits; (b) full compliance with RPwD Act obligations; (c) confirmation of probation and release of pending increments; and (d) promotion to Assistant Manager under relaxed standards as per DoPT guidelines.

2. Notice to file comments:

2.1 The matter was taken up with the Secretary, Ministry of Tribal Affairs, the Managing Director, Tribal Co-operative Marketing Development, on 06-12-2023, citing provisions of government instruction such as the ones mentioned above, including but not limited to Section 6 and Section 20 (i) & (ii) of the Act, DoPT OM No.- 36012/1/2020 Estt. (Res-II) dated 17-05-2022 and DoPT OM No. 36035/3/2013-Estt(Res) dated 31.03.2014.

3. Submissions made by the Respondents:

3.1 TRIFED, through its officials, submitted multiple responses addressing Mr Navratna Yadav's complaint. On 05.01.2024, Lt. Col. Sanyam Kashyap informed that the required inputs for a detailed reply were under compilation and sought additional time. A reminder was issued on 22.01.2024, after which Sh. Nagendra Nath Jha, SM (Legal), replied on 25.01.2024, stating that TRIFED has not yet notified the Equal Opportunity Policy (EOP), but the process has been initiated.

3.2 TRIFED clarified that Sh. Vikash Sharma was appointed as the Grievance Redressal Officer (GRO) in December 2021. They denied any violation of the RPwD Act or Supreme Court orders and asserted their commitment to upholding the rights of PwBD employees. Regarding the transfer, TRIFED stated that Mr Yadav's request had been under consideration for over three months before the transfer to Kolkata was finalised on 05.10.2023, after other options were found to be unfeasible. The organisation rejected the Complainant's claims that the transfer was arbitrary or personally motivated, calling such allegations baseless and defamatory.

3.3 TRIFED pointed to its existing transfer policy (dated 01.08.2016),

which includes compassionate grounds like disability, subject to vacancy and administrative feasibility. While there is currently no reservation roster specifically for PwBD, steps are being taken to prepare one in compliance with DoPT norms. Promotion processes are handled by a duly constituted DPC, which considers all eligibility and reservation criteria. TRIFED emphasised that Mr Yadav's claim for promotion is premature, as he has only 2.5 years of service against the required 5 years for the post, and other eligible candidates exist. Overall, TRIFED maintained that there was no discrimination or bias in its actions and that all decisions were made in line with rules and policies.

4. Submission made in the Rejoinder:

4.1 The Complainant had submitted his rejoinder on 05-02-2024 and reiterated his grievance and further stated that regarding the appointment of Shri Vikash Sharma as the nominated Grievance Redressal Officer (GRO), as per Office Order No. TFD/HO/Legal/2011-12/247/9073 dated December 20, 2021, the mentioned office order pertains to the establishment of a committee to address issues and complaints related to TRIFED employees, specifically concerning SC/ST/OBC/PwD matters. The respondent's claim that Shri Vikash Sharma neither meets the criteria of being a Gazetted Officer nor holds the senior-most position within TRIFED. Therefore, the respondent's assertion, made without application of mind, regarding the appointment of a GRO within TRIFED is vehemently denied, as it directly contradicts the provisions of the relevant legislation and rules, thereby demonstrating a lack of understanding of the pertinent legal requirements.

4.2 Since the Complainant's appointment, i.e., from July 1, 2021, no action has been taken. The lingering verification process underscores the gross incompetence of the personnel division officials. The respondent's assertion that promotion decisions rest exclusively with a duly constituted Departmental Promotion Committee (DPC) is noted; however, this does not exempt the organisation from its responsibility to comply with legal requirements.

4.3 There is a lack of compliance with reservation policies for Promotions of PwBD as mandated by the RPwD Act 2016. This includes the failure to establish a reservation roster and identify suitable

vacancies and eligible PWD employees for promotion.

4.4 Despite instructions from the DoPT and Ministry of Tribal Affairs dated May 27, 2023, no action has been taken in this regard as of this date. Respondent's reply fails to address the substantive issues raised in the complaint, instead resorting to diversionary tactics and unsubstantiated claims. TRIFED must take immediate and decisive action to rectify the blatant disregard for legal and administrative directives concerning the promotion of PwBD 12 employees, ensuring equitable opportunities in line with the spirit of inclusivity and social justice mandated by the law.

5. Hearing:

5.1 A hearing in hybrid mode (online/offline) was conducted on 03.06.2025. The following parties/representatives were present during the hearing:

| Sl.No. | Name of the parties/Representatives | For Complainant/Respondent | Mode of Attendance |
|---------------|--|-----------------------------------|---------------------------|
| 1. | Sh. Navratan Yadav | Complainant | Online |
| 2. | Assistant Manager (Legal), TRIFED | For Respondent No.2 | Online |

6. Record of proceedings:

6.1 The Complainant, appointed as a Senior Accountant at TRIFED under the PwBD quota on July 1, 2021, was transferred from New Delhi to Kolkata on June 23, 2023. He submitted a representation against the transfer, and later informed the Court that he had been moved back to New Delhi, resolving his primary grievance.

6.2 He also raised concerns about TRIFED's non-compliance with the RPwD Act, including a lack of a transfer policy for PwBDs, non-notification of an Equal Opportunity Policy, absence of a Grievance Redressal Officer, and failure to maintain employment records and reservation rosters.

6.3 Respondent No. 2 informed the Court that most concerns have been addressed, and steps are underway to prepare a PwBD reservation roster in line with DoPT guidelines.

7. Observations and Recommendations:

7.1 The Court observed that the primary grievance of the Complainant (i.e. the transfer) has been resolved. The Court also took note of the Respondent's assurance that the remaining compliance matters are being addressed. The Court found no further intervention necessary at this stage.

7.2 Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities