



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/13941/1021/2023

In the matter of:

Shri Ram Naresh Prasad

...Complainant

Versus

The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
New Delhi

...Respondent no. 1

Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Ranchi

no. 2

...Respondent

RECORD OF PROCEEDINGS

1. Hearing

1.1 A hearing in hybrid mode (online/offline) was conducted on **03.04.2025**. The following parties attended:

S. No.	Name and Designation	On Behalf of	Mode
1	Shri Ram Naresh Prasad	Complainant	Online
2	Mr. Shahid Iqbal, Regional PF Commissioner (Grade I), Head Office, New Delhi	Respondent No. 1	Online
3	None appeared	Respondent No. 2	Absent

2. Record of Proceedings

2.1 At the outset, the Court requested the Complainant to present his complete and accurate service history. He stated that he joined service in **2000**, was promoted to **UDC in 2005** (₹2400 GP), upgraded to **₹2800 GP between 2005-2009**, and subsequently promoted to **Senior Assistant (Senior SSA)** in **2009** (₹4200 GP). His grievance centres on the absence of any further promotion since 2009.

2.2 A key area of dispute concerns the post of **Section Supervisor**, which the Complainant believes was upgraded from **Group C to Group B** around 2018-2019. The Respondent clarified that during the **2017 cadre restructuring**, the post was initially placed in Group B but was later reverted to Group C. The Court observed that without the relevant **Recruitment Rules**, the classification and eligibility criteria for the post cannot be conclusively determined.

2.3 The Court examined the viability of the Complainant's claim for PwD reservation for the period **2009-2017**. It was noted that reservation in **Group B** posts for persons with benchmark disabilities was introduced only through the **DoPT OM dated 17.05.2022**, with retrospective effect from **2016**. Consequently, any promotion claim in Group B arising from the 2009 period cannot be sustained, shifting attention to the applicability of rules for **Group C / non-selection posts**.

2.4 The Respondent submitted that the Complainant had not been selected earlier because he was placed at **Serial No. 45**, whereas only candidates up to **Serial No. 28** fell within the "zone of consideration." Upon further query, the Respondent acknowledged that the **Section Supervisor post is a non-selection post**. The Court noted that the principle of "zone of consideration" applies only to **selection posts**, thereby rendering the Respondent's justification inapplicable.

2.5 The Court referred to the **DoPT OM dated 17.05.2022**, which allows an **extended zone of consideration** (up to five times the number of vacancies) for PwD candidates *in selection posts*. The Court observed that while this principle aligns with the RPwD Act, the OM is silent regarding extended consideration for **non-selection posts**, highlighting an ambiguity that requires clarification from DoPT.

2.6 Given the unresolved factual and legal issues, the Court directed

the Respondent to produce the **applicable Recruitment Rules** and to re-examine the Complainant's case in light of the DoPT guidelines, particularly with respect to **non-selection posts**. The Complainant was directed to furnish a **comprehensive, chronological service history**.

2.7 The matter was adjourned to enable the Respondent to file the required Recruitment Rules and to obtain further clarification from DoPT regarding the applicability of the "zone of consideration" principle to promotions involving persons with benchmark disabilities in **non-selection posts**.

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

(P.P. Ambashta)
Dy. Chief Commissioner