



न्यायालय मुख्य आयुक्त

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

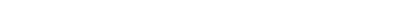
दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15944/1024/24

Dated: 29/09/2025

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(डॉ एस. गोविंदराजन)

आयुक्त

Case No. CCPD/15944/1024/2024

In the matter of –

Mr Govindu M

...Complainant

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं. जी-2, सेक्टर-10, दारका, नई दिल्ली-110075; दरभाष: 011-20892364, 20892275

5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwarka, New Delhi-110075; Tele# 011-20892364,
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E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(पश्च भविष्य से पंत्रांचार के लिए उपरोक्त फाईल/केस संबंधी अवधुय लिखें)

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Case No. CCPD/15944/1024/24

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Versus

(1) The Secretary,

Department of School Education & Literacy,

Ministry of Education

...Respondent (1)

(2) The Commissioner,

Kendriya Vidyalaya Sangathan (KVS)

...Respondent (2)

1. Gist of the Complaint:

1.1 Mr. Govindu M, a person with 60% Mental Illness, filed a complaint dated 10.12.2024 regarding the creation of a suitable/ Supernumerary post and remittance of leave into the leave account. He is presently serving as Principal at KV No. 2, CRS Renigunta, Tirupati, since August 2023. After joining this Vidyalaya, he took the responsibility of completing the Class X Mathematics syllabus, which had been left incomplete, and conducted regular as well as vacation classes despite his ill health. His efforts resulted in 100% pass results with the best-ever performance index in Mathematics for the Vidyalaya, surpassing regional averages.

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1.2 Unfortunately, his health deteriorated due to pre-existing mental health issues, and he was admitted to SVRR Government Hospital, Tirupati, from 27.10.2023 to 08.11.2023 for inpatient treatment. He has since been under regular medical care at SVRR and NIMHANS, Bengaluru. Shri Govindu M has been on medical leave since 26.10.2023, supported by a disability certificate and medical recommendations, as required under Rule 20 of CCS (Leave) Rules. He has submitted the disability certificate and representations to KVS authorities, requesting that his leave be remitted back to his account and that he be considered for a suitable or supernumerary post under Section 20 of the Rights of Persons with Disabilities (RPwD) Act, 2016. Despite repeated submissions and reminders through proper channels, no response has been received so far from KVS.

2. Notice to the Respondents:

2.1 A notice dated 07.01.2025 was issued to the above-mentioned Respondents for forwarding to this Court comments on affidavit for violation of section 20 on the complaint within the statutory time limit.

3. Reply made by the Respondent:

3.1 The Respondent filed their reply dated 10.02.2025. Respondent No. 2 submits that Shri Govindu M, Principal, KV No. 2, Tirupati, has been on continuous leave since 26.10.2023. As the competent authority, the Deputy Commissioner, KVS Hyderabad, sanctioned him various leave spells, including Earned Leave, Commuted Leave on medical grounds, and EOL, totalling 469 days up to

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05.02.2025. Initially, he submitted the medical certificates for some spells of leave, which were considered under Rule 20(1) (b) (i) of the CCS (Leave) Rules, 1972, and leave was sanctioned. Later, he obtained a Disability Certificate dated 12.06.2024 from NIMHANS, Bengaluru, certifying 60% temporary disability (Depression with Anxiety). However, this certificate does not fulfil the requirement of Form 3-A under Rule 20(1)(b)(ii) of CSS Leave Rules, 1972. Therefore, his claim that leave ought to be remitted back to his account under Rule 20 has no merit, as the Rule's conditions are not fulfilled.

3.2 It is also submitted that the Complainant's leave was never refused, and all requests were sanctioned in regular form as per the rules. Since his medical certificates did not assert that there was "no reasonable prospect of his returning to duty," Rule 20(1)(a) was inapplicable. Given his prolonged absence and considering reports from his controlling officer, the competent authority sought a reassessment of his disability status from Safdarjung Hospital as per Rule 19(3). The reply from the hospital is awaited. In view of the above, the grievance of Shri Govindu M was considered sympathetically but could not be accepted, and hence compliance with the Hon'ble Court's notice stands fulfilled.

4. Rejoinder made by the Complainant:

4.1 The Complainant submits this rejoinder dated 20.01.2025 and stated that he joined KV No. 2, Tirupati, in August 2023 on transfer, but due to serious illness, he has been on medical leave since October 2023. Having exhausted all the leave accumulated over 28 years of service, he is presently on EOL on medical grounds. He is undergoing treatment at SVRR Govt. General Hospital, Tirupati and NIMHANS,

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Bengaluru, where doctors have advised him to maintain a stress-free life to avoid further medical complications. His close relatives in Tirupati provide necessary support, which is vital for his health and family needs.

4.2 He has a daughter studying in Class VI and a son in his first year of Intermediate at Tirupati, who is also preparing for competitive entrance exams. The following two years, until March 2026, are crucial for his son's academic pursuits. In view of these circumstances, he humbly requests that KVS authorities be directed to attach him to one of the two Kendriya Vidyalayas in Tirupati until March 2026, by shifting him to a suitable/supernumerary post under Section 20 of the RPwD Act, 2016. After March 2026, he may be considered for transfer to any suitable station.

5. Hearing (I):

5.1 A Hearing in hybrid mode (online/offline) was conducted on 22.04.2025. The following Parties/Representatives were present:

S. No.	Name and Designation of the Party/Representative	For Complainant/Respondent	Mode of Attendance
1.	Mr Govindu M	Complainant	Online
2.	N.C Chauhan - Ex joint, Registrar	Complainant	Offline

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3.	Amar Pal Singh Brar - KVS Official	Respondent No. 2	Online
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6. Record of Proceedings:

6.1 The Complainant's Representative appeared and stated that Shri Govindu M joined Kendriya Vidyalaya Sangathan (KVS) as a PGT (Mathematics) on 29.09.1997 and served in various schools, including remote postings, where he often shouldered responsibilities as the only regular teacher. Despite suffering from anxiety, depression, and Parkinson's disease, he ensured 100% academic results in Class 10. His condition worsened during the COVID-19 pandemic, leading to admission at SVRR Government General Hospital, Andhra Pradesh, from 27.10.2023 to 08.11.2023, after which he has been on continuous leave. He has since been receiving outpatient treatment at SVRR Hospital and NIMHANS, Bengaluru. A disability certificate dated 12.06.2024 was issued, indicating 60% mental illness, which was temporary, and later, on 03.02.2025, a permanent certificate recorded multiple impairments, including depression with anxiety and Parkinson's disease, resulting in up to 71% disability.

6.2 It was stated that his leave applications from 26.10.2023 to 05.04.2024 were initially submitted without a disability certificate, during which period he exhausted all his leave. Subsequently, he began submitting Form 3A as prescribed. His representative also highlighted that his salary had not been released despite repeated representations. In distress, he had approached the KVS office demanding the release of pending dues. The Court inquired about the applicability of Section 20 of the RPwD Act, 2016, and questioned why no assessment of his

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fitness to serve had been conducted despite his acquiring disability in service.

6.3 The Respondent submitted that leave was sanctioned by the Deputy Commissioner based on applications and medical certificates available at the time, and clarified that the disability certificate was first received on 11.08.2024. They had sought a second medical opinion under Rule 19 of the CCS (Leave) Rules and, after receiving the permanent disability certificate on 25.03.2025, forwarded the case to the Commissioner for decision, which is awaited. The Respondent further stated that salary had been paid up to 22.03.2025 when earned leave and half-pay leave were exhausted, but no salary was paid thereafter.

6.4 The Complainant's Representative stressed that the Complainant has dependent children, one in Class VI and one in Intermediate, whose studies are at a critical stage. He reiterated the financial hardship being suffered due to the stoppage of salary since March 2025. The Court observed that the Complainant's case was genuine and noted his deteriorating health condition. It directed that he should submit an undertaking that he is not in a position to continue working and also provide a fitness certificate from NIMHANS, Bengaluru, where he is undergoing treatment. This would allow the Respondent to review and process his case for payment of pending salary and service-related benefits with retrospective effect.

6.5 The Court recorded that the Respondent concurred with its observations and agreed to consider the Complainant's eligibility for salary and related benefits, subject to assessment by the medical board and further review.

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7. Observations:

7.1 The Court noted that the Complainant, Shri Govindu M, had indeed acquired disabilities (mental illness, neurological issues, and Parkinson's disease) during service, and therefore Section 20(4) of the Rights of Persons with Disabilities (RPwD) Act, 2016 was applicable. The Court clarified that Section 20(4) protects every employee who acquires a disability in service, and importantly, the Act does not distinguish between the permanent and temporary certificate for the purpose of such protection.

7.2 The Court observed that the Respondent (KVS) had failed to conduct any fitness assessment after the Complainant acquired disability, despite the statutory requirement. It was also observed that the Complainant had exhausted his earned leave and half-pay leave by March 2025, and thus had not received a salary thereafter, which caused financial hardship for him and his dependent family members. The Court found the Complainant's case genuine and deserving of protection under the relevant rule/law position.

8. Recommendations:

8.1 The Respondent is advised to ensure compliance with Section 20(4) of the RPwD Act, 2016, meaning that if the Complainant is not fit to continue in his current role, he must either be shifted to another suitable post with the same pay and benefits, or placed on a supernumerary post until retirement.

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8.2 Ensure that all service-related benefits, including leave regularisation, release of pending salary, allowances, and future entitlements, are processed without delay, keeping the mandate of the RPwD Act, 2016 into consideration. Also, the Court recommended that the Complainant be protected from any form of discrimination stemming from his disability and treated on equal terms with other employees regarding service rights.

8.3 The Respondents may take compassionate consideration of his family circumstances, including dependent children and medical responsibilities, while arriving at any administrative decision. Furthermore, the respondents shall keep the Court informed of the steps taken to comply with these directions and ensure that the Complainant does not suffer financial or professional disadvantage on account of procedural delays. An Action Taken Report may be submitted within 03 months from the date of receipt of this Order in accordance with Section 76 of the RPwD Act, 2016.

8.4 The case is disposed of accordingly.

Yours faithfully,

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(S. Govindaraj)
Commissioner

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