



## 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/14049/1021/2023**

### In the matter of —

Shri Sartaj Singh Chahal

**...Complainant**

### **Versus**

The Directorate General, CISF, New Delhi

**...Respondent No.1**

O/o the Sr. Commandant, CISF,  
5<sup>th</sup> Reserve Battalion, Ghaziabad

**...Respondent No.2**

### **1. Gist of the Complaint:**

1.1 Shri Sartaj Singh Chahal, a person with 55% Mental Illness, filed a complaint dated 26.04.2023 regarding discrimination on promotion.

1.2 He states that he is a member of the 1997 batch; he has not been promoted from Constable to Head Constable, even though his batchmates and juniors have received promotions. He submitted representations to the Senior Commandant in June 2023 seeking promotion, stating that the denial of promotion amounted to discrimination on the grounds of disability.

1.3 The Respondents informed him that he was placed in a lower medical category (Shape-2/LMC-S2), due to which he was considered ineligible for promotion during the relevant period. Although he was initially promoted in August 2020, the promotion was later cancelled because he did not attain the Shape-1 medical category within the vacancy year 2020. The complainant contends that, in accordance with DoPT instructions, disability—whether acquired during service or

otherwise—cannot be a ground for discrimination in service matters; therefore, the denial and cancellation of his promotion are arbitrary and contrary to applicable rules.

## **2. Notice to the Respondents:**

2.1 A notice dated 01.06.2023 was issued to the above-mentioned respondents for forwarding to this Court comments on affidavit within the statutory time limit.

## **3. Reply made by the Respondent:**

3.1 The Respondents have filed their reply dated 28.06.2023 and stated that A reply received from Respondent No. 1 dated 28.06.2023, Shri Sartaj Singh Chahal, Constable/GD, was appointed in CISF on 04.05.1997 and became eligible for promotion to the rank of Head Constable (GD) from the year 2019. His case for promotion was considered for vacancies in 2019 and 2020, and on both occasions, he was found fit, subject to attaining the Shape-1 medical category. Accordingly, promotion-cum-posting orders were issued in February 2019 and August 2020; however, both orders were subsequently cancelled as he could not regain the Shape-1 medical category by the stipulated cut-off dates of 31.12.2019 and 31.12.2020, respectively.

3.2 The Respondents further submitted that the complainant's case was also considered for promotion for the years 2021, 2022, and 2023. Still, he was found "Not Yet Fit" due to below-benchmark performance and continued low medical categorisation. As per records, he has been placed in medical category S2 (T-2) by the Standing Medical Board on 12.04.2019. Attainment of the Shape-1 medical category is an essential condition for promotion to the post of Head Constable (GD) under the applicable Recruitment Rules.

## **4. Rejoinder by the Complainant:**

4.1 The Complainant filed rejoinder dated 17.07.2023 and stated that although he was found fit for promotion from Constable (GD) to Head Constable (GD) for the vacancy years 2019 and 2020 and promotion-cum-posting orders were duly issued on 22.02.2019 and 19.08.2020, both promotions were subsequently cancelled solely on the ground that

he could not attain Shape-1 medical category, thereby depriving him of promotion due to his low medical category.

4.2 He further alleged that his APARs have been deliberately graded below benchmark from 2017 onwards to deny him promotion and future benefits such as MACP, despite being medically exempted by the Standing Medical Board from PT parade, arms duty, and emergency duties. He contended that the department's reliance on low medical category and below-benchmark APARs is discriminatory and contrary to earlier instructions issued by the Ministry of Home Affairs on 01.12.2010.

## **5. Hearing:**

5.1 A hearing in hybrid mode (offline/online) was conducted on 05.06.2025. The following parties/representatives were present during the hearing:

<b>Sl.No.</b>	<b>Name of the Attendees</b>	<b>Complainant / Respondent</b>	<b>Mode of Attendance</b>
1.	Mr. Sartaj Singh Chahal	Complainant	Online
2.	Mr. R.L. Meena	For Respondents	Physically
3.	Mr. Sunder Lal	For Respondents	Physically

## **6. Record of Proceedings:**

6.1 At the outset, the Complainant, reiterating his complaint, submitted that his case for promotion from Constable to Head Constable was considered in the year 2019 & 2020. Although he was found fit, the subsequent promotion Order was cancelled. He further submitted that he was not considered for promotion in 2020 due to not having a Shape-1 medical category, which was attributed to his low medical categorisation. Additionally, he alleged that his Annual Performance Appraisal Report had been graded below benchmark from 2017 to the present, with the intention of depriving him of the benefit of promotion.

6.2 The Respondent submitted that the Complainant's case for promotion was considered for the years 2021, 2022 & 2023. Still, he was found "Not Yet Fit" due to below-benchmark performance and a low

medical categorisation. The Respondent emphasised that having a Shape-1 medical category is an essential condition for promotion as per the Recruitment Rules for Head Constable. The Respondent also cited a Gazette Notification dated 18.08.2021 issued by the Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan), granting an exemption for combatant personnel posts.

## **7. Observations and Recommendations:**

7.1 The Court observed that the notification dated 18.08.2021 issued by the Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan), clearly provides that, in exercise of the powers conferred under the proviso to Section 20 (1) and the second proviso to Section 34 (1) of the Rights of Persons with Disabilities Act, 2016, and having regard to the nature and type of duties involved, the Central Government, in consultation with the Chief Commissioner for Persons with Disabilities, has exempted all categories of posts of combatant personnel in the Central Armed Police Forces, namely BSF, CRPF, CISF, ITBP, SSB and Assam Rifles, from the applicability of Sections 20 (non-discrimination in employment) and 34 (reservation for persons with benchmark disabilities) of the RPwD Act, 2016. The present case falls within the scope of the above-mentioned Notification on exemption. As such, a case of discrimination on the grounds of disability in the matter of promotion can not be taken up against an establishment that has an exemption from the purview of sections 20 and 34 of the Act, in respect of a combatant post.

7.2 Notwithstanding the above, the Respondent is advised to submit details of dues paid to the Complainant as terminal benefits on discharge from the Force, along with specific reasons for discharge from service within 3 months in terms of Section 76 of the RPwD Act, 2016.

7.3 Accordingly, the case is disposed of.

**(S. Govindaraj)**  
Commissioner for Persons with Disabilities