



## 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/14190/1021/2023**

### In the matter of:

Shri Kolli Nageshwar Rao

**... Complainant**

### Versus

The Secretary, Railway Board

**... Respondent No. 1**

General Manager, South Central Railway

**... Respondent No. 2**

### 1. Gist of the Complaint

1.1 Shri Kolli Nageshwar Rao, President, All India Disabled Rights Forum, filed a complaint dated **22.05.2023** alleging non-implementation of **reservation in promotion for Persons with Benchmark Disabilities (PwBDs)** in the South Central Railway Headquarters Office.

1.2 The Complainant referred to Railway Board instructions dated **25.10.2022** directing all Zones to implement PwBD reservation in promotion. He submitted that although the Vijayawada Division issued a promotion notification on **15.03.2023** for 90 PwBD employees, the **Headquarters Office at Secunderabad had not implemented PwBD reservation in promotions at all**, despite several representations.

### 2. Notice to Respondents

2.1 A notice dated **26.06.2023** was issued under Sections **3, 20, 21, 23 and 75** of the RPwD Act, calling upon the Respondents to submit comments with supporting documents.

### **3. Reply Filed by Respondent No. 2**

3.1 Respondent No. 2, vide reply dated **11.07.2023**, submitted that the Railway Board's instructions were being implemented without deviation. Awareness seminars were also held for officers and staff.

3.2 Respondent No. 2 stated that **19 vacancies** suitable for PwBD employees had been identified at the Headquarters level, and action had also begun in the Divisions.

3.3 In the Vijayawada Division, four PwBD vacancies were identified for Technician Grade-II. Two were filled after the trade test; the remaining two were carried forward, in accordance with **Para 13 of DoPT OM dated 17.05.2022**.

### **4. Rejoinder by Complainant**

4.1 The Complainant, vide letter dated **11.08.2023**, sought detailed information including:

- (a) the number of PwBD employees promoted from Level-7 to Level-8;
- (b) details of the Liaison Officer/Grievance Redressal Officer;
- (c) particulars of the 19 identified PwBD vacancies; and
- (d) reasons for non-inclusion of PwBD reservation in the selection notification for **Jr. Clerk-cum-Typist**.

### **5. Hearing**

5.1 A hybrid hearing was held on **04.04.2025**. The Complainant and Shri M.B. Muralidhar, Dy. Chief Personnel Officer and Liaison Officer (PwBD), appeared via online mode.

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

6.1 The Complainant stated he is approached by numerous PwD employees regarding non-implementation of the **4% reservation in promotions** mandated under the RPwD Act and DoPT OM dated 17.05.2022. He alleged that South Central Railway had not prepared rosters or identified cadres for PwBD reservation in promotions in Group C and D posts.

6.2 Respondent No. 2 reiterated its written submissions.

## 7. Observations and Recommendations

7.1 Under **Rule 38 of the Rights of Persons with Disabilities Rules, 2017**, a complaint before this Court must be filed by a **person aggrieved**. The Complainant stated during the hearing that he is a **disability rights activist** raising systemic issues but did **not identify any PwBD employee personally aggrieved** or denied promotion. While disability activism plays an important societal role, statutory adjudication requires a directly affected individual.

7.2 In the absence of any **specific PwBD employee** who has been denied promotion, and since the Complainant has not shown that he himself has suffered any actionable grievance, the present complaint **does not satisfy the test of maintainability** under Rule 38.

7.3 However, in exercise of powers under **Sections 75 to 77** of the RPwD Act, the Court recommends that South Central Railway ensure:

- (a) preparation and maintenance of **proper PwBD promotion rosters**, in accordance with DoPT OM dated 17.05.2022;
- (b) transparency in identification of suitable posts; and
- (c) timely publication of PwBD promotion notifications across all Divisions and the Headquarters.

7.4 The Complainant is at liberty to **file a fresh complaint**, furnishing details of the **specific aggrieved PwBD employees**, along with supporting documents, to enable adjudication under Sections 75 and 76 of the Act.

## 8. Disposal

8.1 For the reasons stated above, the complaint is **dismissed for want of maintainability**, without adjudication on merits.

8.2 A copy of this Order be sent to both Respondents for information and necessary action.

**(S. Govindaraj)**

Commissioner for Persons with Disabilities