



सत्यमेव जयते
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.14301/1023/2023

In the matter of:

Mr. Sameer Kumar

...Complainant

Versus

The CMD, Punjab National Bank

...Respondent

1. Gist of the Complaint:

1.1 Sh. Sameer Kumar, a person with 40% visual impairment, submitted his complaint on 01-07-2023, raising issues of discrimination and mental harassment through frequent transfers and unfair performance assessments. He began his career as a Clerk in December 2015 and was promoted to the grade of an officer (JMGS-1) through the internal promotion process. In the bank's evaluation system, officers are assessed under PAF (20 marks) by senior officials and PMS (80 marks). Despite performing well in PMS—scoring 67/80 in 2020-21, 72/80 in 2021-22, and 79/80 in the most recent year—he received disproportionately low PAF scores of 3/20 and 7/20 in the respective years, with the latest PAF marks still pending. Notably, during his previous posting, his branch met 6 out of 9 key performance indicators.

1.2 He also submitted that he faced mental stress due to repeated and abrupt transfers following his recent promotion to Manager. Within just one month, he was transferred three times—from Sector 4 to the Marketing Department, and then to Shastra FRW—while others have remained in the same postings for several years. These actions, taken in disregard of official guidelines, have disrupted his duties, undermined his confidence, and negatively impacted his mental well-being.

He seeks fair treatment, adherence to established procedures, and transparency in both the evaluation and transfer processes.

2. Notice issued to the Respondent:

2.1 The matter was taken up with the Managing Director, Chief Executive Officer, Punjab National Bank, through a notice dated 26-07-2023, referencing relevant statutory provisions and government instructions, including but not limited to Section 20 (5) and DFS Office Memorandum No. 3/13/2014-Welfare dated 18-11-2014.

3. Reply filed by the Respondent:

3.1 The Deputy General Manager submitted their response on 10-08-2025. He stated that the Complainant joined the bank service as a Clerk on 30-11-2015 in the Gen-visually Impaired category and was further promoted to JGM Scale I and MMG Scale II on 01-04-2020 and 01-04-2023, respectively, on merit, in accordance with the equal opportunity policy.

3.2 Annual Performance Appraisal is based on the performance of an employee, and has checks on three levels (reporting, reviewing, accepting level) to reduce bias. If an employee is aggrieved by his appraisal, he can appeal the PAF marks in the HRMS. The Complainant didn't appeal against the PAF marks, as per the option available to him under the extant policy.

3.3 It was further submitted that the transfers in the bank are administrative decisions based on requirement, skill set of officers and availability of manpower without any discrimination based on any specific category of employee. He was transferred to Circle Office, Bokaro, on his promotion to Scale III for further posting as per the bank's requirement.

3.4 He was given a posting as per the bank's requirement due to a sudden revised manpower strength of CAC and urgent requirement; his posting was revised for CAC Bokaro (Dhanbad). He was not interested in joining CAC Bokaro as it was stationed at Dhanbad. Despite joining CAC Bokaro, he requested a change of transfer order and was posted to Bokaro. His request was considered sympathetically, and the transfer order was revised for RC Bokaro. Since then, he has been posted at Bokaro, and the bank has assigned him there at his request.

3.5 It is submitted that the Complainant has been promoted time to time on merits, as per the bank's extant guidelines and as a visually impaired person, he has been retained in the same circle on his promotions without any discrimination. Thus, the Complainant does not hold merits for consideration.

4. Rejoinder filed by the Complainant:

4.1 The Complainant submitted his rejoinder on 19-08-2023 and 21.07.2025, reiterating his original complaint.

5. Hearing:

5.1 A hearing in hybrid mode (offline/online) was conducted on **21.07.2025**. The following parties/representatives were present during the hearing:

| Sl. No. | Name of the Attendees | On Behalf Of | Mode of Attendance |
|----------------|--------------------------------------|---------------------|---------------------------|
| 1. | Mr Sameer Kumar | Complainant | Online |
| 2. | Mr Vishal Dogra, Deputy Manager (HR) | For Respondent | Online |

5.2 The Complainant reiterated his grievance regarding promotion and transfer, alleging harassment by the Respondent. However, the issue of harassment was not part of his original complaint.

5.3 The Respondent countered that the Complainant has been promoted based on merit, in accordance with the bank's guidelines. As per the guidelines, visually impaired employees are retained in the same circle upon promotion, and discriminatory motives do not drive this decision. The Respondent claimed that all grievances related to promotion and transfer have been redressed.

6. Observation & Recommendation:

6.1. This Court observes that the Respondent has accommodated the Complainant's requests for posting at his preferred station. It is also seen that the Complainant was promoted thrice since his joining in 2015, which doesn't support the allegation of discrimination against the Respondent. The Court has, however,

observed that the marks obtained in the internal assessments over a period of time have been considerably low as compared to the percentage of marks obtained by him in the PMS. The Respondent needs to investigate to find out if any discrimination existed in assessing persons with disabilities.

6.2 This Court also directs that a copy of this Order be forwarded to the Department of Financial Services, Ministry of Finance, as the nodal department for their examination and guidance to the banks on eliminating or reducing the subjectivity in the assessment process, which is liable to be misused.

6.3 The Respondent shall also investigate Complainant's allegations of harassment and mistreatment and conduct necessary training at regular intervals to sensitise the staff.

6.4 The Action Taken Report shall be submitted within 90 days in accordance with Section 76 of the RPwD Act, 2016.

6.5 This case is accordingly disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities