



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/14682/1024/2023

In the matter of:

Ms. Dipali Patil

(Through her father

Pravin Murlidhar Patil)

...Complainant

Versus

Regional Manager, Regional Office

Central Warehousing Corporation, Mumbai

...Respondent

1. Gist of the case:

1.1 Ms Dipali Patil, a person with 100% hearing impairment, filed a Complaint dated 01.12.2023 and highlighted the denial of necessary accommodations by CWC RO Mumbai during the COVID-19 period, in violation of the Rights of Persons with Disabilities Act, 2016 and government circulars. Despite being eligible for work-from-home provisions, Ms Dipali was required to attend the office, worsening her hearing condition, which had been manageable with hearing aids. As a result, she experienced a significant loss of hearing in her left ear in August 2023 and underwent Cochlear Implant surgery on her right ear in September 2023. The Complainant requested that her requests for medical leave, special leave, and reimbursement be granted promptly.

1.2 The Complainant requested for the following concessions:

- (a) Reimbursement for her Cochlear Implant surgery bill submitted on 26th September 2023 and 9th October 2023.
- (b) Assignment to office work only (excluding field and godown work) until her left ear receives treatment.
- (c) Medical leave from 16th September to 31st October 2023, as per OM No. 18017/1/2014/Estt.(L).
- (d) Special casual leave, which was applied for on 1st March 2023, but not granted yet.

2. Reply filed by the Respondents:

2.1 Respondents filed a reply dated 10.01.2024, clarifying that CWC, during the COVID-19 period, allowed employees to work from home as per government circulars. However, Ms Dipali did not request this option and continued reporting to the office willingly, post-COVID. There was no formal request for work-from-home made by her.

2.2 The Respondents raised concerns regarding the medical bills submitted by Ms Dipali for treatment at a non-empanelled hospital. The corporation noted that she did not seek prior approval for treatment at such a facility, which violated the established procedure. The list of empanelled hospitals for 2023 was provided to the Complainant. On the issue of medical leave, the CWC referenced the government's circular OM No. 18017/1/2014-Estt. (Res.) dated 25/02/2015, which grants medical leave to employees who acquire disabilities during their service. Since Ms Dipali's disability existed before joining the CWC, she does not qualify for medical leave under this policy.

2.3 Regarding her job duties, the Respondents confirmed that Ms Dipali has been assigned only technical tasks as per her role description, and no additional work outside her responsibilities has been given. Lastly, Ms Dipali had not applied for leave through the official HRMS system, which caused delays. However, once the request was submitted, 4 days of Special Casual Leave were approved and used between 27th and 30th December 2023.

3. Rejoinder filed by the Complainant:

3.1 The Complainant, in his rejoinder dated 18.01.2024, stated that Ms Dipali worked voluntarily during the post-COVID period without requesting work-from-home. However, during the COVID-19 second wave, she found it difficult to attend the office daily. She requested Mr H.D. Singh, Manager, CW-CFS Ambad, to allow her to work from home, as per the central government circular. This request was denied, and she was told to take leave, which she did from 12/04/2021 to 06/06/2021.

3.2 Regarding the submission of the medical bill the Complainant said Global Hospital Parel is a registered hospital, and Ms. Dipali had emailed both the Manager at CW-CFS Ambad and the CWC Mumbai Regional Office in advance, informing them of her Cochlear Implant surgery. Regarding the Medical leave the Complainant clarified that Ms Dipali's hearing impairment has been present since childhood. The compulsion to attend the office during the COVID period further aggravated her hearing loss.

3.3 The Complainant stated that as per OM No. 36035/3/2013, persons with disabilities can perform their duties effectively when provided with the proper aids. Until Ms Dipali receives her second Cochlear Implant, she should only be assigned office work and not fieldwork or godown duties.

4. Hearing:

4.1 A Hearing was conducted on 11.06.2025 in hybrid mode (Offline/Online through Video Conferencing). The following Parties/Representatives were present during the hearing:

| S.No. | Name & Designation of the Parties/Representatives | For Complainant/Respondent | Mode of Attendance |
|-------|---|----------------------------|--------------------|
| 1. | Shri. Jagjeet Kumar – Director (Welfare), DFS | Complainant | Online |
| 2. | P. H. Thakur, Manager, Establishment Section | Respondent | Online |
| 3. | Ajay Zadoo, Regional Officer | Respondent | Online |

5. Record of Proceedings:

5.1 At the outset, the Court asked the Respondent why work-from-home was denied to the Complainant during the COVID-19 period. The Respondent replied that it had simply followed the circulars.

5.2 The Court then inquired how the Respondent sanctioned leaves between April 2021 and June 2021, and also asked why Shri H.D. Singh, whom the Complainant specifically mentioned as a person rejecting her requests, did not join the hearing. The Respondent referred to the reply already submitted. The Court, however, flagged that the reply was vague and flimsy, observing that the conduct of the Respondent attracted liability.

5.3 The Court inquired about the Grievance Redressal Officer (GRO) of the Respondent and directed the Respondent to refer to paragraph 4 of the notice dated 12.12.2024, particularly emphasising Sections 21 and 23 of the RPWD Act, 2016. The Respondent, however, remained silent.

5.4 The Court thereafter directed the Respondent to ensure that their regional officer joined the online proceedings. While the officer was joining, the Court reiterated that there were four issues in the case at hand which the Complainant had flagged but were ignored by the respondent. The Court underscored the importance of appointing a GRO and observed that the conduct of the Respondent clearly indicated that no such officer had been appointed to date.

5.5 Subsequently, the Court requested the Complainant's daughter to join the proceedings. The Court then posed a query to the Respondent as to which rule governs the requirement of obtaining prior permission before undergoing surgery.

5.6 The Court inquired from the Complainant whether the surgery was scheduled or conducted in an emergency. The Complainant responded that it was an emergency. The Court further asked whether any permission had been sought, to which the Complainant answered that an email had been sent, as obtaining prior permission would have taken considerable time.

5.7 The Court then sought the Respondent's response. The Respondent submitted that if the surgery had been conducted in a panel hospital, the need to seek prior permission would not have arisen. However, since the surgery was

performed at a non-panel hospital, prior permission was required. Accordingly, the Complainant had failed to follow the prescribed rules.

5.8 In response, the Court asked the Respondent as to how the Complainant was expected to seek prior permission in a treatment taken in an emergency. The Court also wanted to understand why the payment could not be processed despite receipt of an email from the Complainant with the same request. The Respondent replied that proof of payment, preferably in the form of a bank transaction, was necessary for claims above ₹10,000, which had not been furnished. Furthermore, no doctor's prescription was submitted. The Respondent clarified that the payment would be processed once the requisite documentation was provided.

5.9 On the issue of leave, the Respondent explained that, in his capacity, he had only been informed that the Complainant's daughter was coming of her own accord. The Court emphasised that the Complainant had been granted only casual leave, the type ordinarily available to PwD employees, and that this was given only after the Complainant had filed a formal complaint. The Court further asked the Respondent to state, in their written reply, the legal basis for the claim that only persons with acquired disabilities are entitled to medical leave. The Respondent stated that they would re-examine this point.

5.10 The Court observed that, as the Respondent had already admitted to certain mistakes and sanctioned partial relief, the remaining issues should also be duly addressed. The Court further underscored the need for the Respondent to remain aware of and sensitised to the applicable rules and laws concerning persons with disabilities, in order to avoid such lapses in the future and to ensure the protection of their rights.

6. Observations/ Recommendations:

6.1 The Court recommends that the Respondent appoint a Grievance Redressal Officer and resolve all outstanding issues within 3 months.

6.2 In light of the above, the matter stands disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities