



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/14637/1021/2023

In the matter of —

Shri Rakesh Kumar

...Complainant

Versus

The Director General

Headquarters

Border Roads Organisation

...Respondent

1. Gist of the Complaint:

1.1 Shri Rakesh Kumar, a person with benchmark locomotor disability, filed a complaint dated 27.10.2023 regarding the denial of a reservation in promotion. He is serving as a Draftsman at HQ 96 Road Construction Company and has submitted that for the year 2024, he was not granted the benefit of reservation in promotion, and consequently, his name was not included in the DPC panel. He refers to DoPT O.M. No. 36012/1/2020-Estt.(Res-II) dated 17.05.2022, Section 34 of the Rights of Persons with Disabilities Act, 2016, and the Supreme Court judgment in Siddharaju v. State of Karnataka (Civil Appeal No. 1567/2017 dated 28.09.2021).

2. Notice to the Respondents :

2.1 A notice dated 21.11.2023 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 filed their reply dated 22.12.2023 and stated that the Complainant was appointed as a Draughtsman on 17 March 2011 and was granted MACP-I on completion of ten years of regular service in March 2021. The BRO notes that paras 2 to 5 of the notice relate to policy matters on which it has no comments. It further informs that after receiving DoPT O.M. dated 17 May 2022 regarding reservation in promotion for PwBDs, the organisation has initiated implementation of these guidelines, and the DPC for 2024 for Senior Draughtsman was in progress. The reply adds that the Complainant is placed at Serial No. 24 in the seniority list and his case will be considered in accordance with the DoPT instructions.

4. Rejoinder filed by the Complainant:

4.1 The Complainant filed his rejoinder dated 04.01.2024 and stated that he had earlier sought information under the RTI Act in June 2022 regarding the implementation of reservation in promotion for persons with disabilities. The RTI reply mentioned the matter was “under consideration. He further submitted that the DPC for 2024 was prepared without considering the RPwD Act, 2016 and the DoPT OM dated 17.05.2022. He points out that even in the recent communication dated 22 December 2023, the department merely states that the policy is being formulated. He further requests that, along with the promotion policy, other important policies—such as recruitment, transfer, terms and conditions of service, assistive devices (e.g., wheelchairs), and accessibility provisions—be framed in line with the RPwD Act, 2016 and DoPT guidelines. He also suggests forming a board with representation from employees with disabilities.

5. Update on the Current status:

5.1 An email dated 14.07.2025 was sent to the above-mentioned parties for forwarding to this Court the current status of the case. Since no reply was received from the parties, the matter was listed for hearing on 26.11.2025.

5.2 An email was received from the above-mentioned Complainant on 23.11.2025 in which he submits that the department has resolved the grievance regarding the denial of reservation in promotion. The promotion has been granted, and he has requested that the Complaint be closed.

6. Observations and Recommendations:

6.1 After considering the submissions of both parties, including the Complainant's email dated 23.11.2025, the Court finds that the original grievance has been redressed, no further intervention is required.

6.2 Accordingly, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

(P.P. Ambashta)
Dy. Chief Commissioner