



## 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/14252/1021/2023

#### In the matter of:

Yatender Singh and ors.

...Complainant

#### **VERSUS**

The Chairman,

Coal India Limited, Kolkata

...Respondent

### **RECORD OF PROCEEDINGS**

#### **1. Hearing:**

1.1 A hearing in Online mode was conducted on 01.09.2025. The following parties/representatives were present:

S. No.	Name and Designation of the Party/Representative	For Complainant/Respondent	Mode of Attendance
1.	Yatender Singh and Sapna Verma	Complainants	Online
2.	(a) Ms. Rajesh V. Nair – GM, Personnel, Coal India Limited (CIL) (b) G Mohanesh – Senior Manager, HR, CIL	Respondents	Online

## **2. Record of Proceedings:**

2.1 The Complainant, Mr. Yatender Singh, submitted that he is currently posted as Deputy Manager (HR) at Coal India Limited (CIL). He stated that out of 86 eligible candidates for promotion (including himself), 66 were promoted, and none of them were persons with disabilities (PwDs).

2.2 The Complainant referred to an Office Order dated 14.02.2023 wherein Mr. Ajay Kumar Chaudhary had recommended promotion of employees with disabilities in accordance with Government Order No. 36012/1/2030 dated 17.05.2022 and OM No. 36035/02/2017 dated 27.09.2022. He further submitted that the promotion Order dated 25.02.2023 was issued in two parts: one for promotions from E3 to E4 (124 employees), and another from E4 to E5 (66 employees).

2.3 The Complainant stated that in response to an RTI application, the Respondent (CIL) informed that there were 173 vacancies for the E4 level. He argued that even if 124 promotions are accounted for, 49 vacancies still remain. These 49 vacancies, along with the 66 E5 vacancies, make up a total of 115 available positions, whereas only 66 employees were promoted. He requested that the Complainants be given seniority equal to their batchmates, failing which they would be placed one grade below their colleagues/peers.

2.4 The Respondent submitted that their promotions are vacancy-based. In the E3 to E4 promotion cycle, 66 employees were promoted. The remaining vacancies were kept reserved due to a backlog in SC/ST category reservations. They further submitted that, as per Government guidelines, reservation for PwDs in promotion applies only up to the lowest level of Group A posts. In CIL, this level is E2. Since the Complainants are seeking promotion from E3 to E4, which is above this level, the guidelines do not mandate reservation in their case.

2.5 The Respondent also submitted that a similar matter is pending before the Hon'ble High Court of Chhattisgarh in W.P. No. 1224/2022 (Hitesh Kumar Sahu v. Coal India Ltd.), which is regarding the applicability of reservation in promotions from E3 to E4.

2.6 The Court inquired whether PwDs or the Complainants in the present matter are also parties in the aforesaid Writ Petition. The Respondent replied that the Petitioners in that petition are PwDs.

2.7 The Court observed that seniority matters are not within the jurisdiction of this Court. It also observed that the issues raised here is about

lack of promotion within the executive grades, where there is no reservation in promotion. The only aspect that this Court is interested, is to see whether the applicant has been discriminated against based on his disability.

2.8 The Court further noted that the parties in the writ petition and the present case are different, the jurisdiction of the CCPD Court is not barred.

The Court further asked whether the Complainants were ineligible for promotion or whether any rules prevented their promotion. The Respondent clarified that the Complainants were eligible, but could not be promoted due to a lack of vacancies at the time.

2.9 The Respondent informed the Court that although this matter pertains to the year 2023, the Complainants have already been promoted in 2024. However, they are now seeking backdated seniority.

2.10 The Court directed the Respondent to submit a detailed explanation on the reasons for not promoting the complainants earlier, citing non-availability of vacancies, and to provide relevant supporting documents (including the promotion roster). This will assist the Court in determining whether there was any lapse on the part of the Respondent in extending promotion opportunities to the employees with disabilities. The said explanation shall be submitted within 15 days, forwarding a copy of the same to the Complainant, who may file his rejoinder, if any, within a further period of 7 days.

3. This is issued with the approval of the Commissioner for Persons with Disabilities.

**(P.P. Ambashta)**  
Dy. Chief Commissioner