



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/13803/1024/2023

In the matter of:

Ashish V. Borkar

...Complainant

VERSUS

The Chairman and Managing Director,

Pawan Hans Ltd.

...Respondent

1. Gist of the Complaint:

1.1 Shri Ashish V Borkar, an employee with above benchmark locomotor disability, filed a complaint dated 12.01.2023 regarding non-implementation of the Equal Opportunity Policy and non-payment of Transport Allowance (double the normal amount) in the respondent's office.

1 . 2 The Complainant submitted that he served in Pawan Hans Limited from 11.08.2008 to 31.05.2022, rising from Officer (IS) to AGM (IS) level, and his grievance pertains to the non-implementation of transport subsidy for PwDs. He stated that despite Government instructions, he was paid only ₹800, an outdated rate fixed in the late 1990s, which was inadequate compared to his actual commuting expenses. He repeatedly brought the Department of Expenditure's O.M. dated 07.07.2017 to the notice of PHL's HR Division, seeking double the normal transport subsidy, but despite numerous follow-ups, he received only false assurances from the HR Head without any action.

1.3 Apart from the above, he had suffered from the inappropriate

and unacceptable working culture of the organization. The PHL management and HR showed apathy towards the grievance of the complainant despite knowing about the work pressure in the department.

1.4 He has requested that the payment of revised double to normal transport subsidy for his entire service tenure with PHL, applicable time to time as per the extant government's instructions. He has also requested for: (i) compensation for the inconvenience and hardship he had to suffer, (ii) applicable action shall be taken for non-implementation of policies applicable to persons with disabilities, and (iii) the responsible officials shall be penalised for knowingly not implementing the Equal Opportunity Policy and depriving a person with benchmark disabilities of their rights.

2. Notice issued to the Respondent:

2.1 A notice dated **03.03.2023** was issued by this Court under Sections 3, 20, 21, 23 and 75 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as "the RPWD Act"), directing the Respondent to furnish their comments on the complaint and place on record supporting documents and justifications, if any.

3. Reply filed by the Respondent:

3.1 The Manager (HR), PHL vide his reply dated 26.05.2023 has submitted that the proposal for implementation of transport allowance to Divyangjan at double the rates as per the Government's instructions is in process and the same is likely to be approved shortly. The benefit of transport allowance at double the rate will also be extended to the Complainant after obtaining approval from the competent authority.

3.2 The Officiating HoD (HR&A), vide letter dated 17.11.2023, informed that the complainant had left the organization w.e.f 31.05.2022. She also submitted that after obtaining approval from the Competent Authority, an order was issued on 16.11.2023 for payment of Additional Travelling Allowance to employees with disabilities at double the rate than other employees of the Company as per the DPE

Guidelines. Accordingly, the payment of Additional Travelling Allowance will be released to the Complainant by the end of the month.

3.3 The Office of HR and Admin vide email dated 07.12.2023 has submitted that an amount of Rs. 84,269/- has been transferred in Complainant's account on 05.12.2023 towards Additional Transport Allowance.

4. Rejoinder filed by the Complainant:

4.1 The Complainant filed rejoinders dated 31.05.2023 and 02.06.2023 and submitted that upon receiving a notice from the CCPD Office, PHL prepared a proposal for the implementation of transport allowance at double the rates as per the Government's instructions. However, it is important to note that the benefits of the transport allowance (double the normal amount) have never been extended to employees with benchmark disabilities. The PHL, in its reply, addressed the issue of transport allowance while disregarding the other facts and demands mentioned in the complaint.

4.2 The Complainant, after receipt of the Respondent's reply, filed rejoinders dated 07.12.2023 & 13.12.2023 and submitted that an amount of Rs. 84,269/- had been transferred to his account by the PHL. He further submitted that the PHL has not communicated the actual calculations they have arrived at for this Transport Allowance or given the said amount. As per the PHL's order dated 16.10.2023 they had paid from 10.06.2020 onwards whereas his demand was it should be paid for his entire tenure with PHL i.e. 11.08.2008 to 31.05.2022.

5. Hearing (I):

5.1 A Hearing in hybrid mode (online/offline) was conducted on **25.02.2025**. The following Parties/Representatives were present:

S. No.	Name & Designation of the Parties/Representatives	For Complainant/Respondent	Mode of Attendance

1.	Mr. Ashish V. Borkar	Complainant	Online
2.	N.K. Arora, Manager (HR), PHL	Respondent	Online

6. Record of Proceedings (I):

6.1 At the outset, the Complainant submits that he was employed with Pawan Hans Ltd. from 11.08.2008 to 31.05.2022, serving in the position of Officer (IS). During his tenure, he was paid only ₹800 per month as transport allowance. However, even after his resignation, he was not allowed the double rate transport allowance despite his eligibility as per the instructions of the Ministry of Finance in the subject.

6.2 The Respondent submitted that the Board of Directors, in its 76th meeting on 10.06.2020, approved payment at 15% of basic pay under revised guidelines, which has also been applied to the Complainant. The allowance was revised from ₹435 for non-disabled employees to ₹800 for PwDs. Any further decision requires Board approval, and the issue can be placed in the next meeting if directed by the Court. On inquiry, the Respondent clarified that Board meetings are held quarterly, though the next date was not known, and assured the Court it would be informed the following day.

7. Hearing (II):

7.1 A hearing was conducted on **25.06.2025** 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.	Mr. Ashish V. Borkar	Complainant	Online
2.	N.K. Arora, Manager (HR), PHL	Respondent	Online

8. Record of Proceedings (ii):

8.1 The Court recorded that the previous date stood deferred due to the Respondent's non-appearance and that in the interim the Respondent stated all dues had been paid and acknowledged by the Complainant, whereupon the Complainant was invited to state any surviving grievance for adjudication.

8.2 Upon a query regarding the framework at the time of joining, the Court examined what policy of Pawan Hans Ltd. or the Department of Public Enterprises governed double-rate transport allowance for PwD employees in 2008 and whether such benefit applied universally or only to PwD employees, including the basis of calculation at that time.

8.3 The Complainant referred to historical figures indicating that non-PwD employees received around Rs. 435 per month, whereas PwD employees were paid around Rs. 800 per month, and he also adverted to separate petrol and conveyance reimbursement practices with designation-wise limits distinct from transport allowance.

8 . 4 The Respondent, represented by HR Manager Shri K. Aurora, stated that while non-PwD employees historically received ₹435 per month and PwD employees ₹800 per month, this regime remained unchanged for years, with equal-opportunity measures duly approved by the Board, arrears calculated and paid with a detailed breakup. Further, it was clarified that petrol reimbursement was a separate committee-approved facility meant strictly for official duty, requiring vehicle registration, driving licence, pollution certificate, and insurance, and therefore could not be extended to PwD employees without a valid driving licence.

8 . 5 The Court noted that the Ministry of Finance, Department of Expenditure order dated 03.10.1997 on double transport allowance had been extended to CPSEs through the DPE order dated 05.09.2003, covering categories such as blind and orthopedically handicapped employees with lower extremity disabilities, subject at that time to a 50% cafeteria ceiling with relaxation possible on a case-by-case basis, and that later directions required keeping the double allowance outside the ceiling as reasonable accommodation; in this context, the Court observed that the Complainant's claim for double-rate transport allowance from 2008 was in principle consistent with the 2003 DPE framework, subject to contemporaneous board application and ceilings,

and sought clarification on whether non-PwD transport allowance was revised between 2008 and the Respondent's subsequent adoption of the double-rate.

8 . 6 The Respondent submitted that non-PwD transport allowance remained at ₹435 per month while PwD employees received ₹800 until the later adoption of the double-rate regime, clarifying that although a strict double would have been ₹870, the uniform ₹800 rate was a board decision within PSU autonomy, after which double-rate was formally extended and arrears paid. The Court noted that Government orders are issued after fiscal evaluation and need not align with the Pay Commission timelines. The Complainant contended that the allowance should have been revised alongside broader revisions.

8.7 The Court reiterated that CPSE Boards possess autonomy to calibrate allowances within governmental frameworks and fiscal limits and that inter-company comparisons are not apposite, underscoring that policy refinements may vary with organisational capacity and administrative oversight. The Complainant indicated that they would examine the precise DPE and Department of Expenditure instruments, office orders, and circulars to verify entitlements and effective dates.

9. Observations/ Recommendations:

9.1 The Court notes that the Complainant's core grievance was about non-revision of transport allowance in line with DPE guidelines, but the Court found that transport allowance for non-disabled employees had itself not been revised since 1989. Therefore, the Complainant has not been placed at a comparative disadvantage. Hence, no further cause of action survived in the complaint.

9.2 The Court notes that the Complainant was receiving ₹800/- as against ₹435/- paid to non-disabled employees, which was broadly consistent with the principle of granting a higher allowance to persons with disabilities.

9.3 The Court observes that the Complainant's demand for a higher or revised allowance involved a matter of policy at the level of DPE and Ministry of Finance, which lay outside the adjudicatory jurisdiction of this

Court.

9.4 The Court directs Pawan Hans Limited to submit the detailed calculation sheet along with an acknowledgement of payment of ₹84,000/- for the Court's record and for ensuring transparency of compliance.

9.5 The Court advises the Complainant that if he wishes to seek revision of transport allowance rates, he should approach the Department of Public Enterprises or the Ministry of Finance, as such issues were policy matters beyond this Court's jurisdiction.

10. The case is disposed of accordingly.

(S. Govindaraj)

Commissioner for Persons with Disabilities