



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: 14255/1021/2023

In the matter of—

Sh. Selvem M

Versus

The Medical Superintendent, VMMC & Camp, Safdarjung Hospital

RECORD OF PROCEEDINGS

1. Hearing:

1.1 A hearing in hybrid mode (online/offline) was conducted on 12.09.2025. The following parties/representatives were present during the hearing:

| Sl. No. | Name & Designation of the Attendees | On Behalf of | Mode of Attendance |
|---------|---|--------------|--------------------|
| 1. | Sh. Selvem M | Complainant | Offline |
| 2. | Dr. Mohit Gupta, Professor in Forensic Medicine, VMMC & Safdarjung Hospital | Respondent | Online |

2. Proceedings During the Hearing:

2.1 At the outset, the Complainant submitted that he is employed as a Physiotherapist at Safdarjung Hospital. He alleged that in 2022, a vacancy for the post of Senior Physiotherapist, earmarked for PwBD candidates, was wrongly filled by a non-PwD candidate. He claimed that despite repeated representations, his candidature was

deliberately excluded by the Liaison Officer. As a result, his seniority was adversely affected. He is now placed at serial no. 9 instead of serial no. 2. He prayed for directions to conduct a review DPC to restore his seniority along with consequential benefits.

2.2 Respondent submitted that one post of Senior Physiotherapist was reserved for PwBD (VH category). At the time of the 2022 vacancy, no eligible VH candidate fulfilled the required experience criteria. Therefore, the PwD reservation point was carried forward, and the senior-most general candidate was appointed to the post. Subsequently, on 01.01.2023, the next vacancy arose, and Complainant was promoted from that date. However, the Ministry of Health & Family Welfare and UPSC have notified his promotion w.e.f. 19.02.2025, as promotion dates are considered from the date of assumption of charge. The Hospital has already recommended to the Ministry that the Complainant's promotion be considered from 01.01.2023.

2.3 The Court observed that the matter now involves the role of the Ministry of Health & Family Welfare and UPSC, since promotions are finalized through them. The Court directed that both the **Ministry of Health & Family Welfare and UPSC be impleaded** as respondents and their written response be sought before scheduling the next hearing.

2.4 Accordingly, the Secretary, Ministry of Health & Family Welfare, GoI and the Secretary, UPSC are being impleaded in this matter as the Respondent Nos. 2 & 3 respectively. Copies of case records are enclosed with an advice to forward their written comments within 30 days. Respondent No. 1 may also file any additional affidavit, if needed. Copies of the comments/replies shall be shared with 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