



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  
 5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011)20892364  
 5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364  
 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

**Case No.14708/1011/2023**

**In the matter of:**

Sh. Karanti Goyal

**...Complainant**

**Versus**

1. The Secretary, D/o Personnel & Training Ministry of PPG & Pensions **...Respondent No.1**
2. The Secretary, UPSC **...Respondent No.2**
3. The Secretary, Ministry of Ports, Shipping and Waterways **...Respondent No.3**
4. The DG, Directorate General of Shipping, East Mumbai **...Respondent No.4**

**Hearing (I):**

A hearing in hybrid mode (offline/online) was conducted on **11.06.2025**. The following parties/representatives were present during the hearing:

Sl.No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
1.	Sh. Karanti Goyal	Complainant	Online
2.	Sh. Sandeep Saxena, Director, DoP&T	For Respondent No.1	Online
3.	Sh. K. Suresh Kumar, Under Secretary	For Respondent No.2	Online

4.	Sh. Joyful Khawzawl, Section Officer	For Respondent No.2	Online
5.	Sh. P.L. Muthu, Executive Officer	For Respondent Nos. 3 & 4	Offline
6.	Capt. R. Poswal, Nautical Surveyor-cum-DDG (Tech), MMD, Noida	For Respondent Nos. 3 & 4	Online

### **RECORD OF PROCEEDINGS**

The Complainant reiterated his grievance, stating that he faced difficulties while submitting an online application form on the UPSC website for the post of Assistant Director General of Shipping in the Director General of Shipping. As a person with a benchmark disability suffering from low vision, he was unable to submit his application form for unreserved vacancies.

2. The Respondent No.2 submitted that they had received a requisition for 2 vacancies (01 – Unreserved and 01 – Scheduled Caste) for the post of ADG of Shipping in the Directorate General of Shipping. According to the requisition of the indenting organization, the post was identified as neither suitable nor reserved for any persons with benchmark disabilities. Consequently, the post was advertised as per the requisition received. The Respondent further submitted that the UPSC has no role in the identification of the suitability and reservation of the post for different sub-categories of the PwBD category and the same is a subject matter of the indenting Department/Ministry.

3. The representative for Respondent Nos. 3 & 4 submitted that the post of Assistant Director General carries significant and multiple responsibilities, which could potentially exacerbate and worsen the disability of persons with benchmark disabilities.

4. In response to a query of the Court, the representative for Respondent Nos. 3 & 4 confirmed that they have not taken any exemption from the Department of Empowerment for Persons with Disabilities, Ministry of Social Justice & Empowerment, regarding this matter. The representative, while responding to another query, stated that the post of Assistant Director General (Shipping) was also open to promotion from Executive Officer, which was suitable for persons with disabilities having low vision.

5. After hearing both parties, the Court observed that the various posts in the

Department of Shipping are suitable for persons with benchmark disabilities. It was noted that as per the notification dated 04.01.2021 issued by DEPwD, the post of Additional Director General, Shipping (S.No. 967) is suitable for persons with benchmark disabilities. Other posts in the Department of Shipping, such as Assistant Chartering Officer (S.No. 968) and Nautical Surveyor (S.No. 969) are also suitable for the BL category.

6. The Court further observed that the post of Assistant Director General of Shipping in the Director General of Shipping serves as the promotional grade for the post of Executive Officer, which is a suitable post. The following statutory provisions and rules/ instructions issued in pursuance thereof are relevant for the purpose of this case:

**A. RPwD Act, 2016**

Sec 20 (3)

*"No promotion shall be denied to a person merely on the grounds of disability."*

**B. Gist Of The Report Of The Expert Committee as given in the DEPwD Notification No. 38.16/2020-DD III dated 04.01.2021**

Note 2

*"The list of posts being notified is only indicative and not an exhaustive list. If a post is not mentioned in the list, it is not to be construed that it has been exempted. Ministries, Departments, Autonomous Bodies, Public Sector Undertakings may further supplement the list by adding to the list of posts identified for respective category of disability."*

Note-4

*"If a post is identified in the feeder grade, all the posts in the promotional grade should also stand identified."*

7. The above provisions make it abundantly clear that if the post of Executive Officer is suitable for the Low Vision category, then the promotional post of Assistant Director General of Shipping must be suitable.

8. The Court was not inclined to accept the argument of Respondent No. 2

that they have no role to play in the above matter of suitability of the post for a particular type of disability for which clear statutory provisions are available by way of an Act of the Parliament and a public notification, as discussed above.

9. The Court sought from the Respondents as to how they propose to alleviate the loss of the Complainant on account of not being allowed to fill out the application form and appear in the examination. The Court also desired to know from the respondents their action plan to protect the right of the complainant and all future candidates with disability, especially the low vision candidates. The Department of Shipping was also advised to furnish their 100 points vacancy-based reservation roster for Group-A posts from 2016 and a copy of the last advertisement published for the post, within 15 days from the date of receipt of this record of proceedings.

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

**( Praveen Prakash Ambashta )**  
**Dy. Chief Commissioner**