



सत्यमेव जयते

न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15021/1021/24

Dated: 14/01/2026

Case no. CCPD/15021/1021/24

In the matter of:

Deepak Kr. Ramsingh Chauhan

...Complainant

Versus

The Chairman and Managing Director,

LIC of India

...Respondent

1. Gist of the Complaint:

1.1 Mr. Deepak Kumar Ramsingh Chanuhan, the Complainant, a person with 70% Locomotor Disability, filed a complaint dated 16.12.2023. He is working as an Assistant in LIC. He submitted a representation concerning the rejection of his application for promotion to the post of Higher Grade Assistant (A) under the Persons with Benchmark Disabilities (PwBD) category. He stated that he meets the eligibility requirement of having completed over three

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years of service in the Assistant grade, which is the same criterion applied to candidates from reserved categories.

1.2 Mr. Chauhan referred to the Government of India's memorandum dated 17.05.2022, which clarifies that PwBD candidates are entitled to reservation in promotion with relaxation in standards, similar to those provided to SC/ST candidates. Despite this, his application was rejected without a clear explanation. The LIC authorities referred him to the promotion notification, which in Para 3(f) states that "reservation for physically handicapped candidates shall be as per rules." However, when he sought clarification on which specific rules were applicable to PwBD promotion cases, no response was provided.

2. Notice issued to the Respondent:

A notice dated 04.01.2024 was issued by this Court under Sections 75 and 77 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 In their response sent via email dated 23.02.2024, the Respondent stated that the Complainant, appointed on 07.02.2020 under the General (Unreserved) category with a 40% disability, had applied for promotion to the post of Higher Grade Assistant (HGA-Admn). He claimed entitlement to a relaxation in the required minimum service period (5 years) based on the Government of India guidelines for PwBDs.

3.2 However, he had only completed 3 years of service as of 01.11.2023. LIC clarified that, under its Promotion Rules (1987), a minimum of five years of service in the cadre of Assistant is mandatory for promotion to HGA. Therefore, the Complainant was not eligible for promotion to the cadre of HGA (A).

3.3 The Respondent further submitted that the relaxation of two years in the service requirement is extended only to SC/ST candidates by the Chairperson under Rule 8 of the

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Promotion Rules, 1987. The Complainant, being from the General category, was not eligible for such a relaxation under the existing rules.

3.4 LIC further clarified that the DOPT OM dated 17.05.2022 only allows relaxation in standards of suitability, not in eligibility criteria like service length. Therefore, LIC argued that the complainant was rightly found ineligible, and the complaint lacks legal basis and should be dismissed.

4. Rejoinder filed by the Complainant:

4.1 In his rejoinder filed via email dated 21.04.2024, the Complainant submitted that as a PwBD, he is entitled to reservation in promotion with relaxed standards under Sections 33 and 34 of the RPwD Act. He cited relevant Supreme Court rulings, including Justice Dipankar Dutta's judgment in **RBI v. A.K. Nair (2023) 19 SCC 51**, where Article 142 was invoked to ensure PwBDs are granted promotions with relaxation, even when they fell short of general eligibility criteria.

4.2 The Complainant argues that denying such relaxation in service length or other standards undermines the purpose of the RPwD Act, which ensures equal opportunities, protection of rights, and full participation for Persons with Disabilities (PwDs). He also highlights that recent LIC promotion notifications did not mention any reserved vacancies for PwBDs, which violates the mandated 4% reservation under the Act. He requested LIC to accept his promotion application by applying relaxed eligibility norms, as strictly applying general category standards to PwBDs contradicts the intent and spirit of the RPwD Act and judicial precedents.

5. Hearing:

A hearing in hybrid mode (online/offline) was conducted on 23.07.2025. The following parties/representatives were present during the hearing:

S. No.	Name and designation of the Attendees	On Behalf of	Mode of attendance
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1	Mr. Deepak Kumar - Complainant	Complainant	Online
2	Mr. Ramavtar Mantri, Division Manager, LIC	Respondent	Online

6. Record of Proceedings:

6.1 At the outset, the Court observed that there are ample authoritative pronouncements from the Hon'ble Supreme Court which clearly establish that no discrimination shall be permitted within the PwD community. The Court remarked that this principle has been consistently upheld in multiple cases, and it is for this reason that instructions issued by the Department of Financial Services (DFS) and the Department of Personnel and Training (DoPT) also provide that the extent of relaxation granted to SC/ST candidates should equally be considered, where applicable, for PwDs.

6.2 The Court noted that the Complainant had cited such precedents and policy instructions in his submissions, which appear to have been overlooked by the Respondent in their reply.

7.3 The Court referred to the 1992 landmark decisions of **Indra Sawhney v. Union of India 1992 Supp (3) SCC 217**, a judgment delivered even prior to the enactment of the first disability law, and subsequent cases such as **Mahesh Gupta and Ors. v. Yashwanth Kumar Ahirwar and Ors. (2007) 8 SCC 621**, as well as the recent judgment in **Siddharth Sharma v. High Court of Judicature at Rajasthan and Anr. 2024 SCC OnLine SC 4825**. In all these cases, the Hon'ble Supreme Court has unequivocally held that authorities must provide relaxations to PwD candidates to the fullest extent possible, comparable to or even beyond those extended to SC/ST candidates, particularly where no eligible candidate is otherwise available.

7.4 On being asked whether there exists any shortfall in the promotion of PwDs, the Respondent stated that there is no shortfall.

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7.5 In response to a requisition by this Court for data on the number of PwDs promoted in Group C posts from 01.01.1996 to 30.06.2016, the Respondent stated that such data could not be provided as it had not been compiled. Further, the Respondent submitted that the aforementioned Office Memorandum was issued by the Central Office and that they were not in a position to challenge it at the moment. However, the Respondent assured the Court that the matter would be appraised before the competent authority for further consideration. To this, the Court noted its disapproval of the fact that only a representative from the regional office had appeared, despite the notice of hearing to the Chairman and Managing Director.

8. Observations and Recommendations:

8.1 The Court is of the considered view that the promotion rules relied upon by the Respondent, in their present form and application, are untenable in the light of instructions issued by the DoPT and various judgment supporting non-discrimination among persons with disabilities on the basis of their vertical category.

8.2 The Court finds that discrimination has occurred in the present case. The Complainant ought to have been extended the same relaxation as is provided to SC/ST candidates and should have been considered and promoted accordingly in the year 2023.

8.3 The Court recommends that the Respondent grant promotion to the Complainant with effect from the date of his eligibility on a relaxed qualifying service as available to the SC/ST employees. All consequential benefits for the intervening period of two years, should also be granted without any discrimination.

9. Accordingly, the case stands disposed of.

Yours faithfully,

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(S. Govindaraj)
Commissioner

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