



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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CCPD/14358/1023/2023**In the matter of:****Complainant:**

Shri Surendra Soni

Respondent:

The Chairman and Managing Director,
ECGC Ltd. (formerly Export Credit Guarantee Corporation of India Ltd.)

1. Gist of the case

1.1 Shri Surendra Soni, a person with above benchmark locomotor disability vide complaint dated 28.07.2023 submitted that he joined ECGC on 05.01.2011 under the OBC- PwBD category. The complainant primarily alleges the following issues vide his complaint against ECGC:

- (a) Repeated transfers throughout his working years in the Organization
- (b) APAR grading were unfairly reduced which delayed the promotion. Even the promotions are not timely conducted.
- (c) The organization does not maintain any policy for the welfare of their employees with disabilities.
- (d) No official accommodation provided to employee with disabilities.

2. Notice issued to the Respondent(s):

2.1 In exercise of the mandate and powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a notice

dated 03/08/2023 was issued to the above-mentioned respondents for forwarding their comments on the complaint on affidavit to this Court within the statutory time limit, specifically covering the provisions of sections 3, 21, 23, 33, 34 of the Act.

3. Reply filed by the Respondent(s):

3.1 In response, the Respondents vide affidavit dated 01.09.2023 submitted that the post of a Branch Manager is a very important one in the Company and involves undertaking a higher degree of responsibility and independently handling all the operations of a branch. It is an opportunity towards career development and progression for any officer. His initial posting was in Delhi, where he spent over 5 years in different branches within the city before being transferred out of the city. The Complainant has been posted at major cities and has been retained at those locations for as long as was possible after giving due consideration to his status as a person with benchmark disabilities. He was given transfer to the location of his choice to Indore vide transfer order dated 19.10.2021 as a Branch Manager even though he had completed two terms as Branch Manager consecutively. Normally, Branch Manager charge is not given on consecutive basis to officers in the Company. Some of his postings were done on his own request. A brief summary of his postings is presented thereunder:

S. No	Duration of Service	Location	Rank
1.	05.01.2011 to 29.01.2016	New Delhi	Manager
2.	01.02.2016 to 24.06.2016	Mumbai	Manager and Senior Manager
3.	27.06.2016 to 12.07.2019	Chandigarh	Senior Manager and Branch Manager
4.	15.07.2019 to 22.10.2021	Tirupur	Senior Manager & Branch Manager (In person request for Coimbatore however posted to closest location to Coimbatore)
5.	25.10.2021 till date	Indore	Senior Manager & Branch Manager (Requested for Indore)

3.2 Furthermore, vide reply dated 01.09.2023, the Respondent also added that the Company follows all guidelines with respect to reservation of SC/ST/OBC/EWS/PwBD and with suitable representation in the constitution of the Selection Committee for internal promotions. It was also furnished that mere participation in the promotion panel is not a guarantee for selection to the said post. At senior ranks such as Assistant General Manager (i.e., next grade after Senior Manager, Group A- Scale V post), vacancies are very few and it is a very competitive process. The complainant's statement that not holding promotion panel has affected him emotionally and his family and career cannot be attributed to the Company. Furthermore, the complainant himself declined to participate in the Promotion Panel to the post of Assistant General Manager held in the FY 2021-22.

3.3 The Respondent stated that the company has in place a Liaison Officer to deal with any matters related to SC/ST and PWD employees, a separate Liaison Officer for OBC employees and an employee grievance redressal mechanism for all employees. This is the first instance of the complainant expressing any issues

he may have purportedly experienced in the Company and till date he has not pursued any option for employee grievance redressal in the company.

3.4 It was also furnished that all employees of the Company are provided the available office accommodation or lease rent reimbursement and he has been provided the same at all locations he has served in the Company as per his entitlement.

3.5 The Respondents submitted the relevant documents along with their reply.

4. Rejoinder filed by the Complainant:

4.1 Vide his rejoinder dated 27.02.2024, the Complainant stated that due to frequent transfers his life was disturbed as he was unable to give time his family. He also added that in spite of vacancy, the company does not form promotion panels for regular promotion. The liaison Officer in the Organization was on papers and never acted for the welfare of the employees with disabilities. Further, he was not provided official accommodation in Delhi, Mumbai, Chandigarh and Coimbatore so he was constraint to take accommodation on lease.

4.2 The complainant also submitted the problems he faced related to medical reimbursement of his ailing mother. Though the same was not included in the initial complaint.

5. Hearing:

5.1 A hearing in hybrid mode was conducted on **14.11.2025** wherein the following parties/representatives were present during the hearing:

S. No.	Name and designation of the Party/Representative	For Complainant/ Respondent	Mode of Attendance
1.	Sh. Surendra Soni	Complainant	Online
2.	Sh. Sudheer – General Manager, HRD, ECGC Ltd.	Respondent	Online
	Shri Ravish – DGM, HRD Dept, ECGC Ltd.		
	Sh Sunil Kumar – AGM Legal, Dept Head, Legal, ECGC Ltd.		

6. Recording of Proceedings:

6.1 The Complainant reiterated the points raised in his original complaint related to his frequent transfers and discrimination faced since 2011. He further alleged that he was transferred eight times throughout his career whereas non-disabled employees have stayed in the same location for many years. Furthermore, he alleged that complainant was not provided office accommodation, faced continuous harassment and was never informed about any disability-related

benefits or policies.

6.2 The complainant submitted that since June 2024 he is in Mumbai Branch and prayed for transfer, back to his native place i.e. Indore.

6.3 During the proceedings, the Court sought clarification from the Respondent about implementation of an Equal Opportunity Policy (EOP); to which the Respondent replied that the policy was still under preparation.

6.4 The Court also asked the Respondent whether a Grievance Redressal Officer (GRO) had been appointed under Section 23 of the RPwD Act, 2016 and whether a complaint register for recording grievances of Persons with Disabilities was being maintained. In response, the Respondent was unable to provide answers or confirm the existence of these mechanisms.

7. Observations & Recommendations:

7.1 The Court observes that the allegation of denial or discrimination in the matter of promotion could not be established by the Complainant. As per the DoPT OM dated 17.05.2022, reservation in promotion is only available upto the lowest rung of Gp A posts. The Department of Financial Services vide their circulars issued in 2017 and 2025, clarified that the JMGS-1 is equivalent to the lowest rung of Gp A post, beyond which there shall be no reservation in promotion. The Complainant could not cite any evidence to establish any case of discrimination on the ground of disabilities, in the matter of promotion. The Complainant has also not submitted any evidence as to whether official accommodation is being provided to other employees. In other words, he has failed to show any discrimination on this account. He has also not cited any law or policy under which the Respondent is obligated to provide accommodation to employees.

7.2 The instances of frequent transfers, are however, a matter of record. It is clear that the Respondent has not prepared an Equal Opportunity Policy (EOP) as per Section 21 of the RPwD Act, 2016 read with Rule 8 of the RPwD Rules. The Respondent also failed to submit a copy of any Transfer Policy in accordance with Section 20 (5) of the Act. If the Respondent had complied with these provision than the frequent transfers could have been avoided. The non appointment of a GRO, another mandate under the Act, also contributed to the aggravation of the difficulties faced by the Complainant.

7.3 This Court concludes that the Respondent is in continued violation of the RPWD Act, 2016, despite passage of 9 years of the promulgation of the Act. As such, it is liable to be penalised under Section 89 of the Act. The Court gives a last opportunity to the Respondent to submit an Action Taken Report within 3 months after completing the following actions:-

- (a) formulate, publish and register its EOP in accordance with Section 21 read with Rule 8 of the RPwD Rules, 2017;
- (b) appoint a GRO and inform the details to this Court; and

(c) conduct appropriate and adequate training and sensitisation programmes for its officers and employees.

7.4 Failure to furnish a satisfactory ATR within the specified time, will compel this Court to take recourse to the penal provisions of the Act, without further notice.

7.5 This Court also advises the Respondent to consider the request for posting the Complainant near his native place with an open mind, in accordance with the provisions of the Act and the instructions issued by the nodal departments of the central government.

8 Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities