



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

५वाँ तल, एन.आई.एस.डी. भवन, जी-२, सेक्टर-१०, द्वारका, नई दिल्ली-११००७५; दूरभाष : (०११) २०८९२३६४

५th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccpd.nic.in

Case no. CCPD/14423/1021/2023

In the matter of:

Shri Bhagwan Singh

...Complainant

Versus

The Secretary,
Railway Board

...Respondent no. 1

The Divisional Railway Manager,
Northern Railway

...Respondent no. 2

1. Gist of Complaint

1.1 The Complainant submitted a complaint dated 19.08.2023 regarding the alleged denial of promotion under the PwBD reservation during his Group 'C' service period.

1.2 The Complainant stated that he was recruited as a Ticket Collector on 01.07.1996 through RRB Ajmer and received promotions, including to Senior Ticket Collector on 25.01.2001, Head Ticket Examiner (GP 4200) on 24.03.2007, and Assistant Commercial Manager under 30% quota on 15.05.2018.

1.3 The Complainant further stated that he acquired disability due to an accident on duty on 06.09.2003 while working on Train No. 12056/12055 (Dehradun-New Delhi Jan Shatabdi Express) and was issued a disability certificate of **80%** by CMO, Dehradun on 08.10.2003. He claims that, despite the disability being acquired on duty, the benefit of promotion under the PwBD quota (for the Group 'C' period) was not extended and seeks promotion to Chief Ticket Inspector (GP 4600) w.e.f. 08.10.2003 (or notional benefit thereof).

2. Issue of Notice

2.1 The matter was taken up with Respondent No. 1 and Respondent No. 2 vide notice dated 27.08.2023.

2.2 Railway Board forwarded the notice to the concerned authority for necessary action, and the matter was dealt with by Moradabad Division, Northern Railway.

3. Gist of Reply

3.1 The APO, Northern Railway, Moradabad, vide reply dated 26.06.2024, stated, inter alia, that:

- (a) There was no entry in the service record regarding disability earlier.
- (b) Entry of handicap was made on 08.09.2023 on the basis of disability certificate submitted in Moradabad Division;
- (c) No prior representation was made for PwBD promotion benefit while working in the checking cadre (Group 'C');
- (d) The Complainant has already been promoted as ACM (30% quota) since 08.05.2018, and the backdated PwBD benefit is "not tenable"; and
- (e) PwBD reservation is vacancy-based and can be applied based on entry in the service record.

4. Gist of Rejoinder

4.1 The Complainant, vide rejoinder dated 15.07.2024, submitted that the reply is misleading and reiterated his request for notional benefit for his Group 'C' period.

5. Hearing

5.1 A hearing was scheduled on 08.04.2025 in hybrid mode (offline/online through Video Conferencing). The following parties/representatives were present during the hearing:

| Sl. No. | Name & Designation of Attendees | On Behalf of | Mode of Attendance |
|---------|---------------------------------|--------------|--------------------|
| 1. | Shri Bhagwan Das | Complainant | Online |
| 2. | Mr Abhinav - DPO, Moradabad | Respondent | Online |

6. Record of Proceedings

6.1 The Complainant submitted that he acquired disability due to an accident on duty in 2003, resulting in the amputation of his left limb, and that he ought to have been considered for promotion benefit under the PwBD reservation in promotion during the Group 'C' period, especially when similarly placed persons were allegedly extended benefits.

6.2 During the hearing, the Respondent side maintained that disability entry was made in the service record only upon submission of a certificate in 2023 and that vacancy assessment/promotions are based on seniority lists reflecting PwBD status.

6.3 The Commissioner observed that the complaint and record indicate disability acquired on duty, and that where accident, treatment, compensation, and other consequential actions occurred within the same department, the plea of "not informed / not submitted" cannot be used as a blanket justification—particularly when the disability is evident and where service record maintenance is an administrative responsibility. The Respondent was allowed an opportunity to place a further submission within **7 days**, and the Complainant to respond thereafter.

7. Observations:

7.1 The hearing centred on two determinative aspects:

(a) Whether the claim pertains to the **Group 'C' reservation in promotion** (as asserted by the Complainant and confirmed during the hearing); and

(b) Whether the Railway administration can deny consideration on the ground that the PwBD entry/certificate was "not received", despite the disability being acquired on duty and consequential departmental actions (treatment/compensation/other benefits) having taken place.

7.2 The core grievance is not merely about an isolated promotion, but about non-recognition/non-recording of disability status in official service records for a prolonged period, leading to alleged denial of the benefit of PwBD reservation in promotion during Group 'C' service.

7.3 While the Respondents contend that PwBD status was recorded only in 2023, the Complainant's case is that disability was acquired on duty in 2003 and disability certificate was issued in October 2003. The hearing record also reflects that the Commissioner considered it implausible that such disability—acquired on duty and followed by departmental actions—remained unknown to the administration merely for want of a later "submission".

7.4 The Court is of the view that the matter requires a record-based verification focusing on the Service Book, compensation/treatment records, and the promotion/vacancy roster position(s) during the relevant period, followed by a speaking decision.

8. Recommendations

8.1 **Verification and Speaking Order:** Respondent No. 2 is recommended to undertake a comprehensive verification and issue a reasoned speaking order to the Complainant, dealing specifically with:

- (a) Verification from Service Book/service record and allied files regarding the accident on duty, disability, treatment, compensation (including any workmen's compensation documentation), and any disability-related allotments/benefits;
- (b) Verification of the disability certificate particulars (date, issuing authority) and the record trail evidencing receipt/processing at any stage;
- (c) The roster/vacancy position and applicable instructions governing PwBD reservation in promotion for Group 'C' for the relevant period(s);
- (d) Whether the Complainant was eligible to be considered for promotion under the PwBD category at the material time(s), and if not, clear reasons with reference to the record and applicable procedure; and
- (e) If any notional benefit/consideration is found admissible, to specify the manner of implementation (notional fixation/financial impact, if any) in accordance with applicable rules.

8.2 **Fixing of Responsibility for Record Maintenance:** If, upon verification, it is found that disability acquired on duty and consequential events existed in official records but were not entered/updated in the service record, Respondent No. 2 shall also record in the speaking order the corrective steps taken to ensure such omission does not recur, including identification of the office/section responsible for the lapse.

8.3 Timelines:

- (a) The speaking order shall be issued and communicated to the Complainant **within 30 days** of receipt of this Order.
- (b) An **Action Taken Report (ATR)** enclosing the speaking order and supporting record extracts (to the extent permissible) shall be filed before this Court **within 90 days**, with a copy endorsed to the Complainant. In terms of Section 76 of the Rights of Persons with Disabilities Act, 2016, if any recommendation is not accepted, the Respondents shall furnish a reasoned reply for non-

acceptance within the above timelines.

9. Accordingly, the case is disposed of in these terms.

(Dr. S. Govindaraj)
Commissioner for Persons with Disabilities