



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/15448/1024/24

**Dated:** 30/03/2026

**In the matter of —**

Shish Pal

**...Complainant**

**Versus**

(1) The Secretary,  
National Council for Cooperative Training (NCCT)

(2) The Secretary,  
Ministry of Agriculture and Farmers Welfare **...Respondents**

**1. Gist of the Complaint:**

1.1 Shish Pal, a person with 80% Locomotor Disability filed a complaint dated 25.06.2024 regarding non-payment of allowances such as annual increment, transport allowance, medical, NPS and others which are given to all the other temporary employees but not to the Complainant.

1.2 This unequal treatment amounts to discrimination on the basis of disability, violating the provisions of the Rights of Persons with Disabilities Act, 2016—specifically Sections 3(3) and 20—as well as infringing upon the fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India. The Complainant is the sole breadwinner of the family and the continued denial of these rightful benefits since 25.11.2020 has caused significant financial and emotional distress.

**1.3 Relief Sought:** The Complainant respectfully requests this Court to take cognizance of the matter and issue directions to the concerned department to release and regularize all withheld allowances and benefits with effect from the due date, ensuring non-discriminatory treatment in compliance with the law.

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## **2. Notice to the Respondents:**

**2.1** A notice was sent to the Respondents dated 28.06.2024 was issued to the above mentioned Respondents for forwarding to this Court comments on affidavit on the complaint for violation of section 20 within the statutory time limit.

## **3. Reply made by the Respondents:**

**3.1** The Respondents filed their reply dated 12.07.2024 and responded to the complaint stating that that he was appointed on a contractual basis and not as a regular employee. His claim for allowances like annual increment, HRA, and NPS is not valid, as these are applicable only to regular or temporary government employees, not contract workers.

**3.2** The Respondent submitted that initially they had advertised the vacancy for regular appointment and had reserved the post of Stenographer for PwDs. Twelve PwD candidates applied for the aforesaid post but only 6 appeared for stenography/typing test. All 6 candidates failed in stenography test conducted by the Industrial Training Institute Sector 26 Chandigarh on 15/3/2010. The episode of recruitment on the basis of aforesaid advertisement ended there. However, due to work requirements the services of a stenographer/typist was required immediately. RICM conducted a computer typing test followed by an interview on 15.01.2011, in which 5 candidates appeared. On the basis of that another test, Shri Shishpat was offered an appointment letter on 18.01.2011 in which it was inter alia was mentioned that his services could be dispensed with without assigning any reason after giving a notice of one month. His services would be purely temporary on contract basis.

**3.3** NCCT further clarified that based on an earlier direction of this Court, it was decided to give another opportunity to Shri Shish Pal to qualify the required stenography and typing test for regularization of his service. He, however, refused to appear and instead filed a case in the Punjab & Haryana High Court, which is still pending. The Hon'ble High Court in its interim order has directed that the services of Shri Shish Pal will continue on the existing terms and conditions. Thus, the Complainant continues to be working with the Respondent till final decision of the High Court, which is still awaited. They also stated that the other individuals named in his complaint were appointed

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under different conditions (temporary or regular) and are not similarly placed.

#### **4. Rejoinder filed by the Complainant:**

4.1 The Complainant filed a rejoinder dated 12.07.2024 that he was selected for a permanent PwD-reserved post of Stenographer as per the advertisement dated 26.05.2010. NCCT, however, failed to regularize his appointment despite clear orders from this Court's Orders dated 05.10.2020 and 04.12.2020. Instead, NCCT issued a fresh reappointment with arbitrary and non-compliant conditions, which CCPD had already set aside. Also the reply of the Respondents was not on affidavit

4.2 The pending High Court case (CWP No. 18907/2020) relates to termination, not service benefits. Thus, CCPD has full jurisdiction to hear and decide this matter under Sections 3 and 20 of the RPwD Act, 2016. While other temporary employees receive full allowances, the Complainant is being denied the same solely because of his disability. This constitutes clear discrimination under Section 20 of the RPwD Act, 2016 and violates Articles 14 and 16 of the Constitution.

4.3 NCCT's own records confirm that the Complainant was appointed against the advertised post. Yet, they contradict this in their reply. Meanwhile, employees with procedural irregularities in their recruitment (like Smt. Kanchan Thakur and others) have been granted benefits, further highlighting discriminatory treatment against the complainant.

4.4 Despite submitting multiple representations to NCCT's Grievance Redressal Officer (under Section 23 of the RPwD Act) for Transport Allowance, no response has been received. This administrative neglect reinforces the case of discrimination and denial of rights. The Complainant seeks the following reliefs:

1. Ensure full implementation of CCPD's earlier orders.
2. Direct NCCT to release all due service-related allowances with effect from 25.11.2020.
3. Take appropriate action to stop ongoing discrimination in line with the RPwD Act and

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constitutional provisions.

## 5. Hearing:

5.1 An online hearing in hybrid mode was conducted on 16.07.2025. The following parties/representatives were present:

Sl. No.	Name of the Parties/ Representatives	Mode of Attendance
1.	Advocate Raj Kumar Makkad- <b>For Complainant</b>	Online
2.	Mr. Manish Bhatia, Dy. Director Personnel- <b>For Respondent No. 1</b>	Online

5.2 The Hearing focused on pay parity and the non-payment of various allowances, including annual increment, transport allowance, medical benefits, and NPS, which the Complainant claims are provided to other temporary employees but denied to him. The Respondent, however, contended that the Complainant was appointed on a contractual basis, not as a regular employee, which invalidates his claim to these benefits.

5.3 They further stated that Mr. Shish Pal refused a qualifying test for regularisation and instead filed a pending case in the Punjab & Haryana High Court, arguing that other staff members he cites for comparison are not "similarly placed." The Complainant argued that the matter before the Hon'ble High Court relates to termination, whereas the issues raised before the CCPD is only on account of service benefits.

5.4 To properly address the claim of disparity, the Court acknowledged that some ambiguity persists on the scope of litigations before the Hon'ble High Court and the present matter before this Court. The Court then directed the Respondent to submit clarifying documents within two weeks.

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These documents must include copies of the appointment letters issued to Mr. Shish Pal and the two other comparative employees to ascertain their employment status. The Respondent must also clarify the relevance of the case pending in the Punjab & Haryana High Court to the current complaint. A copy of the NCCT's reply will then be forwarded to the Complainant, who must submit his response within a further period of seven days, ensuring all necessary evidence is on record for the Court's future decision.

## **6. Action taken Report in furtherance of hearing:**

6.1 In Response to hearing, the Respondents sent Action taken report to the Court dated 20.08.2025 in which the Regional Institute of Cooperative Management (RICM), Chandigarh, issued a Memorandum dated January 18, 2011, formally offering Shri Shish-Pal the position of Steno (English). This offer, which followed his test and interview on January 15, 2011, stipulated a one-year, purely temporary appointment on a contract basis. His primary responsibilities included performing all Steno work for the institute and carrying out any other duties as directed by the Regional Director, who maintained administrative control over the role. The compensation offered for this contract was a consolidated salary of Rs. 8,500/- per month.

6.2 The terms and conditions detailed specific working hours, set at 9:00 AM to 5:00 PM from Monday to Friday (with a 30-minute lunch break) and 9:00 AM to 1:00 PM on Saturdays. In terms of benefits, he was eligible for one casual leave per month and all U.T. Administration holidays when the institute was closed. The employment agreement included a one-month notice period for termination: Mr. Shish-Pal was required to tender one month's notice if he wished to leave the service, and the RICM reserved the right to dispense with his services with one month's notice without assigning a reason. The Memorandum concluded by requiring him to report for duty within one week to signify his acceptance, noting that failure to do so would result in the offer being withdrawn and passed to the next candidate.

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**7. Reply by Complainant in response to Action taken Report by the Respondents:**

7.1 Based on the comprehensive submissions made within the Rejoinder, the Complainant via email dated 25.08.2025 asserts that he was appointed against a permanent, sanctioned post reserved for persons with disabilities, not a purely contractual position. This fundamental distinction is key to his claim of eligibility for equal benefits.

7.2 The Complainant logically concludes that since the nature of his post is permanent, he is entitled to all allowances currently being provided to other temporary employees of the Respondent department. His argument rests on the principles of equal treatment and non-discrimination under service jurisprudence, which prevent arbitrary classification of employees doing similar work. He emphasizes that the denial of allowances violates his rights as an employee with a disability under relevant rules and statutes.

7.3 In his formal plea, the Complainant requests for the issuance of necessary directions to the Respondent department, the National Council for Cooperative Training (NCCT), compelling them to grant him all admissible allowances and benefits currently extended to other similarly situated temporary employees.

**8. Observations in the case:**

8.1 The grievance raised by the Complainant before this Court relate to the denial of allowances such as annual increment, transport allowance, medical, NPS. There is no assertion from the Complainant to the effect that the alleged denial is on account of his disability or that there is any discriminatory treatment meted out to him due to his disability. As such, this is a purely service

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matter, which do not come within the mandate and jurisdiction of this Court.

8.2. Even if this Court undertakes to investigate further into the case to find out any possibility of such a denial of rights or discrimination by the Respondent in the circumstances of the present case, It is relevant to find out the nature of his engagement with the Respondent establishment.

8.3 On this issue, the Complainant is relying on the advertisement of the vacancy in newspaper, which shows the vacancy as reserved and the nature of appointment as permanent. He is challenging the alleged conversion of the nature of recruitment from regular basis to contractual basis during the pendency of the recruitment process. On the other hand the Respondent have submitted that the appointment of the Complainant was not on the basis of the said newspaper advertisement, but on account of a later contract arising out of the functional needs of the organization. The Respondent avers that none of the six (06) candidates who appeared for the Stenography Test in response to the advertisement, could qualify the test and hence the regular recruitment process ended there.

8.4 The Complainant has on the one hand attempts to dissociate this case from the one sub judice before the High Court of Punjab & Haryana stating that the case before the High Court (CWP No. 18907/2020) is on his termination, while on the other hand he is taking the same grounds for claiming the impugned service benefits, namely- his status as a permanent employee. This is the same grounds on which he is challenging his termination in the High Court.

8.4 The benefits sought by him is not included in the terms of the Contract through which he has been appointed, as such until his status is not clarified by the Hon'ble High Court in the matter sub judice before them, the service benefits sought by him can not be claimed as a matter of right. In effect, the reliefs being sought by the Complainant in the instant matter are consequential reliefs out of the sub judice matter.

8.5 Accordingly, this Court is not inclined to investigate further into the issues or intervene in any way, which may have a bearing on the Writ Petition before the Hon'ble High Court.

9. The case is accordingly disposed of.

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Yours faithfully,

(S. Govindaraj)  
Commissioner

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