



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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Case No. 14295/1023/2023

In the matter of:

Shri Suhas Bandopant Damdhare

...Complainant

Versus

The Chairman, Maharashtra Gramin Bank

Head Office, Aurangabad, Maharashtra

...Respondent

1. Gist of the complaint

1.1 The present complaint arises out of complaint dated 16.07.2023 filed by Shri Suhas Bandopant Damdhare, a person with benchmark disability in the category of mental illness, against Maharashtra Gramin Bank and its concerned functionaries. The Complainant asserted that he was suffering from bipolar mental disorder/mental illness and had raised grievances concerning posting, disciplinary proceedings, suspension, denial of certain service-related requests, disclosure of his mental health condition, and alleged harassment and discrimination.

1.2 The Complainant, inter alia, alleged that despite his medical condition being known to the Respondent, he was posted at places where appropriate mental healthcare facilities were not available; that he was transferred from Wagholi to Jalkot despite requesting a suitable posting; that charge-sheets were issued against him; that he was placed under suspension; and that the disciplinary inquiry was conducted in a manner he considered arbitrary and contrary to natural justice. He also

alleged non-reimbursement/delayed reimbursement of TA/DA and improper disclosure of his mental health condition in official records.

2. Issue of notice

2.1 Taking cognizance of the complaint, this Court issued notice dated 21.07.2023 to the Respondent under Sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016, calling for comments on affidavit and relevant records. The notice referred, inter alia, to Sections 3, 21, 23, 20 and 7 of the Act and required the Respondent to place on record action taken in compliance with statutory provisions.

3. Gist of the reply

3.1 The Respondent filed its reply dated 18.08.2023 and stated that, notwithstanding the Complainant's undertaking dated 25.07.2023 that the matter was not sub judice, the Complainant appeared to be seeking relief from multiple forums simultaneously, and that Writ Petition No. 3756 of 2023 before the Hon'ble Bombay High Court, Aurangabad Bench, was enclosed for reference.

4. Gist of the rejoinder

4.1 The draft gist note records that the Complainant filed rejoinder dated 12.09.2023 and clarified that Writ Petition No. 3756 of 2023 pertained to a different subject matter, namely challenge to the suspension order and the suspension period exceeding 90 days, and that the reliefs sought therein were distinct. The Complainant pressed his grievance before this Court in relation to harassment/discrimination linked with his disability and the manner in which the Respondent dealt with his service-related issues.

5. Record of proceedings

5.1 A hearing was conducted in hybrid mode on 16.04.2025, wherein the following parties/representatives were present:

| S. No. | Name and designation of the Party/Representative | For Complainant/Respondent | Mode of Attendance |
|---------------|---|-----------------------------------|---------------------------|
| 1. | Sh. Suhas Bandopant Damdhare | Complainant | Online |
| 2. | Adv. Parag | Counsel for Respondent | Online |

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5.2 At the outset, the Complainant submitted that, despite having 40% disability, his request for an appropriate posting was disregarded and he was assigned to an inaccessible rural area. The Respondent contended that it had not received the Complainant's supporting documents and was therefore unable to properly defend the case. This Court noted that notice had been served on 21.07.2023 and that the Respondent had already filed a reply on 28.08.2023, whereupon the Respondent clarified that it had received only the notice and copy of complaint and that its reply was based solely on those materials.

5.3 Accordingly, this Court directed the Complainant to provide to the Respondent the same documents as had been submitted to this Court, and observed that the Respondent's claim would be verified.

6. Action Taken after the Hearing:

6.1 Subsequently, after the hearing dated 16.04.2025, the Respondent filed a further application stating that, pursuant to the direction of this Court, the Complainant had served documents on the Respondent on 17.04.2025 and the Respondent sought time to file a reply after examining the same. In the same later filing, the Respondent further brought to the notice of this Court that W.P. No. 561/2025 had been filed by the Complainant challenging the punishment order dated 28.07.2023 of compulsory retirement from service and the appellate order dated 24.11.2023, and that the matter was pending before the Hon'ble High Court.

7. Observations

7.1 From the complaint as originally filed, it is evident that the grievances raised by the Complainant are wide-ranging and include allegations concerning transfer/posting, suspension, disciplinary proceedings, confidentiality of medical condition, TA/DA, NOC, subsistence allowance, reinstatement, and related service consequences. Many of the prayers also seek punitive action, compensation, and interference with disciplinary/service orders.

7.2 This Court is vested with jurisdiction under Sections 75 and 77 of the RPwD Act, 2016 to look into complaints relating to deprivation of

rights of persons with disabilities and to make appropriate recommendations/directions within the statutory framework. As such, this Court's jurisdiction on matters related to recruitment and conditions of service is limited to the issues of identification of posts, reservation in DR and promotion, posting and transfer, grievance redressal, denial of rights available to a person on the grounds of disability such as the enhanced transport allowance, and discrimination on account of disability. The relevant statutory provisions are contained in Section 20 to 23 of the Act read with the relevant rules of the RPwD Rules, 2017. Issues related to disciplinary proceedings cannot be entertained in this Court, except if the proceedings are not conducted in accessible manner. At the same time, the record now placed before this Court indicates that the service consequences arising from the disciplinary proceedings, including the punishment of compulsory retirement and the appellate order, have already been carried to the Hon'ble High Court by the Complainant.

7.3 This Court also notes that, even at the stage of hearing held on 16.04.2025, there remained a live dispute between the parties regarding whether the complete supporting annexures had been supplied to the Respondent, and this Court had to direct the Complainant to furnish the same documents to the Respondent. The later filing of the Respondent states that such documents were served only on 17.04.2025.

7.4 In the facts of the present case, the core controversy has substantially merged with contested service and disciplinary issues, which are already the subject matter of proceedings before the Hon'ble High Court. Any detailed adjudicatory examination by this Court into the validity of charge-sheets, suspension, punishment order, appellate order, reinstatement, or consequential service benefits would risk trenching upon matters presently sub judice before the constitutional court.

7.5 Nevertheless, the grievance raised by the Complainant does disclose concerns touching upon disability-sensitive treatment in employment, particularly with regard to appropriate posting, confidentiality of disability-related medical information, and sensitivity in dealing with an employee having mental illness. These are matters on which the Respondent establishment is expected to remain fully compliant with the mandate of the RPwD Act, 2016, including Sections 3, 20, 21 and 23, as already adverted to in the notice issued by this Court.

8. Recommendations

8.1 In view of the pendency of the connected challenge before the Hon'ble High Court in respect of the punishment/compulsory retirement and appellate order, this Court refrains from entering into the merits of the disputed service and disciplinary issues in the present proceedings.

8.2 The Respondent Bank is, however, advised to ensure in all future cases involving employees with disabilities, including employees with mental illness, that:

(a) Disability-related needs are considered with due sensitivity in matters of posting and workplace functioning, consistent with administrative requirements and the mandate of the RPwD Act, 2016;

(b) Confidentiality of medical/disability information is duly respected in accordance with law; and

(c) The establishment's Equal Opportunity Policy, grievance redressal mechanism and disability-sensitive administrative processes are effectively implemented.

(d) Transfer and posting of an employee with disability needs to be handled by providing reasonable accommodations keeping the disability of the employee in consideration. The legal framework on this can be found in Sections 20 and 21, read with Rule 8 (3) (c) of the RPwD Rules, along with the DoPT OM dated 02.02.2024 circulated by the DFS for adoption in state-owned banking and insurance establishments.

(e) The statutory framework referred to in the notice issued by this Court shall be kept in view in letter and spirit.

8.3 The Complainant is also advised to raise his future grievances before the Grievance Redressal Officer of his establishment, appointed under Section 23 of the RPwD Act, 2016, before approaching this Court.

8.4 In terms of Section 76 of the Rights of Persons with Disabilities Act, 2016, the Respondent shall consider the above recommendations and submit an Action Taken Report within 90 days. In case of non-acceptance, the Respondent is required to communicate reasons thereof to this Court in accordance with law. Failing to submit an ATR/Reasons

for Non-acceptance of recommendation is a punishable offence, Attention of the concerned authority is also invited to Sections 76, 89 and 93 of the Rights of Persons with Disabilities Act, 2016.

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

(S. Govindaraj)
Commissioner for Persons with Disabilities