



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. CCPD/14288/1023/2023

In the matter of:

Shri Sunil Kumar

...Complainant

Versus

The Directorate General,
Central Reserve Police Force, New Delhi

...Respondent

1. Gist of the complaint

1.1 The present complaint was filed by Shri Sunil Kumar, formerly serving in the CRPF. The Complainant stated that he acquired benchmark disability of mental illness during service and was thereafter invalidated out of service. He questioned the action of the Respondent in treating his case under Category 'A' for pensionary purposes and claimed that his case ought to have been placed in Category 'B'. He also sought other consequential reliefs, including ex gratia, insurance-related benefits and compensation.

1.2 The Complainant further alleged that his disability had a nexus with continuous hard postings and that he was subjected to unfair treatment during service.

2. Issue of notice

2.1 Upon receipt of the complaint, this Court took cognizance of the matter and issued notice dated **21.07.2023** to the Respondent under Sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016, calling upon the Respondent to furnish its comments and the relevant

records in the matter.

3. Gist of the reply of the Respondent

3.1 In reply dated 31.08.2023 filed by the Respondent, it was, inter alia, stated that the Complainant had been invalidated from service in accordance with the applicable service and pension rules and had been granted invalid pension under the relevant provisions governing the case. The Respondent took the stand that the Complainant's disability was not attributable to service and, therefore, his case had been dealt with under the category considered applicable by the department. The Respondent further relied upon the exemption available to combat posts in the Central Armed Police Forces from the purview of Sections 20 and 34 of the Rights of Persons with Disabilities Act, 2016, and disputed the Complainant's claim for reclassification of benefits and for other consequential monetary reliefs.

4. Gist of the rejoinder of the Complainant

4.1 The Complainant, vide his rejoinder dated 19.09.2023, reiterated the averments made in the complaint and controverted the stand taken by the Respondent in its reply. The Complainant maintained that his disability had arisen during service and had a direct nexus with the conditions in which he was made to serve, including prolonged and successive hard postings. He further asserted that the Respondent had wrongly denied him the benefits claimed by him and had failed to appreciate his case in the light of the statutory protections available to persons with disabilities. The Complainant accordingly pressed for appropriate intervention by this Court and for grant of the reliefs sought in the complaint.

5. Hearing:

5.1 The case was heard in hybrid mode on 22.04.2025, wherein the following appeared;

Sl No.	Name and Designation of the Parties/ Representatives	On Behalf of	Mode of Appearance
1	Shri Raman Kumar, S/o Shri Sunil Kumar	Complainant	Offline
2	Shri Vijay Pal Singh, AC (M)	Respondent	Offline
3	Adv Dharmendra Srivastava	Respondent	Offline

6. Proceedings During the Hearing

6.1 The Respondent relied upon the Government notification issued under the proviso to Section 20 (1) and the proviso to Section 34 (1) of the Rights of Persons with Disabilities Act, 2016, and submitted that combat posts in the Central Armed Police Forces, including CRPF, stand exempted from the two sections.

6.2 The Respondent also maintained that the Complainant's case had been classified under the applicable pension rules as a case not attributable to service.

6.3 The Complainant pressed his claim for reclassification of pensionary/disability benefits and other monetary reliefs. The Respondent opposed the same and relied upon the exemption notification and its understanding of the pension rules.

6.4 The Court called upon the Respondent to place on record its Equal Opportunity Policy, the order appointing the Grievance Redressal Officer, the invalid pension papers, and a chronology of the relevant events.

7. Observations

7.1 Having considered the complaint, reply and hearing record, this Court finds that the principal grievances of the Complainant relate to invalidation from service, pension classification, ex gratia, insurance benefits, compensation and other consequential service claims. It is a matter of record that the Respondent establishment has been exempted inter alia from the application of Section 20. As such the Complainant cannot claim the protection of Section 20 (4). All other issues raised by him are either consequential relief or are essentially service matters.

7.2 Insofar as service matters of the Respondent establishment are concerned, the appropriate remedy lies before the competent service forum in accordance with the Administrative Tribunals Act, 1985. Sections 14 and 28 of that Act govern the jurisdiction of the Central Administrative Tribunal in such matters.

7.3 Notwithstanding the above, the Respondent establishment is not exempt from compliance with other provisions of the RPwD Act, 2016, including Section 21 relating to Equal Opportunity Policy and Section 23

relating to appointment of Grievance Redressal Officer. Section 21 requires every establishment to notify an Equal Opportunity Policy and register a copy thereof with the Chief Commissioner or State Commissioner, and Section 23 requires every Government establishment to appoint a Grievance Redressal Officer and inform the Chief Commissioner or State Commissioner about such appointment.

8. Recommendations

8.1 In accordance with Section 76 of the RPwD Act, 2016, the Respondent is recommended to place on record before this Court, within **90 days** from receipt of this Order, if not already filed:

(a) A copy of its **Equal Opportunity Policy** under Section 21 of the RPwD Act, 2016; and

(b) The order(s) showing appointment/designation of the **Grievance Redressal Officer** under Section 23 of the RPwD Act, 2016, along with the date of intimation furnished in that regard.

9. The case is disposed of with the above observations and recommendations.

(S. Govindaraj)
Commissioner for Persons with Disabilities