



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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

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

Case No. CCPD/14501/1014/2023

In the matter of —

Complainant

Mr. Ayush Kumar

Versus

Respondent(s)

- (1) The Chairman,
Staff Selection Commission (SSC)
- (2) The Controller General,
Controller General of Defence Accounts (CGDA)
- (3) The Principal Controller,
Principal Controller of Defence Accounts (R&D)

1. Gist of the Complaint:

1.1 The Complainant, Mr Ayush Kumar, a person with 71% Multiple Disabilities, filed a complaint dated 25.09.2023 regarding the denial of selection to the post of Auditor on the grounds of disability.

1.2 The Complainant submitted that he was selected for the post of Auditor in CGDA through SSC CGL 2021. On 18.08.2023, he was declared medically unfit by PCDA (R&D) based on a medical report dated 30.06.2023 of Dr RML Hospital, Delhi, wherein his multiple disabilities [Both Arms (BA) and Visual Impairment (Low Vision)] were registered as 71% permanent impairment. This is inconsistent with his Disability Certificate No. 225/85/03/17 issued on 23.03.2017 by Guru Teg Bahadur Hospital, Delhi, confirming the same conditions and the assertion of his

full fitness towards the functional requirements (S, ST, MF, RW, SE) for the post of Auditor.

1.2 The Complainant alleged violation of Section 20 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016), contending that the post in question had been identified as suitable for persons with benchmark disabilities, namely B, LV, OA, OL, OAL, BA, BL, and Multiple Disabilities (MD) involving these categories, as per the Corrigendum to the SSC CGLE 2021 Notice (F. No. HQ-PP103/27/2022-PP.1, issued in 2022).

1.3 The Complainant submitted that his documents were duly verified and cleared by the Staff Selection Commission (SSC) before his referral for medical examination on 16.05.2023. Thereafter, he underwent a medical examination from 22.05.2023 to 30.06.2023. However, despite the Medical Board comprising three doctors initially finding him fit, he was subsequently declared unfit. The Complainant further alleged that no guidelines or reasons justifying such a declaration of unfitness were provided to him. Accordingly, he prayed for the intervention of this Court to declare him fit for appointment, facilitate his appointment to the post, and address the alleged discrimination against persons with disabilities in the recruitment process.

2. Notice issued to the Respondents:

2.1 Notices were issued on 29.09.2023 and 18.10.2023, under sections 75 and 77 of the RPwD Act, 2016 to the above-mentioned respondents for forwarding to this Court their comments on affidavit on the complaint for violation of sections 3, 33 and 34 of the RPwD Act, 2016, and DoPT OM No. 36035/02/2017-Estt (Res) dated 15.01.2018, within the statutory time limit.

3. Reply filed by Respondent No.1:

3.1 The Staff Selection Commission [Respondent No.1] filed its reply dated 27.10.2023 and inter alia reiterated that SSC is a recruiting agency that conducts examinations for recruitment of various Group 'B' and Group 'C' posts for filling up the vacancies reported by the indenting Ministries/Departments/Organisations. It does not have any role in the recognition of a particular post suitable for a particular disability.

4. Reply filed by Respondent No.2:

4.1 No reply was received from the Controller General of Defence Accounts (CGDA).

5. Reply filed by Respondent No.3:

5.1 Office of the Principal Controller Defence Accounts (R&D) [Respondent No.3] filed its reply dated 15.11.2023 and inter alia submitted that the Complainant was selected by the SSC but Dr RML Hospital declared the Complainant unfit on the grounds of "Multiple Disability, inclusive of visual and locomotor is 71%. However, in view of his applications through RTI, he, vide letter dated 10.11.2023, was advised to report to the Lady Hardinge Medical College, New Delhi for medical re-examination.

6. Notice to Complainant to file Rejoinder:

6.1 A notice dated 18.12.2023 was issued to the Complainant to file a rejoinder to the reply/comments filed by the respondents, followed by a reminder dated 24.01.2024, giving him a last opportunity to submit his rejoinder within five days, failing which it would be construed that he was satisfied with the comments/replies filed by the respondent, and the matter would be disposed of. However, the Complainant did not file his rejoinder.

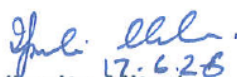
6.2 On 01.07.2025, this Court again sent an email to the parties to file their status report. In response, the Complainant vide email dated 01.07.2025 informed that the matter has been resolved to his satisfaction and he does not wish to pursue it further.

7. Observations:

7.1 Based on the facts of the case and the material available on the records, especially the Complainant's email dated 01.07.2025, no further intervention is warranted in this case.

7.2 Accordingly, the case is disposed of.

8. This is issued with the approval of Hon'ble Commissioner for Persons with Disabilities.


(Ipsita Mitra)

Dy Chief Commissioner