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**
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In the Cases of :

S.No.	Case No.	Complainant (Sh.)
1	14115/1021/2023	Dinesh Ratanwal
2	14116/1021/2023	Mukesh Kr Singh
3	14118/1021/2023	RamanaChandaka
4	14120/1021/2023	RiteshSachan
5	14121/1021/2023	Sumit Kumar
6	14122/1021/2023	Rupesh Kumar
7	14123/1021/2023	Amol Motinath Veer
8	14124/1021/2023	Chandan Kumar
9	14125/1021/2023	Shuvankar Sinha
10	14162/1021/2023	Amit Kumar
11	14163/1021/2023	Manikyala
12	14164/1021/2023	Lalkamal
13	14166/1021/2023	Virender
14	14167/1021/2023	PrashantKr.Dubey
15	14168/1021/2023	ShambhuSharan
16	14169/1021/2023	Chandan Kumar
17	14170/1021/2023	Dheeraj Kumar

versus

Respondent:
The Director General of Meteorology,
India Meteorological Department (IMD)
Mausam Bhawan

1. Gist of Complaint:

1.1 The following Complainants filed their respective complaints for violation of section 34 of the Act and DoPT OM No.36012/l/2020 - Estt. (Res-II) dated 17.05.2022

Sr No.	Case No.	Complainant (Sh.)	% of Disability	Complaint date
1	14115/1021/2023	Dinesh Ratanwal	80% LD	10.05. 2023
2	14116/1021/2023	Mukesh Kr Singh	50% LD	10.05.2023
3	14118/1021/2023	RamanaChandaka	48% LD	10.05.2023
4	14120/1021/2023	RiteshSachan	40% LD	10.05.2023
5	14121/1021/2023	Sumit Kumar	40% LD	10.05.2023
6	14122/1021/2023	Rupesh Kumar	50% LD	10.05.2023
7	14123/1021/2023	Amol Motinath Veer	44% LD	10.05.2023
8	14124/1021/2023	Chandan Kumar	40% LD	11.05.2023
9	14125/1021/2023	Shuvankar Sinha	55%LD	10.05.2023
10	14162/1021/2023	Amit Kumar	40% LD	11.05.2023
11	14163/1021/2023	Manikyala	45% LD	11.05.2023
12	14164/1021/2023	Lalkamal	50% LD	12.05.2023
13	14166/1021/2023	Virender	50% LD	10.05.2023
14	14167/1021/2023	PrashantKr.Dubey	70% LD	10.05.2023
15	14168/1021/2023	ShambhuSharan	40% LD	10.05.2023
16	14169/1021/2023	Chandan Kumar	67% LD	10.05.2023
17	14170/1021/2023	Dheeraj Kumar	40% LD	10.05.2023

1.2 They submitted that IMD released two promotion list for the position of Scientific Assistant to MET-A on dated 01.07.2022 and 30.09.2022 respectively and the promotion order dated 30.09.2022 has not followed DoPT OM 36012/1/2020 ESTT.(Res-II)dated 17.05.2022. This promotion list promoted 355 Scientific Assistant to MET-A. As per reservation policy 15 PwBDs candidates should have been promoted. However, the department informed in the RTI reply that only seven candidates were promoted.

2. Notice to the Respondents:

2.1 A notice was issued to the above mentioned respondents for forwarding to this Court comments on affidavit for violation of Section 34 of the Act and DoPT OM No. 36012/112020 - Estt. (Res-II) dated 17.05.2022.

3. Reply furnished by the Respondent:

3.1 Dr.Siddharth Singh, Scientist F (Establishment), O/o Director General of

Meteorology vide Affidavit dated 03.08.2023 submitted inter-alia that while promoting officials from the post of Assistant to Meteorologist A on 01.07.2022, DoP&T OM 36012/1/2020 dated 17.05.2022 was not taken into account but the same considered while issuing promotion order dated 30.09.2022.

3.2 In ibid Order, 355 officials were promoted including 08 officials with locomotor disabilities. 4% of 355 is equal to 14.2 i.e. 14. Hence, 14 posts were reserved for employees with locomotor disabilities. 08 officials were promoted vide the mentioned order and 06 vacancies were carried forward so no eligible PwD employees for promotion were available for the vacancy year 2022.

3.3 As per DoP&T OM No. 22011/4/2013-Estt.(D) dated 08.05.2017, para 5 (ii). The crucial date of eligibility will be 1st of January of the vacancy year. The complainants have not completed the required minimum qualifying service as per the existing recruitment rules (03 years as per RR) for promotion.

3.4 The Respondent further submitted that the DoP&T OM dated 27.09.2022 regarding the clarification on the concept of own merit for PwBDs will be implemented for the vacancy year 2023.

4. Rejoinder filed by the Complainant:

4.1 The Complainants filed their rejoinder and reiterated their complaint and submitted that despite comprehensive guidelines from DoP&T, IMD neglected to enforce the reservation for PwBDs employee in the promotion order dated 01.07.2022**.** DoPT OM No. 22011/2/2014-Estt.Ddated 30.01.2015, outlines the procedure for conducting supplementary DPC, which IMD could have easily executed to implement the 4% reservation rule in the promotion list form Scientific Assistant to MET-A on 01.07.2022.

4.2 Complainants highlights a new order from IMD issued on 23rd Feb 2024, forcing PwBD employees to confirm their disability from district hospitals where they are posted, and from RML Hospital and Safdarjung Hospital for those employees posted in Delhi. This is despite their certificates being submitted and cross-checked before joining. According to DOP&T Office Memorandum 36012/1/2020-Estt.(Res.-II) dated 17/05/2022, para 2.3 states, "The authenticity of any certificate issued by the competent medical authority may be verified/re-verified by the appointing authority at the time of appointment." This action by IMD is completely against the law and appears

to be a delay tactic to implement the reservation in promotion for PwD employees.

4.3 The promotion order dated 30.09.2022, IMD only partially executed the reservation order. The promoted 3 out of the 8 PwBD employees fall within the general merit. This suggests that, technically, IMD only provided reservation for 5 PwBD employees. Therefore, 10 seats should be carried forward instead of 6.

5. Rejoinder filed by the Respondent:

5.1 The written reply dated 07.03.2024 informs that the Competent Authority has decided to verify/re-verify the disability certificates of Persons with Benchmark Disabilities (PwBDs) in line with the Department of Personnel and Training (DoP&T) Office Memorandum (OM) No. 36012/1/2020-Estt.(Res-II) dated May 17, 2022.

5.2 The case regarding reservation in promotion for PwBDs is currently under consideration. The implementation of the reservation will follow once the medical certificates are verified by the competent authority.

6. Hearing :

6.1 Hearing in hybrid mode was conducted on 24.06.2025. The following parties/representatives were present:

Sl.No.	**Name of the parties/Representatives**	**For Complainant/ Respondent**	**Mode of Attendance**
1.	Mr.Dinesh Ratangwal	Complainant	Online
2.	Mr.Mukesh Kumar Singh	Complainant	Online
3.	Mr.Ramana Chandaka	Complainant	Online
4.	Mr.Ritesh Sachan	Complainant	Online
5.	Mr. Sumit Kumar	Complainant	Online
6.	Mr. Rupesh Singh	Complainant	Online
7.	Mr. Amol Moti nath Veer	Complainant	Online
8.	Mr. Chandan Kumar	Complainant	Online
9.	Mr. Shuvankar Sinha	Complainant	Online
10.	Mr. Amit Kumar	Complainant	Online
11.	Mr. Manikyala Rao Tankala	Complainant	Online
12.	Mr. Lal Kamal	Complainant	Online
13.	Mr. Virender	Complainant	Physically present
14.	Mr. Prashant Kumar Dubey	Complainant	Physically present
15.	Mr. Shambhu Sharan	Complainant	Online

16.	Mr. Chandan Kumar	Complainant	Physically present
17.	Mr. Dheeraj Kumar	Complainant	Physically present
18.	Shri P.K Jena, Scientific Officer-I and Sh. M.I Ansari, Scientist-F IMD	For Respondent	Online

7. Record of Proceedings:

7.1 All of the seventeen complainants working as Scientific Assistants, raised concerns over irregularities in promotions to the post of Meteorologist-A. They alleged that the DoP&T Office Memorandum dated 17.05.2022, concerning reservation for Persons with Benchmark Disabilities (PwBD), was not followed in the promotion order dated 01.07.2022, though it was applied in the 30.09.2022 order.

7.2 The Respondent stated that 355 officials were promoted on 30.09.2022, including eight PwBDs against 14 reserved posts, with six posts carried forward due to a lack of eligible candidates. Verification of PwBD certificates is ongoing, and implementation of reservation policies as per DoP&T OM dated 28.07.2023 is under consideration.

7.3 The Court noted discrepancies and poor implementation of disability-related policies, with only two of the 17 complainants being promoted. It found that within IMD, grievance redressal mechanism is lacking and recommended the Respondent to submit an affidavit within 15 days detailing promotions since 2016, PwBD reservation status, recruitment rules for Meteorologist-A and other related documents.

8. Hearing:

8.1 An online hearing through Video Conferencing was conducted on 22.10.2025 and the Court reviewed the versions of both the Complainants and the Respondent in the case, with the Complainants raising concerns over the non-implementation of sections 33 and 34 of the Rights of Persons with Disabilities Act, 2016, as well as DoPT instructions regarding reservation in promotion for persons with benchmark disabilities (PwBD). They highlighted issues such as treating own merit candidates against reserved vacancies, non-application of qualifying service relaxation, and delays in the reassessment of candidates despite valid disability certificates. In response, the Respondent stated that the Complainants were only eligible for promotion in 2023, not 2022, and explained that the delay was due to procedural matters, including a reassessment of disability by a medical board as per DoPT instructions.

8.2 Upon hearing both parties, the Court expressed concerns over the

delay in the implementation of the relevant provisions, lack of evidence from the Respondent on key issues like the suitability of the Meteorologist post for only Locomotor Disability (LD) candidates, and the failure to address the relaxation in qualifying service for PwBDs with only a few months short of eligibility. The Court also questioned the need for reassessing disability instead of verifying certificates. The Court decided to give the Complainants an opportunity to submit brief representations by 24.10.2025, after which an exhaustive questionnaire will be sent to the Respondent, who will have 15 days to submit their version along with evidence. The case will then be disposed of based on the submissions on record, with no further hearings scheduled.

9. Response of the Respondents to the Questionnaire shared by the O/o CCPD :

9.1 Subsequently, this Court vide Letter dated 31.12.2025 shared an exhaustive questionnaire with the Respondent, who were allowed a further time of 15 days to submit their version on affidavit along with evidence, to this Court.

Questions raised by the O/o CCPD	**Reply furnished by the Respondents vide Affidavit dated 11.02.2026**
a . To explain the inordinate delay in implementation of section 34 ofthe Act,the DoPT instructions, and the details ofaction taken sofar,including fixing accountabilityof responsible officers and initiating any departmental proceedings against them.	The DoPT issued guidelines regarding reservation in promotion for PwBDs through an OM dated 17.05.2022 (Annexure - I). These guidelines were implemented by IMD in the promotion order for Scientific Assistant to Meteorologist A, dated 30.09.2022. Therefore, there was no delay in the implementation of the DoPT guidelines.
b . To allay the apprehensions that own merit candidates are being counted against reserved vacancies for PwBDs.	b. The PwBD candidates promoted on their own merit will not be counted against vacancies reserved for PwBDs, in accordance with the DoPT OM dated 12.07.2009 (Annexure - II). While preparing the Reservation Roster, this was duly considered, and the officials promoted on their own merit were placed

	against unreserved points
c. To support its claims about the suitability of only LD as the suitable category for the post of Meteorologist.	Blindness or any category related to it is not recommended for technical posts in IMD due to the nature of the duties involved in meteorological observations, data reporting, etc. Similarly, color blindness is also unsuitable for technical positions in IMD. The work in these roles involves weather observation, reporting, chart plotting, and other tasks crucial for weather-sensitive activities like agriculture, shipping, aviation, and more. Therefore, PwBD categories eligible in IMD are One Leg (OL) and One Hand (OH), provided they do not restrict mobility. Relevant committee reports are attached for review.
d. To illustrate the bona fide of their decision for seeking a reassessment of disability instead of verification/re-verification of the authenticity of the disability certificate as per the DEPwD Notification dated 04.01.2021 and DoPT OM dated 17.05.2022.	The competent authority decided to verify or re-verify medical certificates for PwD officials, and the process was initiated. However, it was later canceled, and no proposal for verification is currently under consideration.
e. To show cause as to why a relaxation in qualifying service cannot be allowed to PwBDs who are short of a few months of qualifying service as part of reasonable accommodation, particularly when reserved vacancies and such candidates are both available.	No relaxation in qualifying service has been provided for any category in regular or ad-hoc promotions. Qualifying service is calculated according to DoPT guidelines, with service being assessed as of January 1st of the vacancy year.
f. The rationale for	All candidates meeting eligibility criteria per

considering only 5 PwBD candidates in 2022.	recruitment rules and DoPT guidelines were considered for promotion. PwBD officials have been promoted since 30.06.2016 and will continue to receive notional promotions based on their eligibility.
g. Provide a certified copy of the reservation roster for promotions in all groups from 30.06.2016 to 30.06.2025, showing PwBD earmarked points and the mode of promotion (own merit/reservation).	The preparation of the reservation roster is in progress. Once the draft is approved by the competent authority, it will be provided.
h. Clarify why only 7 PwBD were promoted out of 900 despite eligibility and backlog availability.	PwBD officials have been promoted since 30.06.2016 and will receive notional promotions based on their eligibility, with promotions adjusted from backdates as per guidelines.
i. Reasons for not promoting PwBD candidates since 2016 when roster registers, seniority lists, and DPCs were prepared multiple times and yet seats were kept vacant or miscounted.	The DoPT guidelines dated 17.05.2022 were implemented by IMD in the promotion order for Scientific Assistant to Meteorologist A dated 30.09.2022. As per the DoPT guidelines from 28.12.2023, PwBD candidates will be promoted from 30.06.2016 by creating supernumerary posts.
j. The rationale for the shift in anticipated vacancies (2024) and justification for reducing the vacancies from 188 to 154.	Initially, vacancies were estimated at approximately 188. After the DPC was conducted for Meteorologist A to B, some vacancies were reserved for PwBD candidates, which resulted in the reduction to 154 vacancies. This adjustment was made after further assessment of actual vacancies in line with DOPT guidelines.
k. Reasons for keeping 9 PwBD vacancies (2023) vacant, claiming "no eligible	As per DoPT guidelines, officials falling under the extended Zone of Consideration (ZOC) are considered for promotions. However, there were no eligible PwBD candidates available for promotion in 2023, leading to

candidates," despite the policy of extended ZOC.	vacancies being kept vacant.

10. Observations:

10.1 The Respondent's submission that DoPT OM No. 36012/1/2020-Estt.(Res-II) dated 17.05.2022 was not taken into account for the promotion order dated 01.07.2022 constitutes a direct violation of Section 34 of the RPwD Act, 2016**.**

(a) DoPT instructions on reservations in promotion became effective immediately upon issuance (17.05.2022) and by DOPT OM dated 23.12.2023 such OM was made retrospective from 30.06.2016.

(b) The Respondent failed to conduct a Supplementary DPC as per DoPT OM No. 22011/2/2014-Estt.D dated 30.01.2015 to correct this omission, thereby denying timely promotions to eligible PwBD candidates.

10.2 The Respondent claimed that out of 14 reserved vacancies for the 30.09.2022 promotion order (4% of 355), 8 PwBD officials were promoted and 6 vacancies were carried forward. However, the Complainants established that 3 out of these 8 PwBD employees qualified on their own general merit. **The own merit candidates cannot be selected on the reserved seats and therefore those seats should be given to the Complainants.**

10.3 The Respondent admitted in February 2026 that the "*preparation of the reservation roster is in progress.*"

(a) Operating mass promotions (such as 355 vacancies) without an authenticated, updated, and post-based reservation roster register since 2016 is a severe procedural lapse. It invalidates the Respondent's claim that there were "no eligible candidates" or that vacancies were accurately computed.

10.4 The IMD's order dated 23.02.2024, forcing PwBD employees to undergo fresh disability reassessments at specific hospitals despite having valid certificates submitted at the time of induction, violates Para 2.3 of DoPT OM dated 17.05.2022.

(a) Appointing authorities are only empowered to verify the *authenticity* of the certificate, not to challenge a permanent/valid medical board evaluation. The subsequent cancellation of this order by IMD acts as an implicit admission of their overreach and delaying tactics.

10.5 While the Respondent stated that no relaxation in qualifying service exists under regular rules, the Apex Court and the RPwD Act, 2016 emphasize the principle of **"Reasonable Accommodation"** (Section 2(y)). Keeping reserved seats vacant while PwBD candidates are short of the qualifying service by a few mere months—especially when backlog vacancies exist from as far back as 2016—shows a rigid approach contrary to the beneficial spirit of the Act.

11. Recommendations of the Court:

11.1 The Court, invoking its powers under the Rights of Persons with Disabilities Act, 2016, issues the following recommendations to the Respondent (IMD):

(a) **Roster Finalization and Rectification:** The Respondent shall finalize, approve, and certify the Reservation Roster Register for promotions across all groups from **30.06.2016 to 30.06.2025**. "Own merit" PwBD candidates must be placed against unreserved points, and the PwBD backlog vacancies must be recalculated dynamically.

As stated by the Respondent in para no. 3.2, 55 officials were promoted including 08 officials with locomotor disabilities. 4% of 355 is equal to 14.2 i.e. 14. Hence, 14 posts were reserved for employees with locomotor disabilities.- This Respondents have misconstrued the position, as the 100 points are divided into four blocks of 25 points each:

1. Block 1: Point 1 to Point 25
2. Block 2: Point 26 to Point 50
3. Block 3: Point 51 to Point 75
4. Block 4: Point 76 to Point 100-

In this way for 300 seats 12 seats are reserved and for another 55 seats 3 more seats should be reserved making the total number of seats to be reserved to 15 and not 14. Therefore, the calculation made by the Respondents is incorrect and clearly demonstrates that the Respondents' understanding of the reservation roster and its operation is erroneous and contrary to the applicable rules

governing reservation. The conclusions drawn by the Respondents on the basis of such flawed calculation are, therefore, unsustainable in law and liable to be rejected.

(b) Conduction of Review/Supplementary DPC: A Review/Supplementary DPC must be convened to implement the 4% reservation retrospectively for the promotion orders dated 01.07.2022 and 30.09.2022 based on the rectified rosters.

(c) Retrospective/Notional Promotion: All eligible PwBD complainants who were denied promotion due to roster miscalculations or the omission of the 17.05.2022 OM shall be granted **notional promotion** from the date their peers were promoted, with structural seniority and refixation of pay.

(d) Creation of Supernumerary Posts: In alignment with DoPT guidelines dated 28.12.2023, if regular vacancies are unavailable to accommodate eligible PwBD candidates retroactively up to 2016, the Respondent must immediately create supernumerary posts to clear the backlog.

(e) Sensitization and Internal Grievance Redressal: IMD must establish an internal Equal Opportunity Cell headed by a senior official to act as a Grievance Redressal Officer under Section 23 of the RPwD Act, ensuring disability issues are not delayed procedurally.

11.2 The Respondent cannot shield its statutory failures behind procedural delays like arbitrary medical re-assessments or incomplete rosters. The denial of promotion opportunities to 17 highly qualified PwBD Scientific Assistants since 2022, despite the availability of clear vacancies, frustrates the absolute purpose of social inclusion legislation.

11.3 In **Ramprakash Kharlwa v. State of Rajasthan (2026)** , the Rajasthan High Court upheld the State Government's decision directing reassessment of benchmark disabilities of candidates and employees appointed under the PwD category. The Court held that the State Government and recruiting agencies have the authority to assess or reassess disability claims through the designated certifying authorities under the Rights of Persons with Disabilities Act, 2016, and that a disability certificate is not beyond scrutiny where verification is necessary to ensure transparency, fairness, and to prevent fraudulent claims in public employment. The Court specifically observed that the

State or recruiting agency has every right to direct a candidate to undergo reassessment of disability in accordance with the statutory framework.

Similarly, in **Santosh Hiraman Lashkare v. State of Maharashtra (2026)**, the Bombay High Court upheld the Maharashtra Government's power to undertake re-verification and reassessment of disability certificates and UDID cards of employees who had obtained appointment under the disability quota. While regulating the manner in which such exercise was to be conducted, the Court nevertheless recognized the State's authority to order a fresh medical assessment where concerns existed regarding the genuineness or correctness of disability claims and held that such a measure was justified to preserve the integrity of the reservation system and prevent misuse of statutory benefits.

Therefore, the consistent judicial position emerging from the Rajasthan and Bombay High Courts is that disability certificates and assessments are not immune from subsequent verification or reassessment. Where a competent authority has reasons to verify the correctness of a disability claim, a fresh medical evaluation may be directed in accordance with the statutory scheme. Applying the same principle to the present case, the **IMD** was well within its powers to require reassessment of the petitioner's disability status through the competent medical authority before extending the benefit of reservation or appointment, and **such reassessment cannot be said to be arbitrary or without jurisdiction.**

11.4 The Respondent shall implement the aforementioned recommendations in letter and spirit within a maximum period of 90 days from the receipt of this order.

11.5 An Action taken report detailing the actions taken, along with the certified copies of the rectified reservation rosters and supplementary DPC minutes, must be submitted to this Court within 90 days. Failure to comply will attract appropriate action under Section 89/92 of the Rights of Persons with Disabilities Act, 2016.

12. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 01-07-2026
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(S. Govindaraj)
Commissioner for Persons with Disabilities