



न्यायालय मुख्य आयुक्त दिव्यांगजन

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 & Empowerment
 भारत सरकार/Government of India
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CaseNo.13586/1024/2022

In the matter of-

Shri D.Ravi Prasad

...Complainant

Versus

The Chief Postmaster General,
 Andhra Pradesh Postal Circle,
 Vijayawada, Andhra Pradesh

...Respondent

1. Gist of Complaint:

1.1 Ravi D Prasad, a 75% visually impaired employee working as a Postman at Dabagardens Post Office, Visakhapatnam (Andhra Pradesh Postal Circle), filed a complaint dated 26.11.2022 that he appeared for the LDCE held in 2022 for promotion to the cadre of Postal Assistant/Sorting Assistant under the Departmental Quota (Both being Group C Posts

1.2 Other Circles like Tamil Nadu have implemented this reservation as per existing rules, but the Andhra Pradesh Circle has failed to do so. This is a violation of the rights of persons with disabilities under government regulations.He request that one vacancy be reserved for him under the PwD quota and that he be granted the promotion with all due benefits.

2. Notice issued to the Respondent:

2.1 A Notice dated 02.01.2023 was issued to the Respondent for forwarding their comments on the affidavit on the complaint, within 30 days to this Court u/s 75&77 of the Rights of Persons with Disabilities

Act, 2016.

3. Reply made by the Respondent:

3.1 The CCPD's notice, dated 2nd January 2023, was received by the AP Circle on 12th January 2023, with a 30-day deadline to submit a response. The AP Circle acknowledged the notice and informed that a draft reply affidavit had been prepared and forwarded on 27th January 2023 to the Postal Directorate in New Delhi for incorporating any additional points. Since the Directorate had not responded by the deadline, the AP Circle requested an extension of 30 days to file the final affidavit.

3.2 The Case lists Shri Abhinav Walia, CPMG, Andhra Pradesh Circle, and Shri Alok Sharma, Director General (Posts), as the two respondents. This correspondence highlights the AP Circle's intention to respond appropriately, while also seeking more time to ensure a complete and coordinated reply regarding the complaint on denial of PwD reservation in departmental promotion.

4. Rejoinder filed by the Complainant

4.1 The Complainant sent rejoinder dated 09.03.2023 and stated that Section 34(1) of the Rights of Persons with Disabilities Act, 2016 clearly mandates the provision of reservation in promotion for Persons with Disabilities (PwDs), to be implemented from the date the Act came into force in 2016. Furthermore, the Hon'ble Supreme Court, in its judgment dated 28.09.2021 in *Siddaraju vs. State of Karnataka*, reaffirmed this position while delivering its decision on an application for clarification. The Court specifically directed the Government to issue necessary instructions to implement reservation in promotion, in accordance with Section 34 of the RPwD Act, 2016.

4.2 It is pertinent to note that the Government of India has officially acknowledged, in response to a Parliamentary Question, that reservation in promotion for PwDs has been in effect since 2016. While the Office Memorandum issued by the Government on 17 May 2022 provides further procedural clarity, it cannot override the original mandate of the Act or restrict its application only from 2022, especially

in light of the principles of natural justice. Therefore, the interpretation adopted by the Andhra Pradesh Postal Circle, which denies retrospective application of reservation in promotion from 2016, is legally incorrect, resulting in a clear case of injustice.

5. Hearing (I):

5.1 A hearing in hybrid mode was held on 14.05.2025. The following parties and their representatives were Present:

S. No.	Name and designation of the Attendees	On behalf of	Mode of Attendance
1.	Mr D. Ravi Kumar - Complainant	Complainant	Online
2.	Mr Rajendra Kumar - Authorised Representative of the Complainant	Complainant	Online
3.	Mr Rao - Representative of the Respondent	Respondent	Online

5.2 In the proceedings, the complainant stated that during the 2022 departmental examination conducted by the respondent, no posts were reserved for persons with disabilities (PwDs) for the promotional post in question. The Court referred to the Department of Personnel and Training's (DoP&T) Office Memorandum issued on 17.05.2022, which granted reservation in promotions for PwDs, effective from 30.06.2016. It was revealed that the Respondent was still in the process of constituting a review Departmental Promotion Committee and collecting data on promotions made from 2016 to 2022. The Court expressed its dissatisfaction with the slow progress, noting that despite the OM being issued after a long legal battle, and a clarification provided in December 2023, no tangible progress had been made.

5.3 The Court expressed concern over the delay of nearly three years in implementing reservation in promotion and recommended that the Respondent submit an Action Taken Report (ATR) within one month. The ATR should clearly indicate the steps taken to implement reservation in promotion with effect from 30.06.2016, particularly in relation to the Complainant's case. The Court further recommended that a Group 'A' officer from the concerned division remain present during the next

hearing to clarify the issues relating to preparation of the reservation roster and identification/earmarking of posts.

6. Hearing (II):

6.1 The hearing in the matter was conducted on 07.04.2026 through hybrid mode wherein the following parties were present;

- (a) Shri D. Ravi Prasad- Complainant
- (b) Shri Siva Venkatesh, Postmaster General (PMG), AP Circle- Respondent

6.2 The Complainant was absent during the Hearing so Court decided to seek the current status from the Respondents. The Respondent, represented by the Postmaster General, Andhra Pradesh Circle, submitted that the complainant's grievance had been fully redressed. It was stated that the complainant had been granted promotion against the relevant promotional quota, and the promotion order had been issued on 05.08.2025. The complainant had thereafter joined the promoted post on 07.11.2025. The respondent further submitted that the complainant had been accommodated in the same postal division, in accordance with his preference, and had continued within the same station, though in a different office. It was also stated that the respondent had already furnished the Commission with the promotion order, allocation details, and the joining report along with its compliance report. Upon the Commission expressing difficulty in locating the joining report in the documents, the respondent agreed to re-submit the relevant document.

6.3 The Court observed that while the Respondent had stated that the Complainant had been promoted and had joined the promoted so, the Court indicated that the complaint stood substantially redressed and proceeded to close the matter.

7. Observations and Recommendations:

7.1 The Court observes that the principal grievance raised by the Complainant pertained to the non-implementation of reservation in promotion for Persons with Disabilities (PwDs) in the Limited Departmental Competitive Examination (LDCE), 2022, resulting in denial of promotion. During the course of the proceedings, the Respondent informed the Court that the Complainant had been granted promotion

vide order dated 05.08.2025 and had joined the promoted post on 07.11.2025 in the same postal division as per his preference. In view of the promotion granted to the Complainant, the Court is satisfied that the individual grievance raised in the present complaint stands substantially redressed.

7.2 While disposing of the present complaint, the Court reiterates that all public authorities are under a statutory obligation to implement reservation in promotion for eligible Persons with Disabilities strictly in accordance with the Rights of Persons with Disabilities Act, 2016, the Department of Personnel & Training Office Memorandum dated 17.05.2022, and other applicable Government instructions. The Respondent is advised to ensure timely implementation of the reservation policy, maintenance of reservation rosters, and expeditious conduct of review Departmental Promotion Committees wherever required, so that similarly placed employees are not compelled to seek redress through litigation.

8. Accordingly, the complaint is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities