



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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Case No: 14296/1023/2023

In the matter of:

Complainant

Sh. Jamil Gulab

Versus

Respondent(s)

Navodaya Vidyalaya Samiti, Noida

1. Gist of Complaint:

1.1 Shri Jamil Gulab Shaikh, working as a Lower Division Clerk with 40% locomotor disability serving at Jawahar Navodaya Vidyalaya, Satara since 2008 alleges discrimination and violation of his rights under the Rights of Persons with Disabilities Act, 2016 by the Navodaya Vidyalaya Samiti. He asserts that although he was fully eligible for promotion, the authorities deliberately delayed the process and promoted another individual, depriving him of his legitimate career benefits. He also reports workplace harassment including an incident involving a dog entering his work area which caused him physical discomfort and was ignored by senior officials. Furthermore, he states that he has been denied suitable residential accommodation and accessible working

conditions and has been subjected to ongoing biased treatment. He seeks intervention to secure his promotion with arrears, ensure appropriate housing and workplace accessibility, hold responsible officials accountable and enforce adherence to disability rights. His complaint was submitted on 14-07-2023

2 Notice Issued:

2.1 The matter was taken up with the Commissioner, Navodaya Vidyalaya Samiti on 21-07-2023 citing statutory provisions and government instruction including but not limited to Section 20 & 7 of the act. Final Reminder was forwarded on 25-08-2023.

3. Submissions made by the Respondents:

3.1 AC(E) Navodaya Vidyalaya Samiti HQ submitted on 28-08-2023 that they have examined the complaint. They further state that the allegations of harassment and discrimination are unfounded and deny any violation of the Rights of Persons with Disabilities Act, 2016. It was clarified that the Complainant is a Class-IV employee and all actions taken by the school and regional office were in accordance with prescribed rules and procedures. The Respondents assert that no deliberate delay or bias occurred in processing promotions and that promotions are carried out strictly as per recruitment rules, eligibility criteria and vacancy positions. They maintain that the incident involving a dog in the office was not intentional or connected to any staff member and therefore cannot be considered workplace harassment. They further state that residential accommodation is allotted according to entitlement and availability and there has been no discriminatory denial of quarters.

The Respondents emphasize that NVS is committed to providing a fair, safe and supportive environment for persons with disabilities and request that the complaint be closed as the claims made by the Complainant lack substance.

4. Submissions made in the Rejoinder:

4.1 On 05-09-2023, Permission to file rejoinder was granted and the Complainant subsequently submitted his rejoinder on 16-01-2024, reiterating his earlier grievance.

5. Hearing

5.1. A hearing was conducted on 27.11.2025 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Sh. Jamil Gulab	Complainant
2.	Shri N.K. Patel, Deputy Commissioner	Respondent
3.	Shri Rajesh, Assistant Commissioner	Respondent

6. Record of Proceedings

6.1 The Complainant, Shri Jamil Gulab Shaikh, challenged the action of the Navodaya Vidyalaya Samiti (NVS) authorities regarding the systematic denial of his service-related entitlements, including timely promotion, allocation of eligible staff housing, and the release of double transport allowance. He stated that he joined the organization in 2008 as a Lower Division Clerk (LDC) / Junior Secretariat Assistant (JSA) under the disability category and has completed 17 years of continuous service. He

contended that his promotions have been suppressed while contemporary colleagues and junior staff have been promoted to higher cadres, and that he has been arbitrarily confined to a basic Type-I quarter since his inception despite becoming eligible for Type-II housing in 2009. He further alleged that the department failed to process his statutory entitlement to a double transport allowance for several years despite his explicit representations dating back to 2012, which constitutes absolute administrative inaction and a violation of the protections guaranteed under the Rights of Persons with Disabilities Act, 2016.

6.2 During the proceedings, the representative for the Respondent submitted that the Complainant was granted his first financial upgradation under the Modified Assured Career Progression (MACP) scheme in 2018 upon completing 10 years of service. On the issue of promotion, the Respondent maintained that administrative promotions within NVS are governed by specific recruitment rules under a dual framework, where 50% is filled through the Limited Departmental Competitive Examination (LDCE) and 25% via a seniority-cum-fitness quota. The Respondent argued that the junior colleague cited by the Complainant had cleared the mandatory departmental examination, whereas the Complainant's exam participation remains unverified. Regarding accommodation and allowances, the Respondent stated that housing is allotted strictly based on pay levels and physical vacancy, and that the double transport allowance was immediately sanctioned when a formal application hit the Headquarters level in 2018, though they committed to cross-verifying regional records for any historical claims.

7. Observations and Recommendations

7.1. The Court observes that the Complainant is an employee with a

benchmark disability who has rendered 17 years of continuous service to the organization, making the continuous protection of his service rights a permanent statutory obligation from the day of his inception. Empowering PwD employees necessitates "Reasonable Accommodation" and structural proactive care to ensure they can work safely, live with basic dignity, and access their material entitlements without bureaucratic friction. The Respondent's failure to resolve basic service-related requests, such as upgrading staff quarters or clearing standard allowance structures over a span of 15 years, constitutes an unreasonable administrative delay that violates the spirit and mandate of the RPwD Act, 2016.

7.2 The Court finds that a public organization cannot treat indifferently an employee with disability with a casual, unstructured approach, especially when representing officers appear before this statutory forum without basic awareness of their own recruitment rules, seniority lists, or historical regional records. Mechanical adherence to procedural boundaries or pointing to unverified application dates is insufficient if the department fails to maintain institutional sensitivity and clear lines of equity. Treating continuous service benefits as minor, secondary issues ignore the structural and financial vulnerabilities faced by persons with disabilities, and the Respondent is duty-bound to actively audit their cadres to ensure no discriminatory gaps persist.

7.3 Accordingly, the Respondent is recommended to submit a comprehensive Action Taken Report, providing clear verification of cadre seniority data, retrospective allowance tracking from 2012, and immediate housing reallocation data, within 15 days of the issuance of this order. Failure to do so may compel this Court to initiate action as per Sections 89, and 93 of the Act.

8. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities