



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.14605/1021/2023

In the matter of:

1. Mr. Ganpati Kumar
2. Mr. Atul Kumar
3. Mr. Somveer
4. Mr. Umesh Mishra
5. Mr. Sachin Sahu

...Complainant(s)

Versus

The Director General, CPWD

...Respondent

1. Gist of the Case:

1.1 The above-named complainants, all Persons with Benchmark Disabilities (PwBDs) and all, after their appointments under the PwBD quota through the SSC Special Recruitment Drive in 2015, are working as Multi-Tasking Staff (MTS) in the Central Public Works Department (CPWD). They filed complaint(s) before this Court on 07.11.2023.

1.2 The Complainants submitted that they participated in the Limited Departmental Competitive Examination (LDCE) on June 4, 2023, for promotion from MTS to Lower Division Clerk (LDC). The results published on October 13, 2023, did not reflect any reservation benefits for PwBD candidates. The CPWD failed to disclose the number of vacancies reserved for PwBDs, and no separate merit list for PwBD candidates was issued.

1.3 The Complainants asserted that this amounts to the denial of their rightful reservation in promotion, in violation of Section 34 of the Rights of Persons with Disabilities Act, 2016, and DoPT O.M. No. 36012/1/2020-Estt. (Res-II) dated

17.05.2022, which mandates reservation in promotion for PwBDs.

2. Notice issued to the Respondents:

2.1 A notice dated 09.11.2023 was issued to the Respondent for forwarding to this Court comments on affidavit on the complaint for violations of sections 20 and 34 of the Act, read with DoPT OM No. 36012/1/2020 - Estt. (Res-II) dated 17.05.2022.

3. Reply from the Respondent:

3.1 The Respondent vide letter dated 01.12.2023 have stated that the complainants were appointed through a special recruitment drive for PwBDs and appeared for the Limited Departmental Competitive Examination (LDCE) held on 04.06.2023. As per the examination rules, PwBD candidates were required to secure a minimum of 40% marks in each paper to qualify. Despite being allowed all PwBD accommodations—including extra time, use of scribe, and ground-floor seating—the complainants did not secure the minimum qualifying marks and therefore could not pass the examination. Their marks were below the threshold in one or both papers.

3.2. Furthermore, three other PwBD candidates who met the eligibility criteria and scored above the minimum cutoff were considered for promotion.

3.3 As per DoPT OM No. 36012/1/2020-Estt. (Res-II) dated 17.05.2022, 4% reservation in promotion is applicable for PwBDs in cadres where direct recruitment does not exceed 75%. However, reservations are subject to qualifying in the promotion process. Since the complainants did not qualify, the non-grant of promotion does not constitute discrimination. Accordingly, CPWD submitted that no violation of reservation norms or disability rights occurred in the instant matter, and the complainants were treated at par with all PwBD candidates in accordance with the prescribed rules.

3.4 The marks obtained by the five complainants in the Limited Departmental Competitive Examination (LDCE) were as follows:

Name (Sh.)	Roll No.	Paper 1 (100)	Paper 2 (300)	Result
Ganpati Kumar	LDQE/2023/255	36 (36%)	62 (20.66%)	Failed
Atul Kumar	LDQE/2023/103	36 (36%)	115 (38.33%)	Failed
Somveer	LDQE/2023/81	29 (29%)	122 (40.66%)	Failed

Umesh Mishra	LDQE/2023/64	42 (42%)	100 (33.33%)	Failed
Sachin Sahu	LDQE/2023/15	24 (24%)	58 (19.33%)	Failed

3.5 In contrast, three PwBD candidates who qualified the examination were:

Name	Roll No.	Paper 1 (100)	Paper 2 (300)
Deepak Kumar Patel	LDQE/2023/725	53 (53%)	142 (47.3%)
Pitambar Singh	LDQE/2023/113	65 (65%)	147 (49%)
Raj Kumar	LDQE/2023/289	69 (69%)	140 (46.6%)

4. Rejoinder filed by Complainant:

4 . 1 The Complainants raise key concerns over procedural lapses in the promotion process conducted by the office of the Chief Engineer (Works Cum TLQA), CPWD Chandigarh. The main issues include the failure to disclose the number of vacancies in official notices, non-compliance with DoPT guidelines that allow relaxed standards for PwBDs in promotion, and denial of reasonable accommodation—such as refusing to provide answer sheets via email to a disabled candidate who could not travel.

4.2 The Respondents also highlight that only three promotions were made over a span of five years, with no clarity on how reservations for PwBDs were implemented. The responsibility for providing scribes was wrongly shifted to candidates, contrary to the established rules. Furthermore, RTI replies were unsatisfactory and lacked transparency. The complainants request that the authorities review the matter in light of the RPwD Act, 2016, and ensure fair implementation of reservation provisions for persons with disabilities.

5. Hearing:

5.1 A hearing in hybrid mode was conducted on **22.07.2025** and the following parties/representatives were present:

Sl.No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
1.	Mr. Ganpati Kumar	Complainant	In person
2.	Mr. Somveer	Complainant	In person

3.	Mr. Sundar Lal, Executive Engineer	For Respondent	Online
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6. Record of Proceedings:

6.1 The Complainants reiterated their earlier submissions through their complaints and rejoinders. The Respondent submitted that the five Complainants who appeared in the Limited Departmental Competitive Examination (LDCE) on 04.06.2023 did not secure the minimum qualifying marks, which is 45%, after relaxation. In contrast, three PwBD candidates who qualified in examination secured the required qualifying marks, were promoted.

7. Observation & Recommendation:

7.1 The Court observed that the 3 PwBD candidates who were selected on a merit basis secured more than 45% marks under relaxed standards. Therefore, the allegations do not appear to constitute a violation of the RPwD Act, 2016. The Court suggests that the Respondent provide pre-promotional counselling and training to persons with disabilities before the examination, enabling them to prepare better, which could help prevent similar cases in the future. The Respondent is advised to implement the suggested measures to support PwBD candidates in future examinations.

8. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities