



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. CCPD/13588/1024/2022

In the matter of:

Shri Kaushik Kumar

...Complainant

Versus

The Director,
 Indian Statistical Institute,
 Bangalore

...Respondent

1. Gist of the Complaint:

1.1 Shri Kaushik Kumar Majumdar, a person with 84% LD filed a complaint dated 19.09.2022 regarding disabled friendly staff quarters at Indian Statistical Institute (ISI), Bengaluru.

1.2 The Complainant stated that after joining ISI in 2009, he was posted at Bengaluru despite requesting Kolkata or Delhi, and had to reside in the ground-floor guest house due to the absence of accessible staff quarters. He alleged that although the IDC in 2014 identified the lack of wheelchair-accessible accommodation and recommended construction of new accessible quarters, and funds were subsequently allocated based on WAC recommendations, the original site selection was altered and a new committee was constituted to explore modifications to existing quarters. He contended that the proposed alternative location near the student hostel was unsuitable due to noise and privacy concerns and requested implementation of the original recommendation. He further alleged that he was not consulted in decisions affecting accessible housing, highlighted campus accessibility barriers and lack of disability representation in infrastructure planning, and sought inclusion of persons with disabilities in relevant committees and reconsideration of decisions taken without his participation. He also raised concerns regarding limited canteen facilities and stated that his HRA, initially permitted while residing in the guest house, was stopped in 2012 following CAG

objections and later restored by the Institute's Director.

2. Notice issued to the Respondents:

2.1 A notice dated 14.12.2022 was issued by this Court under the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as "the RPWD Act"), directing the Respondent to furnish their comments on the complaint and place on record supporting documents and justifications, if any.

3. Reply Filed by the Respondents:

3.1 The Respondents filed their reply dated 03.02.2023 and submitted that the Complainant's HRA claim was questioned by audit authorities on the ground that he was residing in the ISI Bengaluru guest house. They stated that as per Government instructions, employees occupying government accommodation or similar facilities are entitled only to reimbursement of rent paid or admissible HRA, whichever is lower. However, considering the Complainant's 85% locomotor disability and the non-availability of accessible accommodation, he was allowed to stay in the guest house since 2009 while receiving HRA. The Institute acknowledged his special circumstances, stated that it had identified a site for construction of a disabled-friendly quarter, allocated funds, and assured that accessible accommodation would be provided upon completion.

3.2 The Respondents further stated that the initial proposal for modification of existing quarters was found unsuitable for wheelchair accessibility by the relevant committees. Although a site near the C-type quarters was initially selected, objections regarding tree removal and environmental concerns led to reconsideration. A subsequent committee recommended construction of a new accessible quarter at an alternative location, citing benefits such as preservation of trees, shorter wheelchair travel distance, better infrastructure facilities, and larger living space. The Institute assured compliance with CPWD accessibility norms and informed that an Equal Opportunity Policy Committee, headed by the Complainant, and a Grievance Redressal Officer (GRO) had been constituted under the Rights of Persons with Disabilities Act, 2016.

4. Rejoinder filed by the Complainant:

4.1 The Complainant vide email dated 22.03.2023 stated that despite his significant contributions to ISI Bengaluru, including securing research funding and establishing collaborations, the Institute failed to provide reasonable accommodation for his 85% locomotor disability. He contended that the guest

house accommodation provided since 2009 was not a substitute for a proper accessible family quarter and that the continued delay in constructing disabled-friendly housing violated disability rights obligations. He also questioned the discontinuation of HRA, stating that it was permitted due to the absence of suitable accessible accommodation.

4.2 The Complainant further alleged that the construction of accessible quarters was unnecessarily delayed and that decisions were taken without involving him as the affected disabled employee. He challenged the change in the originally recommended site, arguing that environmental concerns were selectively applied and that accessibility considerations beyond office proximity were ignored. He also questioned the lack of disability representation in committees, disputed the status of the Equal Opportunity Policy process, and reiterated his requests for implementation of the original site recommendation and inclusion of persons with disabilities in decision-making.

5. Hearing:

5.1 A hearing in hybrid mode was conducted on 15.03.2024 wherein the following parties/representatives were present:

S. No.	Name and designation of the Attendees	On behalf of	Mode of Attendance
1.	Prof. B. S. Daya Sagar - Centre Head, ISI Bangalore	Respondent	Online
2.	Ms Ashley - Deputy Chief Executive (Administration), Indian Statistical Institute, Bangalore	Respondent	Online

5.2 During the hearing, the Court noted that the Complainant was unable to attend the hearing due to hospitalization and sought the current status from the Respondents.

5.3 The Respondent submitted that the Complainant had been provided accessible accommodation since 2009 and that the Institute had invested approximately **₹3.1 crore** in accessibility measures. It stated that restoration of HRA was not permissible while availing government accommodation. The Respondent further informed that **₹1 crore** had been sanctioned for construction of a permanent accessible quarter, though the Complainant objected to its location. It also

submitted that the Complainant had not sought a transfer and continued to remain academically active despite health-related limitations. The Court sought clarification regarding the possibility of modifying an existing residential unit and the Complainant's work status and transfer options.

6. Observations and Recommendations:

6.1 It is observed from the documents submitted by the Complainant vide communication dated **02.05.2024** that the issues raised in the present complaint had already been challenged before the **Hon'ble High Court of Karnataka in Writ Petition No. 264 of 2024 (S-RES)** and have since been adjudicated. In view thereof, this Court considers it inappropriate to examine the same issues, as doing so may lead to parallel proceedings and conflicting findings. Accordingly, the Court refrains from expressing any opinion on the merits of the matter. The Complainant is at liberty to seek appropriate relief before the Hon'ble High Court or avail any other remedy available in law.

7. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities