



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. 13639/1024/2023

In the matter of-

Shri Pankaj Shrivastava

Email: pankajshrivastav77@gmail.com

...Complainant

Versus

(1) The Chief General Manager (Administration),
Vehicle Factory, Jabalpur

Email: srkrishnan@ord.gov.in

... Respondent No.1

(2) The Director General of Ordnance,
Directorate of Ordnance (C&S), Kolkata

Email: hr@avnl.co.in; perng@ord.gov.in

... Respondent No.2

Notice for Action Taken Report

Whereas a complaint dated 24.08.2022 was filed by Shri Pankaj Shrivastava, a person with 100% Blindness, regarding filling up vacancies in the post of Chageman/Tech & Non-Tech (Stores & OTS) through Limited Departmental Competitive Examination;

2. And whereas, this Court passed a recommendation Order dated 26.08.2025 (copy enclosed), whereby this Court inter alia made the following recommendations:

7. Recommendations

"7.1 Respondent No. 2 (Directorate of Ordnance) shall rectify its vacancy circular by including Blind category alongside LV for Chageman (Stores) in LDCE recruitment, in conformity with Section 20(3) of the RPwD Act, 2016 and Note 4 of the DEPwD Notification (04.01.2021).

7.2 Respondent No. 1 (Vehicle Factory Jabalpur) shall allow the

complainant to be considered for promotion through LDCE without discrimination.

7.3 The Respondents shall furnish an Action Taken Report (ATR) within three months from the date of receiving these Recommendations in accordance with Section 76 of the Act. Failure to furnish the ATR shall be a violation of the Act and also a punishable offence within the meaning of Section 93 of the Act. In such a situation, this Court may be constrained to take penal action as per Section 89 of the Act.

8. Obligations under the RPwD Act

8.1 Parties are reminded that under Section 76, they are bound to comply with these recommendations or furnish reasoned justifications for non-acceptance.

8.2 Non-compliance may invite action under Section 89 (penalty for contravention) and Section 93 (offences for false information, suppression of facts).

9. Conclusion

9.1 Accordingly, this case is disposed of.

Sd/
26.08.2025
(S. Govindaraj)

Commissioner for Persons with Disabilities"

3. And whereas, this Court is inclined to mention Section 76 of the Rights of Persons with Disabilities Act, 2016 [hereinafter as "the Act"], which mandates the appropriate authority that whenever the Chief Commissioner makes a recommendation, the authority shall take necessary action and inform the same to the Chief Commissioner within three months. Further, the same also provides that if the authority does not accept the Recommendation, such authority shall inform the reasons for the same.

4. And whereas, this Court is also inclined to mention that Recommendations made in the exercise of its functions laid down by this Court under Section 75 of the Act, and powers given to it under Section 77 of the Act are not mere empty formality. Recommendations are made by this Court after application of mind to the facts and documents submitted by the parties to the Complaint. Furthermore, this Court is also inclined to mention that the 'reason' for non-acceptance of the Recommendation must contain an explanation supported by proper evidence for non-acceptance. Mere one-line information about non-acceptance shall not be considered a 'reason' for non-acceptance.

5. And whereas, this Court seeks to bring the attention of the Respondent to Section 93 of the Act, according to which not furnishing any information or statement sought under the Act is a punishable offence.

6. And this Court takes serious note of the fact that no Action Taken Report

has been received from the Respondent so far.

7. And therefore, this Court has concluded that the Respondent has violated provisions of Sections 76 and 93 of the Act and has demonstrated utter disrespect to the Recommendations of this Court by not filing an 'action taken report' within the stipulated three months. This Court grants the final opportunity to the Respondent to file an 'action taken Report' under Section 76 of the Act within 10 days of receiving this Notice, failing which this Court shall presume that the Respondent has not taken any action and will be constrained to initiate action under Sections 89 and 93 of the Act.

(Ipsita Mitra)
Dy Chief Commissioner

Encl.: As above