



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. 13938/1021/2023

In the matter of —

Complainant(s):

Shri Ajeet Singh

Versus

Respondent(s):

CMD, Maha Nagar Telephone Nigam Limited
 (Corp. Office), New Delhi

1. Gist of Complaint:

1.1 Shri Ajeet Singh, a person with 60% LD (Post-Polio Residual Paralysis), filed a complaint on 24.02.2023 stating that he was recruited as a Sub Divisional Engineer (Group B) under the General category and subsequently acquired a disability in 2002. Although he informed the department about his disability in 2009 and formally requested a change in his service category from General to Persons with Disabilities (PwD) in 2019, no action was taken to update his records.

1.2 As a result, Shri Singh was denied the benefits and entitlements available to employees with disabilities, including reservation in promotions to Group A posts. He also referred to a representation he submitted to the Cadre Controlling Authority on 23.05.2022, wherein he cited the DoPT Office Memorandum No. 36012/1/2020-Estt.(Res.-II) dated 17.05.2022, which clearly provides for reservation in promotion for persons with disabilities in Group A and B posts.

2. Reply made by the Respondent

2.1 In response to the Notice issued by this Court on 27.03.2023 and 01.05.2023, the Respondent (MTNL) submitted an interim reply on 1st May 2023 requesting an additional month to provide comments. However, despite the lapse of considerable time, no reply was received. Accordingly, a hearing was fixed for 14th November 2023.

3. Hearing (I):

3.1 The Court on 14.11.2023 expressed strong disapproval over the delay in changing the Complainant's category from General to PwD, which took 4 years. The Court requested the names of the responsible officers by the end of the day and advised the Complainant to submit a fresh file movement report. It also directed that the Secretary of the Ministry of Telecommunications, GOI, be impleaded. Additionally, the Court recommended that the responsible officers to undergo 5 days of social service at the Amar Jyoti Charitable Trust in Delhi by 31st December 2023 to be sensitized about disability matters, with a report to be submitted afterwards.

4. Reply of the Respondent on the RoP dated 16.11.2023

4.1 The Respondents vide their letter dated 21.12.2023, responded confirming that the Complainant's PwD status had been updated in his service book record and an office order was issued in November 2023. He explained that promotions, including those under reservation, would be granted according to government guidelines and DoPT rules, while noting that restructuring within MTNL had delayed promotions for Shri Ajeet Singh's batchmates.

4.2 Additionally, the General Manager (HR and Admin) mentioned that two officers, Shri Arvind Kumar Prasad, Dy. Manager (Pers) and Ms. Pratibha Dinkar, Assistant Manager, Policy) had attended sensitization training on disability issues. He apologized for the delay, attributing it to the unique nature of the case and the absence of clear instructions from DoPT, and assured that corrective actions had been taken against the responsible officials.

5. Rejoinder submitted by the Complainant:

5.1 The Complainant vide letter dated 27.02.2024, reiterated his grievance, referencing the Department of Personnel and Training (DoPT) order dated 17.05.2022 and DOPT vide Memorandum No' 36012/1/2020-Estt (Res-II) dated 28.12.2023. He stated that he meets the eligibility and qualifying

servicerequirements and is therefore entitled to reservation in promotion, at least from 30-06-2016.

5.2 The Complainant expressed concern over the delayed promotions for PwBDs in Group A and B posts, alleging that the reservation roster and categorization of identified posts for PwBDs have not been properly maintained within MTNL, even after a previous hearing held on 14.11.2023.

5.3 He also claimed that his juniors had received promotions while he, as a PwBD candidate, had not. DOPT orders have been implemented in BSNL but not in MTNL yet, both being telecom PSU's under same department DOT with same CMD and Board members. He also highlighted that regular promotions to the grade of Sr. Manager (Telecom) had been issued by the Respondents in 2011, 2013, 2016, and 2018, contradicting earlier claims by MTNL officers that no promotions had occurred for a long time.

6. Hearing (II):

6.1 The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 21.10.2024.

6.2 The Court inquired about the status of promotion for the Complainant, Ajeet Singh, under the reservation policy for persons with disabilities as per DoPT guidelines. The Respondents informed that Departmental Promotion Committees (DPCs) are being organized to implement the reservation from 30.06.2016, in accordance with DoPT Office Memoranda dated 17.05.2022 and 28.12.2023. Sh. Jayant Kumar, GM (HR), confirmed that the Complainant's case is part of the 2018 DPC Review involving 146 individuals. He attributed the delay to the 2018 Supreme Court ruling requiring a reset of seniority lists and re-evaluation of prior promotions. He assured the Court that the review is in progress and expected to conclude within two months.

6.3 The Court expressed concern that the Respondents repeated the same submission during the hearing as they had made in their earlier written statement dated 22.03.2024. The Court strongly criticized the prolonged delay over two years in implementing the government's policy on reservation in promotions for persons with disabilities. The Court cautioned that it may be compelled to initiate penal action if the Respondent establishment fails to complete the promotion process and submit an action taken report within one month from the date of receipt of this

record of proceedings.

7. Hearing (III):

7.1 A hearing in hybrid mode was conducted on 26.06.2025 and the following parties/representatives were present during the hearing:

Sl.No.	Name of the Parties/Representatives	For Complainant/Respondent	Mode of Attendance
1.	Mr. Ajeet Singh	Complainant	Online
2.	i. Mr.DevendraYadav, GM (HR) i. Ms.Ashma, DGM (HR) ii. Mr.Sanjeev,DM(HR)	For Respondent	Online

8. Record of Proceedings:

8.1 Court reviewed the Action Taken Reports dated 24.04.2025 and 28.04.2025 submitted by the Respondent, who reported initiating the process to implement reservation in promotion for persons with benchmark disabilities as per DoP&T OM's dated 17.05.2022 and 28.12.2023. The Respondent informed that the Review DPC for 2016 was held in August 2024, but its minutes remain pending approval due to an ongoing case before the NCSC. They also stated that the Review DPC for 2018 will be taken up after the NCSC matter is concluded and the 2016 DPC is approved, and that they will request the NCSC to close the case to expedite subsequent Review DPCs concerning the Complainant.

8.2 The Court inquired about the Reservation Roster, and the Respondent confirmed that a roster is being maintained and that six supernumerary posts have been created for promotion of PwDs through the Review DPC. After considering the submissions, the Court found the Respondent's request to await the NCSC outcome reasonable but directed them to provide an update on the case status within one month.

9. Responses in furtherance of ROP:

9.1 The Respondents filed their reply dated 18.09.2025 and stated that its long-standing severe financial crisis has resulted in the freezing or withdrawal of employee perks, stalled promotions, and even delays in salary payments. MTNL continues to function under extreme financial distress, operating through escrow

accounts under the Joint Lenders' Mechanism, with bank accounts frozen and heavy liabilities affecting even basic operations. Consequently, all HR-related activities involving financial implications—including promotions, restructuring, recruitment, and NFU—remain temporarily frozen. Regarding the pending matter before the Hon'ble NCSC, MTNL informed that, as directed, a proposal has been initiated to take up the issue with the Department of Legal Affairs and DoPT through the Department of Telecommunications. Clarifications have also been sought from BSNL, and the case file is being processed for further submission to DoT. MTNL stated that an interim reply will be shared with NCSC in due course.

9.2 The Complainant via email dated 24.10.2025 informed the Court that despite the Court's direction during hearing on 26.06.2025 to provide the status of the NCSC case within one month, MTNL has remained unresponsive for over four months, leaving his case for reservation in promotion on hold. He expressed concern that the department's inaction violates the Hon'ble Supreme Court's directions and the RPwD Act, 2016, causing financial loss and mental harassment. He questioned how Ms.PunamLata was promoted despite her NCSC case, suggesting the department may be using it as an excuse to delay his promotion. Highlighting that more than three years have passed since his initial representation, he urged the CCPD to verify the existence of the NCSC case, assess promotion of PwBD employees in Group A and B posts, ensure a time-bound resolution of his case, and take action against the department if deliberate delay is found.

10. Hearing (IV):

10.1 A hearing in hybrid mode was conducted on 11.12.2025, wherein the following parties/representatives were present:

S. No.	Name and Designation of the Attendees	On Behalf of	Mode of Attendance
1.	Shri Ajeet Singh	Complainant	Online
2.	Shri Devendra – General Manager (GM), MTNL Corporate Office.	Respondent	Online

10.2 The Complainant submitted that his grievance concerns the non-implementation of reservation in promotion under the Persons with Disabilities (PwD) quota, despite his eligibility, and that the matter has remained pending for about four years in relation to vacancies of 2016. He also contended that financial

upgradations and other service benefits have continued to be extended and, therefore, MTNL's financial constraints should not be a ground for denying or delaying his rightful promotion. MTNL, however, stated that although the Complainant is eligible for consideration under the PwD quota, his promotion depends upon approval of the Review DPC minutes for the 2016 vacancies. The approval is pending due to a related complaint before the National Commission for Scheduled Castes (NCSC) concerning revision of seniority and its impact on the Review DPC proceedings. MTNL also cited financial constraints and restrictions on expenditure-related HR activities, while denying any discriminatory intent.

10.3 The Court took note that the matter is an old one and has been considered on several occasions, and clarified that MTNL's financial difficulties cannot affect an employee's legitimate entitlements. The Court further questioned the direct legal connection between the Complainant's promotion and the pending NCSC proceedings and sought clarification as to how the latter prevented approval of the Review DPC minutes. Since MTNL relied upon documents and recommendations arising from the NCSC matter, it was directed/ recommended to submit all relevant supporting documents within seven days.

11. Observations and Recommendations:

11.1 The Court notes that the Complainant has been recognized as a PwD employee and that, despite repeated proceedings, his consideration for promotion under the applicable PwD reservation provisions has remained pending for several years. The Review DPC for the 2016 vacancies was held in August 2024; however, its minutes are yet to be approved.

11.2 The Respondent has cited its financial difficulties and the pendency of a matter before the NCSC as reasons for the delay. The Court observes that financial constraints, by themselves, cannot justify indefinite delay in consideration of legitimate service claims. Further, the Respondent has not adequately established the legal nexus between the pending NCSC matter and approval of the Review DPC minutes.

11.3 Accordingly, MTNL is recommended to furnish, within seven days, all relevant documents, orders, correspondence and recommendations relating to the NCSC proceedings and the Review DPC for 2016, along with a clear explanation of the legal basis on which the pending NCSC matter is stated to be preventing approval of the DPC minutes.

11.4 MTNL is further advised to take necessary steps, in consultation with DoT/DoPT and other concerned authorities, to finalize the Review DPC proceedings and consider the Complainant's case for promotion under the applicable PwD reservation provisions, subject to fulfillment of the prescribed eligibility conditions, within a definite and time-bound schedule. Financial constraints shall not, by themselves, be permitted to indefinitely delay such consideration. An Action Taken Report shall be submitted to the Court within 90 days.

12. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 10-09-2026
12:28:20

(S. Govindaraj)
Commissioner for Persons with Disabilities