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**
5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) **20892364**
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Case No: CCPD/14305/1023/2023

In the matter of

Complainant

Shri Kamal Kishor Shondilya

Vs.

Respondent(s)

The Chairman & Managing Director, Food Corporation of India

1. Gist of the Complaint

1.1 The Complainant, Shri Kamal Kishor Shondilya, an Assistant General Manager (AGM) at the Food Corporation of India (FCI) and a person with multiple disabilities, including Hemophilia B and an orthopedic handicap, submitted a grievance dated 12.07.2023 alleging that he was subjected to an unlawful and inhumane premature retirement order under Regulation 22(2) of the FCI (Staff) Regulations, 1971, effective 31.05.2023. He contended that his career was ruined nearly 10 years before his actual retirement date of 31.05.2033 despite maintaining good APAR ratings and unquestionable integrity throughout his 18-year tenure. The Complainant contested that the management ignored his repeated requests for a convenient posting based on his health and proceeded with his termination despite a CBI Court order dated 15.05.2023 which accepted a closure report and gave him a "clean chit" regarding past allegations. Highlighting his status as the sole earning member of his family and the extreme physical and mental pressure caused by this sudden unemployment, he sought the immediate intervention of this Court to direct the withdrawal of the retirement order.

2. Issue of Notice

2.1 The matter was taken up with the Respondent vide notice dated 26.07.2023 stating provisions u/s 3, 21, 23, and 75 of the Rights of Persons with Disabilities Act, 2016.

3. Respondent's Reply to the Notice

3.1 The Respondent (FCI), through its written submission dated 01.09.2023, maintained that the premature retirement of the Complainant under Regulation 22(2) of the FCI (Staff) Regulations, 1971, was a standard administrative exercise conducted in accordance with the instructions of the Government of India and DoPT. The Respondent clarified that the review process considers the officer's entire service profile, including Vigilance/Administrative records, APAR grading, and work conduct. It was submitted that while the Complainant is a Person with Benchmark Disability (PwBD), he had been treated as such since his inception into service and had not reported a single instance of discrimination on account of his disability during his 18-year tenure. The Respondents argued that the decision for premature retirement was based on broad criteria, noting that the officer himself admitted to being issued multiple chargesheets where penalties amounting to lakhs of rupees were imposed for repeated offenses.

3.2. Regarding the Complainant's transfer requests to the Madhya Pradesh, the Respondent stated these could not be accepted due to non-completion of tenure as per the prevailing transfer policy. The Respondent concluded that as no provisions of the Rights of Persons with Disabilities Act, 2016, were violated, the complaint should be dropped.

4. Rejoinder

4.1 In his rejoinder dated 16.09.2023, the Complainant rejected the Respondent's justifications, asserting that the FCI's reply was an "eye wash" designed to conceal factual records and bypass the gravity of his grievance. He contested the claim that he never faced discrimination, citing 2011 court cases (W.P. No. 1749/2011 and 4272/2011) where the management allegedly flouted High Court orders regarding his transfer. The Complainant clarified that his 18-year tenure was marked by frequent, non-requested transfers to remote locations, some lasting less than a year, while his health-based requests for an Madhya Pradesh region posting were denied under the pretext of tenure guidelines. He further alleged that FCI Regulation u/s 22(2) is being used arbitrarily for "arm twisting" without transparent parameters, especially since a CBI Court had already granted him a "clean chit" on 15.05.2023. Reiterating that the loss of livelihood has caused fatal mental and physical pressure, he requested the Court to direct the FCI to disclose the specific review committee findings and withdraw the "inhuman and unlawful" retirement

order.

5. Status Update on Grievance Redressal:

5 . 1 Following the submission of the Complainant's rejoinder, the Complainant submitted a formal request for withdrawal vide Letter dated 05.10.2023 as he wishes to take another legal recourse.

6. Observations & Recommendations

6 . 1 Upon reviewing the facts of the case and the available records, it is noted that the Complainant has formally expressed his intent to withdraw the grievance to pursue legal remedies elsewhere. After considering the submissions from both parties, especially the Complainant’s communication dated 05.10.2023, the Court has determined that no further intervention is necessary at this stage.

7. Accordingly, the case is disposed of.

8. This is issued with the approval of the Commissioner for Persons with Disabilities.

(Vikas Trivedi)

Dy. Chief Commissioner