न्यायालय मुख्य आयुक्त
COURT OF 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 and Empowerment
भारत सरकार/ Government of India

Case No. CCPD/16638/1021/26 **Dated:** 21/09/2026

Notice u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016

Case No: CCPD/16638/1021/26

In the Matter of

Complainant

Shri Vinod

Versus

Respondent(s)

The Commissioner, Kendriya Vidyalaya Sangathan

Sub: Notice to file comments in complaint dated 27.04.2026 of Shri Vinod Dubey, a person with 50% locomotor disability, regarding regarding denial of reservation in promotion

Madam /Sir,

I am directed to enclose a copy of documents related to the complaint dated **27.04.2026** of **Shri Vinod Dubey**, a person with **50% locomotor disability**, on the above-mentioned subject, which is self-explanatory.

2. And whereas, a preliminary hearing was conducted, in Diary No: DNO/26/CCPD/6311, on 18.08.2026 wherein the following parties/representatives were present:

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Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Vinod Kumar	Complainant
2.	Shri Abhishek Sharma, Assistant Commissioner	Respondent

2.1 And whereas, the Complainant, Shri Vinod Dubey, submitted that he joined Kendriya Vidyalaya Sangathan (KVS) as a Librarian on 05.11.1988 and was granted Senior Scale with effect from 05.11.2000. He stated that, having completed the requisite period of service in the Senior Scale and the mandatory in-service training, he became eligible for grant of the Selection Scale with effect from 05.11.2012 under the applicable KVS guidelines. However, the Selection Scale was granted to him only with effect from 01.01.2019, resulting in a delay of approximately seven years. He alleged that the delay had caused him financial loss and mental hardship and requested grant of the Selection Scale from the due date along with consequential benefits. The Respondent submitted that, under the applicable guidelines, the Selection Scale was subject to certain conditions, including a 20% ceiling among employees in the Senior Scale, and that the Complainant's name figured in the zone of consideration only in 2019, pursuant to which the benefit was granted from that year. The Respondent further clarified that the matter concerned financial upgradation under the applicable scheme for teaching/non-teaching staff and was not a promotion in the conventional sense.

2.2 And whereas, upon hearing the submissions, the Hon'ble Commissioner observed that, notwithstanding the Respondent's contention that the Selection Scale was a financial upgradation governed by departmental guidelines, it was necessary to examine whether the statutory entitlement of employees with disabilities to reservation in promotion under the Rights of Persons with Disabilities Act, 2016 had been duly considered while determining the Complainant's entitlement. The Court observed that departmental rules or guidelines could not supersede statutory rights and directed the Respondent to specifically examine whether the applicable reservation provisions had any bearing on the Complainant's case and, if not, to provide a cogent justification for the same. The Respondent was

further directed to examine the relevant promotion/reservation rosters and the manner in which employees with disabilities had been treated in the concerned establishment.

2.3 And whereas, the Hon'ble Commissioner accordingly directed the Respondent to submit a detailed written response **within 30 days**, along with the applicable rules/guidelines, relevant promotion and reservation rosters, details of the Complainant's consideration for Selection Scale from 05.11.2012 onwards, and a specific justification explaining how the 20% ceiling and other conditions relied upon by the Respondent operate vis-à-vis the statutory entitlement of persons with disabilities. The Court observed that the aforesaid records and justification would be examined before issuing appropriate final directions in the matter.

3. Whereas Section 3 of the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as “the Act” provides as under:

> *“3. (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.*
>
> *(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.*
>
> *(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.*
>
> *(4) No person shall be deprived of his or her personal liberty only on the ground of disability.*
>
> *(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.”*

4. And whereas Section 21 of the Act, mandates that every establishment shall notify Equal Opportunity Policy and shall register a copy of the same with the Chief Commissioner.

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5. And whereas Section 23 of the Act makes it mandatory for every government establishment to appoint a Grievance Redressal Officer and to inform the Chief Commissioner about such appointment.

6. And whereas Section 75(1) (a) and (b) of the Act mandates the Chief Commissioner for Persons with Disabilities to identify, suo motu or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps and to look into complaints inter-alia, concerning matters relating to deprivation of rights of persons with disabilities either on his own motion or on the application of any aggrieved person and recommend necessary corrective steps.

7. And therefore, you are hereby advised to forward your comments on the Complaint on an **affidavit** signed by an officer of an appropriate seniority not below the level of Group 'A' officer and to produce all the requisite documents upon which you base your Comments or Claim and where you rely on any other document as evidence in support of your comments or claim, you shall enter such documents in a list to be annexed to the Comments on Complaint along with action taken in compliance with statutory provisions as mentioned at paras 3 & 4 above, to this Court within **30 days** from the date of issue of this communication, failing which, the Complaint may be disposed of exparte. **While responding to this notice, due care may be taken of relevant provisions of the Act, other statutory provisions, and government instructions, such as the ones mentioned above, including but not limited to Section 20 of the Act and Department of Expenditure OM No. 21/1/2018-E.II (B) dated 15.09.2022 read with OM No. 21/1/2018-E.II (B) dated 29.07.2025.**

8. A copy of your reply should also be served to the Complainant **via email and by post and the proof of service be submitted to this Court along with your Reply**. You may also provide additional inputs, relevant to the case, if desired. However, it is to be informed that in case any statutory provision, any judgment of a High Court or the Supreme Court, rules formulated under any statute, Office Memorandum, or bye-law is relied upon, you shall attach a copy of the same along with your comments on the Complaint. The Complainant may file his rejoinder, if any, to this Court within 15 days with a copy to the Respondent(s).

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Yours faithfully,



(VIKAS TRIVEDI)
Dy. Chief Commissioner

Copy to:

1) **VInod**
533,rukmani vihar 533,rukmani viharchatthe mill,sitapur road
LUCKNOW, UTTAR PRADESH, 226201
vinoddubey1988@gmail.com
9559038128

Enc. Copies:

1) Disability Certificate
2) Case Document - 1