



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.: 2254/1022/2014

Dated: 12-04.2017
Dispatch No.....

In the matter of :

Smt. R. Indra, ^{R383}
2377-A, NICM Staff Quarters,
Shanthy Colony ,
Annanagar,
Chennai - 600 040

.....Complainant

Versus

^{R384}
National Council of Co-operative Training,
(Through Chairman)
No.3, Siri Fort Institutional Area,
August Kranti Marg,
Hauz Khas,
New Delhi - 110 016

.....Respondent

Date of Hearing : 27.03.2017

Present :

1. Complainant - Absent
2. Respondent - Absent

ORDER

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Smt. R. Indra filed a complaint dated 06.06.2014 through Portal for Public Grievances in the Court of the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as Act regarding transfer of her husband, Shri M. Parameswaran, a person with 56% locomotor disability from New Delhi to Chennai.

2. The complainant submitted that her husband Shri M. Parameswaran is presently working as a Deputy Director in National Council for Cooperative Training, New Delhi. His left leg is affected since Childhood. He was transferred from Chennai to New Delhi during the month of January 2013. Her husband gave many representations to his establishment requesting them to retain him at Chennai. The complainant's husband was not retained at Chennai and, therefore, he joined at their New Delhi office during March 2013. The complainant submitted that as she has been working in an establishment under Tamil Nadu Government, she is unable to get transfer and join her husband at New Delhi.

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3. The matter was taken up with the Chairman, National Council of Co-operative Training vide this Court's letter dated 19.12.2014.

4. The Deputy Director (Pers.) vide letter dated 1-4/12/95-Pers dated 27.01.2015 has informed that they have issued transfer policy vide Notification dated 01.01.2015 to the all Training Units of NCCT. The transfer case of complainant's husband will be placed before the Placement Committee for Transfer of Officers and Staffs of NCCT and its Training Units as and when its meeting is convened. The Deputy Director (Pers.), NCCT further vide letter no. 1-4/12/95-Pers dated 19.02.2015 has submitted the reply inter alia submitting that the issues raised by the complainant does not fall within the purview of the Persons with Disabilities, Act, 1995 and hence no interference is required in the present case as the NCCT is dealing with their employees as per their rules and policies. It was mentioned on the complainant's husband's appointment letter that the services of the said employee is transferable to any training unit under the NCCT. The complainant's husband has been accommodated at Chennai for more than 15 years and was transferred to NCCT, Head Quarter, New Delhi as per the requirement.

5. A copy of the respondent's reply dated 27.01.2015 and 19.02.2015 were sent to the complainant vide this court's letter dated 03.03.2015 for her comments.

6. The complainant vide her rejoinder dated 04.06.2015 inter alia submitted that in the light of NCCT's letter dated 27.01.2015, she was hoping that a favourable decision would be taken in the Placement Committee meeting keeping in view the various guidelines governing the transfer of employees with disabilities quoted by this Court. She also submitted that the reply dated 19.02.2015 is a formal reply statement in which NCCT has not made any specific mention about the observance of the guidelines governing the transfer of employees with disabilities.

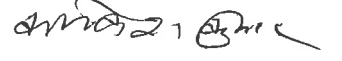
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7. After considering the versions of both the parties, the case was listed for hearing on 27.03.2017.

8. During the hearing none appeared on behalf of the Complainant and Respondent nor any intimation has been received about their inability to attend the hearing despite the fact that the Notice of Hearing was sent on 15.03.2017 by Speed Post.

...3/-

9. In the light of Rule 42(4) of the Persons with Disabilities Rules, 1996, the complaint is dismissed in default as devoid of merits.
10. The case accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
For Persons with Disabilities