



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.: 255/1021/12-13

Dated: 08.05.2017  
Dispatch No.....

In the matter of :

Shri Chidambar D. Patil, R895  
SDA,  
NCC Group Headquarters,  
Vinoba Road,  
Mysore – 570 005

.....Complainant

Versus

National Cadet Corps,  
(Through Director General)  
Headquarters DGNCC, R896  
West Block – IV,  
Sector – 1, R.K. Puram,  
New Delhi – 110 066

.....Respondent

Date of Hearing : 23.02.2017 and 13.04.2017

23.02.2017

Present :

1. Complainant - Absent
2. Shri V.L. Renga Hriller, Director (Pers) – On behalf of Respondent

13.04.2017

Present :

1. Shri Chidambar D. Patil, Complainant – Present
2. Respondent - Absent

ORDER

KK  
Shri Chidambar D. Patil, a person with 45% visual impairment filed a complaint dated 23.02.2012 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 promotion.

2. The complainant submitted that he is facing problem as he had been made to work for an un-identified post for persons with disabilities. He is a good worker and was awarded the Chief Minister's Commendation Card and Directorate General NCC Commendation Cards for the year 2004 for high order of service. He further submitted that he was not considered for promotion from SDA to FDA since 2004 where as his juniors were considered for promotion to the post of FDA inspite of his representation to his office vide letter dated 23.02.2012. The complainant also enclosed the copy of letter dated 06.09.2004 vide which the Administrative Officer, NCC Directorate, Govt. of Karnataka has informed the Commander NCC Group HQs, Mysore that there is no reservation for persons with disabilities in promotion quota as a special category.

....2/-

3. The matter was taken up with the Director General, National Cadet Corps vide this Court's letter dated 24.07.2012.

4. The complainant vide his letter dated 03.08.2012 has submitted that time and again, despite several requests, he is only receiving written reply that there is no reservations of person with disabilities in Group C posts in NCC Department and is only available in recruitment. The complainant vide his letter dated 29.10.2012 has submitted that he has completed 15 years of continuous serice in the same post Second Division Asst in NCC and he is not being considered for promotions for FDA despite his several requests. The complainant further vide his letter dated Nov 2012 has requested this Court to approach DDG (HOD) to consider his promotion from SDA to PDA at the earliest as some of his juniors were promoted as FDA's and some of them from FDA to Supdt cadre.

5. As no reply has been received from the Respondent and after considering complainant's letters dated 03.08.2012, 29.10.2012 and Nov.2012, a hearing has been scheduled on 23.02.2017 at 12.00 Hrs.

6. The complainant vide his letter dated 23.01.2017 requested this court to spare him from attending the hearing due to his domestic commitments and official commitments. The complainant submitted in his letter that his date of appointment as SDA was 19.09.1997. He has put in 19 years and 05 months and will be completing 20 years of his service on 19.09.2017. He was promoted from SDA to FDA on regular seniority promotion w.e.f. 20.09.2013 vide NCC Directorate's letter dated 19.09.2013. No out of turn promotion has been accorded. He submitted that his request for reservation in promotion in Group 'C' post remained unattended. He further referred to the letter no. ED 27, Rayuese 2010 dated 19.06.2012 of the Secretary, Government of Karnataka vide which he was intimated that there is no such reservation in promotion in SDA to FDA and promotion will be accorded in the seniority based. He requested that he may be given further promotion to the Post of Supdt being a Group C post.

7. The hearing scheduled for 23.02.2017 was rescheduled to 13.04.2017 on the written request of the Complainant as made vide letter dated 23.01.2017.

8. During the hearing on 13.04.2017 the Complainant reiterated his earlier submission that he may be given further promotion to the Post of Supdt being a Group 'C' post. He further submitted a letter dated 13.04.2016 submitting that at present the promotions in Karnataka Government State officials have been stopped for re-validation of seniority by the Hon'ble Supreme Court in its Order

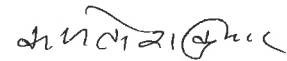
...3/-

dated 09.02.2017. Till further six months all the promotions process have been stopped in all cadres. He requested this Court to keep his case in abeyance/pending till the process of re-validation of seniority is completed. He further requested this Court to transfer his case to the State Commissioner for Persons with Disabilities, Government of Karnataka as the same will help him in attending the Court case.

9. No representative of the Respondent was present during the hearing. However, the Dy. Dir Pers (C), Directorate General NCC, New Delhi vide her letter no. 11574/HQ NCC/Pers(C) dated 10.03.2017 has submitted that Shri V.L. Renga Hriller, Director (Pers) represented them on 23.02.201. The Respondent submitted that the Complainant was appointed in NCC Department, Mysore, Karnataka by the State Government of Karnataka and being a State Govt. employee, he is governed by the rules and regulations of the State Government of Karnataka. He further submitted that as regards promotion, the Govt. of Karnataka vide their letter No. ED 27 RaYuSe dated 19.06.2012 has clarified that the reservation is applicable only in recruitment for physically handicapped persons and there is no provision in rules for reservation in promotion. The stated further that that the complainant had been promoted as First Division Assistant (FDA) on 20.09.2013.

10. After hearing the Complaint and going through the Respondent's letter dated 10.03.2017 referred above the Court is of the view that as the case pertains to the Government of Karnataka, the Complaint (complete records) be forwarded to the Commissioner for Persons with Disabilities, Government of Karnataka for taking up the matter with the NCC Directorate, Govt. of Karnataka.

11. The case is accordingly disposed off.



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