



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.: 2869/1024/2014) R518

Dated: 19.04.2017

Dispatch No.....

In the matter of :

Shri Bihari Naik,
General Secretary,
The Orissa Association for the Blind,
Malgodown Road,
Unit-III,
Bhubaneswar,
Orissa - 751 001

..... Complainant

Versus

Prasar Bharati,
(Through the Directorate General)
Broadcasting Corporation of India,
All India Radio
Akashvani Bhavan,
Sansad Marg,
New Delhi - 110001

..... Respondent

Date of Hearing : 27.03.2017

Present :

1. Shri Bibhu Prasad Acharya, Advocate - On behalf of the Complainant.
2. Dr. Kamlesh Kumar, Deputy Director, Shri Sanjay Kumar S.O. and Ms. Priyal Garg, ASO - On behalf of Respondent.

ORDER

Shri Bihari Naik, General Secretary, The Orissa Association for the Blind filed a complaint dated 24.09.2014 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 extension of service of Shri Sukadev Swain working as Instrumentalist at Prasar Bharati, Cuttak, Odisha.

2. The complainant submitted that Prasar Bharati, Cuttak, Odisha is not forwarding the application of Shri Sukadev Swain, Instrumentalist for extension of his service. Although in a similar case, the service of One Shri Rakhai Mohanty, Music Composer A, Cuttak was extended upto 62 years and two extended contract period from 26.06.1993 to 25.06.1993.

3. The matter was taken up under Section 59 of the Persons with Disabilities Act, 1995, with the Director General, Prasar Bharati vide this Court's letter dated 23.04.2015 followed by reminders dated 12.11.2015 and 07.12.2015.

4. Shri Sukadev Swain vide his letter dated 05.10.2016 submitted that no action has been taken by the respondent even though the Ministry of Information and Broadcasting, New Delhi fixed time for the disposal petition within two months instead of that the local authority Dr. Sudha Mishra abused him in filthy language and also ridiculed regarding his disabilities, i.e blindness. He reiterated that one Shri Rakhhal Mohanty working as Music Composer, AIR, Cuttack was extended his service upto 62 years. He further submitted that his establishment did not recommend his name intentionally although they admitted that AIR follows the All India Radio Manual and the authority had also given appointment after retirement/superannuation followed AIR Manual and contractual policy dated 02.10.2012.

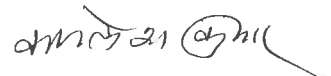
5. As no reply has been received from the respondent, a personal hearing was scheduled on 27.03.2017 vide Notice of Hearing dated 15.03.2017.

6. During the hearing the representative on behalf of the complainant vide his written submissions submitted reiterated that the authority did not recommend the name of Shri Sukadev Swain intentionally although they admitted that AIR follows the All India Radio Manual and the authority had also given appointment after retirement/superannuation followed AIR Manual and contractual policy dated 03.10.2012 but for instant case they followed F.R. 56(d) of Government of India that only services of specialists in medical science and scientists can get extension of their services. He further submitted that the authority had given extension on contractual basis appointment from time to time finally on 29.06.2015 to employees without specialist medical and scientific fields.

7. The respondent referring to DoP&T's O.M. No. 26012/6/2002-Estt.(A) dated 09.12.2002 stated that the grant of extension /re-employment to Central Government employees beyond the age of superannuation are laid down in DoP&T. O.M. No.26011/1/77-Estt.(B) dated 18.05.1977. After May, 1998 and when the age of retirement of the Central Government employees increased from 58 to 60 years, some of the instructions contained in the O.M. dated 18.05.1977 referred to above have lost their relevance. Accordingly, it has been decided to revise the instructions relating to extension/re-employment to Central Government employees. The F.R. 56(d) states that no Government servant shall be granted extension of service beyond the age of 60 years. However, provisions exist in the rules to grant extension of service to certain category of Government servants only.

8. Upon hearing both the parties and considering the papers on record, this Court observed that the Persons with Disabilities Act has no mandate for change of policies. There is no violation of Persons with Disabilities Act, 1995.

9. The case is disposed off without any directions.



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