



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.3437/1011/2015

Dated: 16.11.2016

In the matter of:

Dr. Nitesh Kumar Tripathi, <sup>D505</sup>  
H. No. 08, A-1 Block,  
Bengali Colony, Sant Nagar,  
Burari, Delhi-110084.

..... Complainant

Versus

General Insurance Corporation of India, <sup>D506</sup>  
Through Dy. General Manager HR),  
'SURAKSHA', 170, J. Tata Road,  
Churchgate, Mumbai-400020.

..... Respondent

Date of Hearing : 07.09.2016

Present :

1. Complainant absent.

2. S/Shri S. Ramakrishnan, Chief Manager (HR) and Arpan Sharma, Assistant Manager (HR-Legal), on behalf of the respondent.

**O R D E R**

The above named complainant, a person with 65% locomotor disability filed a e-mail complaint dated 25.12.2014 before 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 the 'Act' regarding non-implementation of provisions of Persons with Disabilities Act by GIC-Delhi/Mumbai in recruitment of Doctors and other job posts.

2. The complainant submitted that respondent has published an advertisement for various posts and the advertisement is not showing exact number of posts reserved for PwD. He has requested to direct the respondent to submit 100 point reservation roster, to provide full exemption from the payment of application fee, 10 years age relaxation, extra time during examination, travel expenses to attend interview along with an escort, disabled friendly environment during the interview and also to conduct the Special Recruitment Drive for filling up the backlog vacancies for persons with disabilities.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 27.04.2015 followed by reminder dated 29.06.2015.

4. Assistant General Manager, GIC vide letter dated 05.08.2015 inter-alia has submitted that in the recent recruitment of Scale I officers, 3% reservation for PwDs have been maintained by GIC in terms of the guidelines of the Ministry of Social Justice Empowerment. As and when the recruitment takes place, GIC exempts the examination fees for the candidates belonging to PwDs as per the

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norms and also age relaxation, extra time during examination, travel expenses to attend interview as per the norms to the PwDs is also given.

5. The complainant vide e-mail dated 01.11.2015 has submitted that he is not satisfied with the reply of the respondent and he has requested to schedule a hearing in the matter.

6. In response to the reply dated 05.08.2015, the respondent vide letter dated 23.11.2015 was advised to inform the present position in the matter to this Court by 10.12.2015 to enable to take a final view in the matter followed by reminder dated 29.02.2016.

7. Despite reminder dated 29.02.2016, no reply was received from the respondent, therefore, a hearing was scheduled in the matter on 07.09.2016.

8. On 07.09.2016, none appeared on behalf of the complainant nor any intimation received about his inability to attend the hearing despite the fact that the Notice of Hearing was sent on 28.07.2016 by Speed Post. This Court noted with serious concern, the utter disregard shown by the complainant by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

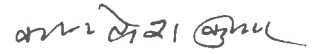
9. The representatives appearing on behalf of the respondent submitted a copy of the para-wise reply of the complaint during the hearing which was taken on record. Among other things, they submitted that GIC is maintaining 100% reservation roster since 1996 and they are also following the pre recruitment training provision for PwD candidates and the respondent Corporation has also been providing relaxation to PwD candidates in their overall final marks obtained for final appointment. They further submitted that as per the 100 point reservation roster maintained for PwDs, they have also conducted Special Recruitment Drive in year 2016 to fill up the backlog vacancies in PwD category. They have further enclosed the copy of the recruitment advertisement alongwith the copy of the names of selected candidates. The Corporation has further submitted that though they are not providing 3% reservation to PwD candidates in the accommodation but if any application is received from last candidate for allotment in Corporation's own accommodation, then such candidate is given preference in the allotment subject to availability of accommodation. They further submitted that they have been providing disabled friendly examination centre to PwD candidates.

10. After hearing the representative of the respondent and after going through the record placed on file, the case is disposed off with the following directions to the respondent:-

- (i) Prepare the Reservation Roster w.e.f. 01.01.1996 as per DoP&T's instructions.
- (ii) Compute the backlog of vacancies and fill the vacancies by conducting Special Recruitment Drive in a time framed manner.
- (iii) Advertisement should be made as per para 25 of DoP&T's O.M. No. 36035/3/2004-Estt. (Res) dated 29.12.2005 and subsequent O.Ms issued by DoP&T from time to time in this regard.

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- (iv) The names of selected candidates with details alongwith their nature of disability and percentage of disability may be intimated to this Court within 15 days of their joining.
  - (v) The whole exercise will be completed within 180 days from the date of receipt of this Order.
11. The compliance of the Order may be sent to this Court by 20.05.2017.



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