



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.: 3650/1024/2015

Dated: 11.08.2017

Dispatch No.....

In the matter of :

Shri Manoranjan Nayak, R 2868  
S/o Shri Panchanan Nayak,  
Post - Chasiput,  
Via-Banki,  
Distt. Cuttuck,  
Odisha - 754 008

.....Complainant

Versus

East Coast Railway,  
(Through the Chief Personnel Officer)  
Office of the Chief Personnel Officer,  
Bhubaneswar - 751023

.....Respondent

Date of Hearing : 11.05.2017

Present :

1. Complainant - Present
2. Shri Suresh Kumar Behera, DPO/KUR EC Rly, DRM Office and Shri Narayan Muanchia, Private Secretary to DPO/KUR/ EC Rly - On behalf of Respondent

ORDER

The complainant, claiming to be a person with disability has filed a complaint dated 28.01.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 hereinafter referred to as the Act, regarding undue harassment by the Railway Authorities.

2. The complainant submitted that he was appointed in the Power Group of the Elect (G), Deptt. under CPO/E.C.O./Rly/BBS vide orders dated 20.05.2005 under PH quota. The Power Group staff of Elect (G) Deptt has been declared as surplus and redeployed in Coaching Maintenance Services where train movements are involved, which may endanger his life. He submitted that he is a graduate and he may be given clerical work and designated as Junior Clerk so that he can discharge his duties efficiently without any mental stress.

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3. The matter was taken up with the respondent under Section 59 of the Persons with Disabilities Act, 1995, vide letter dated 07.05.2015 followed by reminder dated 23.10.2015;
4. As no reply was received from the respondent, a personal hearing in the matter was scheduled on 11.05.2017.
5. During the hearing the Complainant submitted that he has no grievance at present regarding harassment from his employer. He, however, submitted that he now wants promotion.
6. The representative of Respondent vide their written submission dated 09.05.2017 apprised this Court that the complainant was initially appointed as Apprentice Technician-III on 12.10.2005 against physically handicapped quota and regularized as Technician-III on 29.12.2008 and thereafter he was promoted to Technician-II on 21.02.2011. They further submitted that due to work study, 317 posts in Power Wing of Electrical (General) department were surrendered in three phases in year 2011 and 2012 for which 156 staffs were treated as surplus. In terms of their Office Order no. P/Elect(G)/92/12 dated 02.11.12, 156 surplus staff were issued orders of re-deployment in Air Conditioned and Train lighting wings of Electrical (General) Department. As the complainant was one of the surplus staff, he was posted in Air Condition Wing of Bhubaneswar Unit, but he had not carried out the above transfer. Being aggrieved with this re-deployment order dated 02.11.12, some staff including both surplus and regular cadre staff have filed court cases in Hon'ble Central Administrative Tribunal/Cuttack Bench for which 07 OAs were filed in Hon'ble Central Administrative Tribunal/Cuttack due to which the order for re-deployment of surplus staff could not be implemented. While the matter stood thus, Chief Personnel Officer/East Coast Railway/Bhubaneswar has issued guidelines vide letter no. ECoR/Pers/08/Elect/Misc/Matters/KUR/75 dt 06.08.14 regarding restoration of 317 posts in higher grades as well as surrender of 317 posts of Power wing of Electrical (General) Department in lower grades. In response to Chief Personnel Officer/Bhubaneswar's letter dated 06.08.16, a fresh surplus list of 125 staff including the applicant was prepared and

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were to be re-deployed. But due to pendency of court cases, the re-deployment could not be finalized. Subsequently 104 surplus staff including the complainant who were free from court cases were issued orders of utilization in two phases in which he was posted at Air Condition Wing at Bhubaneswar unit, but he has not carried out the transfer order. The Respondent submitted that in the mean time, the complainant applied for change of category from Technician to NTPC in any department, but his request for change of category along with similar request of other surplus staff was entertained at material date in view of pending court cases. While the matter stood thus, again the re-deployment process was reviewed at Headquarter level and as per fresh guidelines of Headquarter Office, fresh cadre list consisting 129 staff and surplus Staff list of 107 was prepared. As per the fresh list, the complainant has been placed in the cadre list, i.e. the staff who have been adjusted in power cadre itself. Therefore, the complainant is not in surplus staff any more. The complainant has been adjusted in cadre list as Technician-II. As and when vacancies arises in Tech-I category, he will be considered for promotion as Technician-I as per his seniority and suitability.

7. During the hearing the complainant submitted that his grievance relating to the harassment by his employer for which he filed the complaint in this Court has been resolved.

8. The case is accordingly disposed off.



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