



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.4034/1011/2015

Dated: 10.05.2016

In the matter of:

Shri N. Narayanan,
Flat No.C6/6, SAF Games Village,
Koyambedu, Chennai-600107.

Complainant

Versus

Securities and Exchange Board of India,
Through its Chairman,
Plot No. C 4-A, G Block, Near Bank of India,
Bandra Kurla Complex,
Bandra East, Mumbai-400051

Respondent

Date of Hearing : 28.04.2016

Present :

- 1.Complainant absent.
- 2.S/hsir B.N. Sahoo, GM, Briti S. Mandal, Manager, on behalf of the respondent.

ORDER

The above named complainant, a person with 80% locomotor disability filed a complaint dated 24.03.2015 before the Chief Commissioner for the 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 denial of the benefits of reservation and age relaxation to persons with disabilities.

2. The complainant has submitted that SEBI has advertised for the post of Grade 'A' – Information system (Technical Stream) and the last date for online application was 31.03.2015. They have neither provided reservation for physically challenged nor given the benefit of age relaxation to them.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 06.05.2015.

4. The respondent vide letter dated 09.06.2015, inter-alia, submitted that in the recruitment exercise of Officer Grade 'A' – Information System (Technical Stream), there are only four posts out of which 03 posts are for general category and one for OBC. No vacancies are reserved for candidates

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-2-

from persons with disabilities category, hence no reservation or age relaxation is given to persons with disabilities. However, in the online test, persons with disabilities, who were blind/low vision or affected by cerebral palsy with locomotor impairment and whose writing speed was affected were allowed to use scribes and a compensatory time of 20 minutes for every hour of the examination was granted. With regard to non-implementation of reservation policy for the physically challenged in the recruitment exercise (2010-11), they would like to bring to the notice that reservation policy was followed and required vacancies were reserved for Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Castes (OBCs) and Persons with Disabilities (PwDs) and relaxation were given w.r.t. age, qualification, cut-off marks etc. The total no. of posts advertised was 90 out of which 8 posts were reserved for persons with disabilities and 5 suitable candidates from the PwD category were selected. With regard to the details of posts filled since 01.01.1996 in Group 'A' & 'B', it is submitted that SEBI does not classify its employees into Groups 'A', 'B', 'C' and 'D'. The employees of the Board are classified as follows:-

- a) Officers (Grade A, B, C, D, E, F and Executive Directors).
- b) Secretarial Staff, Accounts Assistants and Library Assistants (Grades A,B,C);
- c) Junior Assistant, &
- d) Messenger, Cook, Driver, Messenger-cum-Driver, Messenger-cum-General Assistant.

Shortfall, if any, will be filled up by a Special Recruitment Drive for persons with disabilities in terms of Office Memorandum No. 36012/39/2014-Estt (Res) dated 22.05.2015 of Department of Personnel & Training (DoP&T), Ministry of Personnel, P.G. & Pensions which directs to complete the above Special Recruitment Drive by February 1, 2016.

5. A copy of the reply dated 09.06.2015 received from the respondent was forwarded to the complainant vide this Court's letter dated 07.07.2015 for his comments/rejoinder.

6. The complainant vide rejoinder dated 25.07.2015 has inter-alia submitted that in the SEBI recruitment exercise of Officer Grade A – Information System (Technical Stream) 2015, no age concession was given to PwD candidates. As per Government of India notification F.No.15012/1/2003-Estt.D dated 12.05.2015, which provides that "the age concession to the persons with disability shall

....3/-



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-3-

be admissible irrespective of the fact whether the post is reserved for persons with disabilities or not, provided the post is identified suitable for the relevant category of disability. Whereas SEBI in their above mentioned reply has stated that no vacancies are reserved for candidates from PwD category, hence no reservation or age relaxation is given to PwD candidates. This is in gross violation of the above mentioned Government of India notification. He also referred this Court's Case No.649/1011/11-12.

7. A copy of the complainant's rejoinder was forwarded to the respondent vide this Courts letter dated 27.10.2015 for their comments. The respondent vide letter dated 08.01.2016 has inter-alia submitted that though the benefit of age relaxation was not provided in the recruitment exercise of Officer Grade 'A' – Information System (Technical Stream) – 2015, however taking note of the subsequent Government of India's O.M., age relaxation will be provided to candidates belonging to PwD category in all future recruitment exercise irrespective of the fact whether the post is reserved or not for PwD. In the recruitment exercise of Officer Grade A – Information System (Technical Stream) – 2010, advertisement was issued for 8 posts out of which, 05 posts were reserved for General, 2 posts for SC, 01 post for ST and out of these, 1 post was for persons with disability (PwD) following horizontal reservation. 4 candidates belonging to the PwD category who were called for interview, could not reach the cut off marks in interview after applying relaxed standards as compared to General Standard i.e. could not score 60% of 25 marks i.e. 15 out of 25 (the cut off marks for General candidates being 16.25 out of 25 i.e. 65%) and out of the total 8 vacancies, only 7 candidates joined. The one backlog vacancy is to be filled up by a candidate belonging to PwD category in the next recruitment exercise. The process in respect of it has been initiated.

8. Upon considering the respondent letter dated 09.06.2015 and 08.01.2015 and complainant's letter dated 25.07.2015, a hearing was scheduled on 28.04.2016.

9. None appeared on behalf of the complainant. Nor any intimation was received about his inability to attend the hearing on 28.04.2016 despite the fact that the Notice of Hearing was sent on 08.03.2016 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 version of the case.

10. The representative of the respondent submitted that in the year 2010, they had vacancies of 8 posts of Officer Grade A – Information System (Technical Stream). Out of which, one post was

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OFFICE OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
सामाजिक न्याय और अधिकारिता मंत्रालय, भारत सरकार
Ministry of Social Justice and Empowerment, Govt. of India

-4-

reserved for person with disability on horizontal basis. However, since no candidate in PwD category was found suitable, they had issued appointment letters to 8 other candidates. 7 candidates joined against these 8 vacancies. One unfilled vacancy was kept as a backlog for PwD category. In the recruitment for the year 2016, the SEBI has initiated a Special Recruitment Drive for PwD category and this one backlog vacancy is included in the Special Recruitment Drive. The complainant Shri N. Narayanan had applied in the 2010 exercise. He could not qualify either in the written examination or in the interview, so he was not found suitable for the post. He also submitted that no candidate with the name Shri N. Narayanan appeared in the online examination for the SEBI Recruitment Exercise- IT Stream, 2015 held on April 26, 2015. His complaint against SEBI may kindly be disposed off. He further submitted that the present Special Recruitment drive for PwD is now strictly as per the Roster system. As regards age relaxation for PwD candidates, they are now extending the age relaxation to all the PwD candidates irrespective of any post reserved for PwD candidates as per O.Ms issued by the Department of Personnel & Training from time to time

11. After hearing the representative of the respondent and after going through the record placed on file, this Court observed that despite earlier directions of this Court given to respondent in Case No.2741/2003 on 08.09.2003 for preparation of 100 point reservation roster register, the respondent has not prepared the register. As the complainant has not applied for the post in question and even not present in the hearing, no specific direction can be given to the respondent in this case. The case is disposed off with the following directions to the respondent :-

- (i) Maintain 100 point reservation roster w.e.f. 01.01.1996 and calculate the backlog of vacancies for persons with disabilities;
- (ii) Conduct the Special Recruitment Drive in a time bound manner to fill the backlog vacancies;
- (iii) Submit a certificate of Liaison Officer certifying that the Reservation Roster has been prepared and maintained as per DoP&T's instructions.
- (iv) Give suitable relaxation in marks to persons with disabilities so that they can compete and be able to get selected.
- (v) Arrangements should be made for Sign Language Interpreter during interview of the persons with hearing impairment; and

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(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)



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- 5 -

(iv) the names of persons with disabilities appointed against reserved vacancies alongwith their percentage of the disability may be submitted to this Court within 15 days of their joining.

12. The Compliance Report in the matter be sent to this Court by 25.07.2016.

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

N.O.O.

Copy to :- Record File.