



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.: 4389/1021/2015

Dated: 09.08.2017  
Dispatch No.....

In the matter of :

Shri Dhanesh Upadhyay,  
Raj Vaibhav Society,  
Mahavir Nagar, R2569  
Himmat Nagar,  
Sabarkantha,  
Gujarat -  
Email <dhanesh22319@gmail.com>

.....Complainant

Versus

Oriental Insurance Company,  
(Through the Chairman-Cum-Managing Director)  
Oriental House,  
A-25/27, Asaf Ali Road, R2570  
New Delhi - 110 002

.....Respondent

Date of Hearing : 11.05.2017

Present :

1. Complainant - Absent
2. Respondent - Shri Arvind Saxena, Chief Manager and Shri Avinash Gupta, Assistant Manager - On behalf of Respondent

ORDER

The above named complainant, a person with disability, had filed a complaint dated 14.05.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as the Act), against the non-implementation of Recruitment and Promotion Policy by the Oriental Insurance Company.

2. The complainant submitted that he is working in the Oriental Insurance Company at its Regional Office in Ahmedabad. He submitted that there are anomalies in the promotion policy and in the vacancies reserved for employees with disabilities in his organisation. His company has not recruited any Assistant since 1990 and since 1991 no promotional vacancy has been declared by his establishment with respect to persons with disabilities.

3. The matter was taken up with the respondent under Section 59 of the Persons with Disabilities Act, 1995, vide this Court's letter dated 04.06.2015.

2/-

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006  
Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 ; Tel.: 23386054, 23386154 ; Telefax : 23386006

E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in  
(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)  
(Please quote the above file/case number in future correspondence)

4. The Deputy General Manager, The Oriental Insurance Company Limited, on behalf of Respondent, vide their letter dated 31.08.2015 submitted that the recruitment of Assistant was reopened in 2013 after 1990 to maintain the balanced ratio between Class III employees with Class I officers. 600 vacancies were declared, out of which the vacancies declared for persons with disabilities were 18. The recruitment exercise 2013 was conducted by National Insurance Co. on behalf of all the four Public Sector Undertakings. 15 vacancies were filled in the exercise and balance shortfall of 3 vacancies was carried forward to recruitment exercise of 2014 where 21 vacancies for persons with disabilities have been declared and the recruitment exercise is in process. The Respondent also submitted that they are maintaining 100 point roster in the format given for Group A, B and C posts filled by direct recruitment and Group C posts filled by promotion as per DoP&T O.M. No.36035/3/2004-Estt (Res) dated 29.12.2005. Group D posts is now run off cadre. The Respondent stated that the vacancies filled since 1996 (Direct recruitment and promotion) are as below ;

Year	Total vacancies declared	Declared vacancies for PwDs	Filled
2013	600	18	15
2014	606	21 (18 + 3 shortfall)	Recruitment Exercise is going on

The Respondent also submitted that a certificate from Liaison Officer, Regional Office, Ahmedabad certifying that the Reservation Roster is maintained by them as per the instruction of DoP&T. He further submitted that the promotions of the employees are governed by the Company's Board approved Promotion Policy for Supervisory, Clerical and Subordinate Staff 2008. The Para 13 of the said promotion policy provides special provision for SC/ST employees and also for Persons with Disabilities. The provisions of reservation for persons with disabilities are being followed by their establishment in all the recruitment/promotion exercises.

5. Upon considering respondent's reply dated 31.08.2015, a personal hearing was scheduled on 11.05.2017.

...3/-

6. No further submission of the complainant was tendered during the hearing as he was absent.
7. During the hearing, the representatives of the respondent submitted that 4 vacancies have been filled during 2014 recruitment exercise. Out of 21 vacancies which included the 3 backlog vacancies of 2013 Exercise, 17 (seventeen) vacancies became the backlog to be filled up. These backlog vacancies will be declared during the next recruitment exercise for Assistant cadre.
8. The Court directed the respondent to fill up the backlog vacancies of persons with disabilities through a Special Recruitment Drive as the DoP&T vide its O.M. No.36012/39/2014-Estt.(Res) dated 22/25<sup>th</sup> May 2015 has already requested all Ministries/Departments to take immediate necessary action for filling up of vacancies for persons with disabilities and launch a Special Recruitment Drive to fill up those vacancies.
9. The case is accordingly disposed off.



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