



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.: 4550/1024/2015

Dated: 17.08.2017
Dispatch No.....

In the matter of :

Shri S.C. Jayaram,
C/o. D. Renukvijay V. Mandi,
Shivanayaka (Sevadal),
160, 5th Cross, Vinayaka Circle,
BSK III Stage, Maruthinagar,
Ittamadu Main Road,
Bangalore - 560 085

.....Complainant

Versus

Bharat Heavy Electricals Limited,
(Through the Chairman Cum Managing Director)
BHEL House,
Siri Fort,
New Delhi - 110049

.....Respondent

Date of Hearing : 19.05.2017

Present :

1. Shri S.C. Jayaram, Complainant - Absent
2. Ms. Margaret Antony, GM(HR), Shri Raju MVSAN, DGM (HR), Ms. Shilpa Mayenkar, Sr. Manager (HR), Ms. Rashmi Garg, Manager (HR) and Shri Amit Ranjan, Asst. Officer, on behalf of Respondent - Present,

ORDER

The above named complainant, a person with locomotor disability had filed a complaint dated 18.04.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 hereinafter referred to as the Act, regarding his reinstatement in Group D post under PH quota.

2. The Complainant had submitted that he worked for more than 12 years in the S.B. Section Bharat Heavy Electricals Limited (BHEL) at its Bangalore office. On 01.07.2008, while working in this department, due to an accident his leg fractured. He took treatment from ESI Hospital, Rajajinagar, Bangalore for more than five months. The ESI Hospital referred him for higher treatment to a private hospital namely M.S. Ramaiah Hospital, Bangalore from 17.02.2009 to 08.03.2009. As per the Complainant, he is jobless now. He belongs to a backward community. His grievance being his non reinstatement by BHEL on Group 'D' post. Being the only bread earner in his family and without any source of income, he is finding difficult to look after his family consisting of his wife, an 11 years old son and a 9 years old daughter.

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: ccpcd@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)

3. The matter was taken up with the respondent under Section 59 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 vide letter dated 02.07.2015 followed by reminder dated 03.11.2015.
4. Upon non receipt of any communication either from the complainant or from the respondent, a personal hearing was scheduled in the matter on 01.05.2017.
5. The Complainant was not present during the hearing.
6. During the hearing, the representatives of Respondent vide their written submission dated 19.05.2017 submitted that the Complainant was engaged by M/s S.R. Enterprises, a Contractor, for executing job contracts in non core areas in BHEL EPD Bangalore. The Complainant was not employed by BHEL. They have enclosed copies of Muster Roll of Contractor and Entitlement Certificate issued by ESIC to insured person to avail super-specialty treatment. The Respondent further submitted that the Complainant met with an accident on 13.02.2008 while carrying out work in BHEL EPD resulting in an injury to his left leg (blut injury to left leg which got caught between cake pata and PM conveyor). The Complainant had availed treatment in ESI Hospital and was also referred by ESI Hospital to multi-speciality hospital. The entire expenditure was borne by ESIC. The ESIC had also paid wages and temporary disablement benefit for the period of his absence on this ground. After availing all medical benefits, and medical care leave for one year, the Complainant did not report back to work with Ms/. S R Enterprises and also withdrew his PF. The Complainant had also represented through National Human Rights Commission for regular employment in BHEL on compassionate grounds. The representatives of Respondent submitted that the Complainant was not an employee of BHEL and hence BHEL is not in a position to reinstate him nor offer him employment.
7. During the hearing the Court observed that though there is no violation of any provisions of Persons with Disabilities Act, 1995, the feasibility of providing relief to the Complainant can always be explored by the Respondent, notwithstanding their legal liability under the Act, subject to the prevailing rules/guidelines.
8. The case is accordingly disposed off without any specific direction to the respondent.



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