



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.4743/1023/2015

Dated:-11.05.2016

In the matter of:

Dr. R. Manoj Kumar,  
Deputy Secretary,  
University Grants Commission,  
M-1, Teacher Quarters,  
Pune University Campus,  
Ganeshkhind,  
Pune-411007 (Maharashtra)

047

..... Complainant

**Versus**

University Grants Commission,  
(through Chairman),  
Bahadur Shah Zafar Marg,  
New Delhi-110002.

048

..... Respondent

Date of hearing : 26.04.2016

Present :

1. Shri Rituraj Biswas, Advocate on behalf of Complainant.
2. None on behalf of the Respondent.

**ORDER**

The above named complainant, a person with 64% locomotor disability filed a complaint dated 15.07.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding not forwarding of his various applications for employment elsewhere by his department.

2. The complainant submitted that he is working as Deputy Secretary in UGC and is posted at Pune in Regional Office. His establishment is not forwarding any of his applications for employment elsewhere for any post despite clear guidelines of DoP&T to this effect. He further submitted that there is no reason for UGC for withholding his application for jobs applied outside as UGC is working with full sanctioned strength as more than 25 officers were recruited last year. He stated that being a person with disability, he is being harassed and discriminated.

3. The matter was taken up with the respondent vide this Court's letter of even number dated 16.07.2015.

.....2/-



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4. The respondent vide letter No.F.6-18/2013(Admn.I/A&B) dated 18/21.09.2015 have stated that the allegations leveled by the complainant that his applications for employment out side are not being forwarded by UGC are baseless and incorrect. The complainant's contention that UGC is working with full sanctioned strength of officers as more than 25 officers were recruited last year, is also incorrect because of the fact that the sanctioned strength of Deputy Secretary in UGC is 16; whereas, the present working strength is only 10 as against 16. Under these circumstances, the UGC is unable to spare any officer which will adversely affect the working of UGC. He stated that UGC, however, had forwarded his applications for employment to JNU on 25.03.2013 for the post of Deputy Registrar. His application for the post of Member of Civil Services Officers Institute (CSOI), New Delhi could not be forwarded because of the fact that as per Bye-laws of CSOI, he was not eligible for the Membership of the Institute, and therefore, his application was returned to him on 25.03.2013. Further, his application for the post of Assistant Professor in Centre for Human Rights, University of Hyderabad, could not be forwarded because a person in higher Grade Pay/Scale of pay shall not be appointed on deputation to a post in lower Grade Pay/Scale of pay if the deputation is from Central Government to Central Government.

5. The complainant in his rejoinder dated 29.12.2015 has, inter-alia, submitted that the respondent's reply is fraught with errors and misleading information. His application to JNU was forwarded in April, 2013 with a condition that "in the event of his selection, he shall resign from his post". This is not sympathetic consideration nor readily forwarding the application as per DoP&T guidelines. To hold lien in the parent organization is a legitimate expectation which was denied to the complainant. His chance to get membership of CSOI was thwarted due to the delay in convening the D.P.C. and non compliance with DoP&T guidelines and Model Calendar and subsequent delayed promotion. His application to the post of Assistant Professor in University of Hyderabad was not on deputation. It is a tenure post, and therefore, the Rule cited by the respondent as the reason for not forwarding his application cannot be applied in this case. His representation on the matter has not been responded to even after 4 months.

6. Upon considering the respondent's reply dated 18/21.09.2015 and complainant's rejoinder dated 29.12.2015, a hearing was scheduled on 29.02.2016 which was further re-scheduled to 26.04.2016.

.....3/-



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7. On 26.04.2016, none appeared on behalf of the respondent nor any intimation received about their inability to attend the hearing on 26.04.2016 despite the fact that the Notice of Hearing was sent on 29.02.2016 by Speed Post. This Court noted with serious concern, the utter disregard shown by the respondent by neither intimating their inability to attend the hearing nor caring to appear to explain their versions of the case.

8. The counsel of the complainant reiterated the written submissions of the complainant made in his complaint and in rejoinder and submitted that the complainant is presently working as Deputy Secretary in UGC and his establishment is not forwarding any of his application for employment outside for any post despite clear-cut DoP&T guidelines. Being a person with disability he is being harassed and discriminated.

9. After hearing the complainant and perusing the available record on the file, this Court has observed from the reply submitted by the respondent that complainant's applications were being forwarded to various establishments and few were rejected on the ground of his ineligibility. The instructions of the Department of Personnel & Training dated 30.03.2010 cited by the complainant is that applications for employment elsewhere of Central Government servants suffering from disability in terms of the provisions of the Persons with Disabilities Act, 1995 shall be readily forwarded except in very rare and exceptional cases where there may be compelling grounds of public interest for withholding such applications. It is on record that UGC have 10 Deputy Secretary as against the sanctioned strength of 16. The public interest cannot be compromised. There is ample justification from withholding his application.

10. There is no violation of any provisions of the Persons with Disability Act, DoP&T's O.Ms. and Government instructions on the part of the respondent, hence, no direction can be given to the respondent.

11. The case is accordingly disposed off.

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

N.O.O.

Copy to :- Record File.