



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. 4764/1011/2015

Dated : 21.02.2017

Dispatch No.....

In the matter of :

Shri Ved Prakash,
D-3/41, Ground Floor,
Sector - 11,
Rohini,
Delhi - 110 085

D822

..... Complainant

Versus

Agricultural Scientists Recruitment Board,
(Through Director),
Krishi Anusandhan Bhawan-1,
Pusa Road,
New Delhi - 110 012

D823

..... Respondent 1

Indian Council of Agricultural Research,
(Through Dy. Secretary (Admn.),
Krishi Bhawan,
New Delhi - 110 001

D824

..... Respondent 2

Date of Hearing : 02.02.2017

Present :

1. Shri Ved Prakash - Complainant
2. Shri Ajay Gautam, Under Secretary - Representative on behalf of Respondent No. 1
3. Shri Ravi Chauhan, Under Secretary (Admn.) - Representative on behalf of Respondent No.2

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ORDER

The above named complainant a person with more than 40% locomotor disability filed a complaint dated 21.08.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding reservation for persons with disabilities in Agricultural Scientists Recruitment Board.

2. The complainant submitted that Agricultural Scientists Recruitment Board had taken recruitment test for the posts of Assistant Director (OL) in the year 2014 without providing reservation to persons with disabilities. He further submitted that the reply received under RTI Act showed that respondent is not maintaining the reservation roster.

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3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 29.03.2016.

4. The respondent vide letter no. 11(8)/2015-Esam-I dated 08/11.04.2016 submitted that the Agricultural Scientists Recruitment Board (ASRB) is a recommendatory body and the final appointments are made by the ICAR after detailed scrutiny/acceptance of the recommendations by the specified competent appointing authority. In the instance issue, the Board had processed and forwarded the recommendations for filling up the positions of Assistant Director (Official Language) based on the specific requisition as provided by the Council. The specific issues raised by the complainant will have to be clarified and confirmed by the ICAR headquarters. Respondent No.2 were forwarded this Court's letter dated 29.03.2016 with enclosures and a copy of Respondent No.1's letter for furnishing their comments/clarification and appropriate action for furnishing of the requisite details etc.

5. A copy of Agricultural Scientists Recruitment Board's letter dated 8/11.04.2016 was sent to the complainant for his comments vide this Court's letter dated 02.05.2016. The complainant vide his rejoinder dated 14.05.2016 submitted that the ASRB in their letter stated that it never follows the DoP&T's Order on Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 in its recruitment and it is clear from the RTI reply dated 29.01.2016 that reservation under Persons with Disabilities Act is not applicable to them.

6. Upon considering Respondent's reply dated 08/11.04.2016 and complainant's rejoinder dated 14.05.2016, a hearing was scheduled on 28.11.2016.

7. During the hearing the complainant reiterated his written submissions and submitted that Agricultural Scientists Recruitment Board had published an advertisement in 2014 for the posts of Assistant Director (Official Language) without providing reservation to persons with disabilities. He submitted that he had received a reply under RTI Act from respondent which shows that they are not maintaining reservation rosters. The Respondent No.2 vide their letter dated 31.05.2016 informed that the posts have been filled up through direct recruitment for the first time and no post could be earmarked for persons with disabilities. It was also informed that his post was earlier a Group 'B' post and filled up by promotion from feeder grade of the respective institutes for which the post was sanctioned.

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8. None appeared on behalf of either Respondent No.1 or Respondent No. 2 nor has any intimation received about their inability to attend the hearing despite the fact that the Notice of Hearing was sent to them on 22.09.2016 by Speed Post. The next date of hearing was scheduled on 06.01.2017, which was later rescheduled to 02.02.2017 vide this Court's letter dated 26.12.2016.

9. During the hearing the complainant submitted that as per norm there should have been reservation for persons with disabilities. He further submitted that the respondent should at least ensure in future that posts for persons with disabilities are reserved by their establishment.

10. The representative on behalf of Respondent No. 1 vide written submission submitted that the Agricultural Scientists Recruitment Board (ASRB) is an independent recruiting agency established on the lines of the UPSC with the approval of the cabinet under the Department of Agricultural Research and Education (DARE)/Indian Council of Agricultural Research (ICAR) under the Ministry of Agriculture

and Farmer's Welfare. As per the Rules & Byelaws of the ICAR, the ASRB shall function as an independent recruiting agency and shall be responsible for recruitment to posts in the 'Agricultural Research Service' and to such other posts and series as may be specified by the President of the ICAR & the Union Agriculture Minister. Accordingly the Board initiates action for recruitment and forward the recommendations to the ICAR based on the requisitions or indents as forwarded by the Council. The Board is a recommendatory body and the final appointments are made by the ICAR after detailed scrutiny/acceptance of the recommendations by the specified competent appointing authority.


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11. The representative of Respondent No. 2 vide their written submission dated 01.02.2017 submitted that prior to Cadre Review, 2010 there were 32 sanctioned posts in the grade of Assistant Director (OL) in the pay scale of Rs.6500-10500 (pre-revised). These posts were Institute based post and were filled from feeder grade at the respective Institutes as per the recruitment rules. After Cadre Review/restructuring in the year 2010, the sanctioned strength of the post in the grade of Assistant Director (OL) has become 22. The pay band of Assistant Director (OL) was revised to PB 3 Rs.15600-39100+54000 (Grade Pay) vide order dated 3.11.2009 upon implementation of 6th CPC. Thereafter, the Recruitment Rules for the post of Assistant Director (OL) were revised and notified vide circular dated 06.11.2012 which provides filling up of post of Assistant Director (OL) by 100% by direct recruitment on the basis of recommendations of ASRB. Consequent upon the revision of Recruitment Rules for the post of AD (OL) in the year 2012, a requisition was placed to ASRB for filling up the vacancies in the

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grade of Assistant Director (OL) the post has been filled up through direct recruitment for first time and no post could be earmarked for persons with disabilities. An All India open competitive examination for 11 posts of AD (OL) { UR 5, SC 2, ST 1 OBC 3} through DR has been held on November 2014. The final results were notified by ASRB during August, 2015. On the basis of this result offers of appointment were issued.

12, The Court observed that there is no violation of any provisions of Persons with Disabilities, Act, 1995. The case is disposed off without giving any direction to the Respondent.


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