



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.4801/1011/2015

Dated: 05.09.2016

**In the matter of:**

Shri Karanti Goyal,  
S/o Shri Hans Raj Goyal, *D300*  
H.No. 84, W.N. 4, Khanauri Kalan,  
District Sangrur, Punjab-148027

..... Complainant

**Versus**

Ministry of Statistics & Programme Implementation,  
Through the Secretary,  
418, Sardar Patel Bhawan, Sansad Marg,  
New Delhi-110001. ~ *D301*

..... Respondent No. 1

Union Public Service Commission,  
Through : Secretary,  
Dholpur House, Shahjahan Road,  
New Delhi-110003. *D302*

..... Respondent No. 2

**Date of Hearing : 03.08.2016**

**Present :**

1. Shri Karanti Goyal, Complainant.
2. S/Shri S.K. Roy, Under Secretary, Jitendra Kumar, SSO and Vikas Kumar, JSO on behalf of the Respondent.

### ORDER

The above named complainant, a person with 50% visually impairment filed a complaint through email dated 20.07.2015 before the Chief Commissioner for 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 non implementation of provisions of Persons with Disabilities Act, 1995 by the Ministry of Statistics & Programme Implementation.

2. The complainant submitted that out of total 55 vacancies, 2 were reserved for Blind/Low Vision. No exemption is applicable on Indian Statistical Service from reservation of PwD candidates. No Blind/Low Vision person is working in Indian Statistical Service and it is first time that UPSC advertised two vacancies for Blind/Low Vision candidates. He appeared in the written examination conducted between 23<sup>rd</sup> to 25<sup>th</sup> May, 2015 under Blind/Low Vision Category. As per him the cadre strength of Indian Statistical Service is 808, and as per 1%, 09 vacancies need to be reserved for persons with blindness/low vision.

.....2/-

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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)

3. The matter was taken up with the respondents (i) Ministry of Statistics & Programme Implementation and (ii) Union Public Service Commission vide this Court's letter dated 29.07.2015 followed by reminder dated 21.09.2015 to Respondent No. 1.

4. The respondent No. 2, UPSC vide letter No.9/12/2015E.XIII dated 08.09.2015 submitted that in para 9 of Case No.4801/1011/2015/R8902 dated 29.07.2015 of the Court of Chief Commissioner for Persons with Disabilities, it is stated that the indications of 2 vacancies reserved for B/LV categories was based on the information furnished by the Ministry of Statistics & Programme Implementation (Cadre Controlling Authority). It is also stated that the Cadre Controlling Authority maintain relevant vacancy roster for Indian Statistical Service and earmark vacancies for different categories of persons with disability (PH) and places the indents with the UPSC. It is further stated that the UPSC obtain the vacancy figures meant for PwD (PH) from the Cadre Controlling Authorities of the services participating in the Indian Economic Service/Indian Statistical Services Examination. It is also stated that while asking for the vacancy indents for PwD (PH) categories, the Cadre Controlling Authorities are requested by UPSC to certify that 1% of the vacancies have been reserved for each of the three sub-categories while reporting the vacancies. The Commission cannot take any suo-motu action on PH vacancies. Moreover, the role of Commission is limited to conduct the examinations as per the rules of examinations notified by the Government (Ministry of Statistics & Programme Implementation) and recommends the successful candidate to the Ministry.

5. The complainant vide his rejoinder dated 11.09.2015 has submitted that the respondents are not following rules and regulation to implement reservation of Blind/Low Vision. Only two posts for Blind/Low Vision candidates were reserved in Indian Statistical Service Examination, 2015 instead of 09. UPSC recommended only one candidate in the final result against 02 advertised vacancies. He is an available candidate in blind/low vision category. The Service is identified, suitable and reserved for Blind/Low Vision. No exemption is applicable on Indian Statistical Service from reservation of PwD candidates. Till today no blind low vision persons is working in Indian Statistical Service because it is first time that UPSC advertised vacancies for blind/low vision. The cadre strength of Indian Statistical Service is 808 (which may have increased). According to 1% reservation of blind/low vision at least 9 vacancies need to be reserved.

6. Despite reminder dated 21.09.2015, no reply has been received from Respondent No. 1, therefore, a hearing was scheduled on 13.07.2016.

7. During the hearing on 13.07.2016, the complainant reiterated his written submission and submitted that respondent is not following the rules and regulation to implement 01% reservation for persons with blindness and low vision. The notification of Indian Statistical Service Examination was published on 21.02.2015. Out of total 55 vacancies, 2 posts were reserved for blind/low vision. The

service is identified suitable and reserved for blind/low vision. It is the first time that UPSC advertised two vacancies for blind/low vision persons. The cadre strength of Indian Statistical Service is 808. According to 1% reservation of blind/low vision, 9 vacancies are required to be reserved. He appeared in written examination of Indian Statistical Service from 23<sup>rd</sup> May, 2015 to 25<sup>th</sup> May, 2015 in blind/low vision category. UPSC declared result of written examination on 14.07.2015. Total 101 candidates were shortlisted for Personality Test/Interview against 55 vacancies. He was not shortlisted for interview as his Roll No. was not in the list. Out of two posts reserved for VH category, only one was filled. For second post, he was the available candidate but was ignored. Ministry of Statistical and Programme Implementation and UPSC are not giving reservation to blind/low vision according to the judgment of the Hon'ble Supreme Court of India dated 08.10.2013. He prayed before this Court that the respondents may be directed to reserve 09 vacancies for blind/low vision candidates according to the cadre strength and to shortlist candidates from blind/low vision category for interview according to 09 vacancies.

8. The representative of the respondent No. 1 filed reply dated 11.07.2016 which has been taken on record. He submitted that all the vacancies to be filled are intimated to the UPSC. Accordingly UPSC notifies and conduct the examination as per Recruitment Rules. The UPSC makes the selection and after selection the list of recommended candidates is forwarded to the Ministry. Thereafter offer of appointment is sent to the selected candidates. At present Cadre strength of Indian Statistical Service is 814. The rule of reservation or PwDs candidates is applicable to the posts which come under Direct Recruitment and not on the total cadre strength. Reservation to PwDs is applicable in the Direct Recruitment to JTS of ISS which is; having 150 posts. Ministry of Statistics & Programme Implementation is maintaining 3% reservation for PwDs in direct recruitment i.e. 3% of 150 w.r.t. Indian Statistical Service. ISS Division maintains reservation roster of PwDs as prescribed by DoP&T's O.M. dated 06.01.2015 w.r.t. Indian Statistical Service which is a Group 'A' Service. Vacancies falling under 3% of PwDs category are being reported to UPSC each year by their Ministry.

10. After hearing both the parties, this Court directs that the Union Public Service Commission may be called for hearing on the next date. A copy of the Record of Proceedings be sent to the Secretary, Union Public Service Commission for directing an officer (not below the level of Group 'A'/Class-I Officer) or a counsel well versed with the case for appearing before this Court on the next date of hearing. The case is adjourned to 03.08.2016.

11. UPSC vide letter No. 9/12/2015E.XIII dated 02.08.2016 filed the reply submitting that indications of 2 vacancies reserved for B/LV categories was based on the information furnished by the Ministry of Statistics & Programme Implementation (Cadre Controlling Authority). It is also stated that the Cadre Controlling Authority maintain relevant vacancy roster for Indian Statistical Service

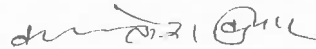
and earmark vacancies for different categories of persons with disability (PH) and places the indents with the UPSC. It is further stated that the UPSC obtain the vacancy figures meant for PwD (PH) from the Cadre Controlling Authorities of the services participating in the Indian Economic Service/Indian Statistical Services Examination. It is also stated that while asking for the vacancy indents for PwD(PH) categories, the Cadre Controlling Authorities are requested by UPSC to certify that 1% of the vacancies have been reserved for each of the three sub-categories while reporting the vacancies. The Commission cannot take any suo-motu action on PH vacancies. Moreover, the role of Commission is limited to conduct the examinations as per the rules of examinations notified by the government (Ministry of Statistics & Programme Implementation) and recommends the successful candidates to the Ministry.

12. During the hearing on 03.08.2016, none appeared on behalf of UPSC, Respondent No.2. Nor any intimation was received about their inability to attend the hearing on 03.08.2016 despite the fact that the copy of the Record of Proceedings dated 29.07.2016 was sent by Speed Post. This Court noted with serious concern, the utter disregard shown by the Respondent No. 2 by neither intimating their inability to attend the hearing nor caring to appear to explain their version of the case.

13. The representative of the respondent No. 1 submitted that the complainant has filed a similar complaint before the Central Administrative Tribunal, Principal Bench, New Delhi which was registered as O.A. No. 3689/2015 titled Shri Kranti Goyal Versus Union of India & Ors.. He also submitted that the case is fixed for hearing on 20.09.2016.

14. In view of above, since the matter is sub judice before the Central Administrative Tribunal, Principal Bench, New Delhi, no further intervention of this Court is required in the matter and the case is accordingly closed. However, the respondent is directed to prepare the Reservation Roster since 1996 as per DoP&T's instructions and compute the backlog vacancies. The vacancies shall be filled in a time framed manner and a compliance of this Order be sent to this Court within 60 days from the date of this Order.

15. The case is disposed off.



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

N.O.O.:

Copy to : Record File.