



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. 5043/1011/2015

Dated: 10 July, 2017

In the matter of :

Shri S.K. Rungta R1984
General Secretary
National Federation of the Blind
Plot No. 21, Sector - VI
Pushp Vihar, New Delhi.

Complainant

Versus

Central Administrative Tribunal R1985
(Through: the Chairman)
Principal Bench, New Delhi
61/35, Copernicus Marg
New Delhi-110001

Respondent

Date of hearing: 17.04.2017

Present:

1. Complainant absent
2. Shri Surat Singh on behalf of the Respondent.

ORDER

Shri S.K. Rungta, General Secretary, National Federation of the Blind, New Delhi filed a complaint dated 14.08.2015 before the Court of the Chief Commissioner for Persons with Disabilities (CCPD) under Section 59 of the Persons with Disabilities Act, 1995 against 33 Ministries/Departments of Central Government to rectify the number of filling up of backlog vacancies for persons suffering from blindness and low vision.

2. The Court of CCPD wrote a letter dated 30.09.2015 to the Department of Personnel & Training (DoP&T) as they were holding meetings with Government Departments, to monitor the progress for filling up of 1% vacancies meant for VH for persons with disabilities in compliance with the Orders of the Hon'ble Supreme Court. In case the vacancies meant for VH are not filled up equal to 1% earmarked out of the total backlog vacancies of 3% for persons with disabilities, the reasons thereof, if any, may be indicated by the respective Departments as well as steps being taken/proposed to be taken in consonance with the provisions of the Persons with Disabilities Act, 1995. DoP&T was also advised to send a copy of the advertisements issued/to be issued to the office of the CCPD for hosting on the web-portal www.ccdisabilities.nic.in in compliance with the orders of the Hon'ble Supreme Court so that the CCPD and its office continue to associate in the monitoring of the progress of the implementation.

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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)



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3. CCPD also wrote a letter dated 20.11.2015 to the 33 Ministries/Departments of Central Government to maintain separate 100 point reservation roster registers in the specified format for determining and effecting reservation for the persons with disabilities. They were requested to forward a copy of reservation roster and copies of the advertisements issued/to be issued for filling up of the backlog vacancies.
4. The Central Administrative Tribunal, Principal Bench, New Delhi vide letter dated 08/09.12.2015 forwarded the reservation roster on the basis of which the number of backlog vacancies meant for persons with visual impairment, hearing impairment and locomotor disability were calculated. They further informed that initially posts in CAT were filled up on deputation/absorption basis. Earlier, the recruitment on various posts in CAT were made on Bench-wise/De-centralised basis which have now been maintained on centralized basis. Thus, on consolidation of the appointments so far made in various Benches of CAT, there are sufficient number of appointments made from persons with disabilities under OH category, but there is shortage of persons with disabilities under VH/HH categories in CAT. However, to overcome the shortfall, they have already notified sufficient number of vacancies meant for persons with disabilities under VH/HH categories to the Staff Selection Commission.
5. The Court of CCPD received the copies of the replies from 04 Ministries/Departments viz. Ministry of Mines, Ministry of Commerce & Industries, Central Administrative Tribunal and Department of Animal Husbandry, Dairying & Fisheries and the same were forwarded to the complainant vide letter dated 05.01.2016 for submission of his comments in the matter. A reminder letter dated 08.03.2016 was sent to the complainant for submission of his comments so that a final view in the matter could be taken.
6. In the meantime, the Court of CCPD organized a One day Workshop on 28th February, 2017 at New Delhi on Maintaining of Roster System on 3% reservation for Persons with Disabilities under the PwD Act, 1995 and all the Ministries/Departments of the Central Government were requested to direct their official/nominee to attend the workshop. On behalf of CAT, New Delhi, Shri Surat Singh, Deputy Register (Estt.) attended the workshop on behalf of CAT, New Delhi. It was seen from the copy of the reservation roster submitted along with the reply that the roster is not maintained as per DoP&T's instructions. A hearing in the matter was fixed for 17.04.2017.

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7. During the hearing, Shri Surat Singh, Deputy Registrar (Estt.) submitted before the Court that he attended the One Day Workshop on Maintaining of Roster System on 3% reservation for persons with disabilities and the same was quite useful/helpful. He submitted that they have revised their Reservation Roster and the same is being maintained as per DoP&T's instructions. The backlog vacancies for various categories have already been reported to the Staff Selection Commission and the balance will be reported soon.

8. After hearing the representative of the respondent and after going through the record placed on file, the Court disposed off the case with following directions to the respondent:-

- (i) Prepare the Reservation Roster w.e.f. 01.01.1996 as per DoP&T's instructions.
- (ii) Compute the backlog vacancies and fill the vacancies by conducting Special Recruitment Drive in a time framed manner.
- (iii) Advertisement should be made as per para 25 of DoP&T's O.M. No. 36035/3/2004-Estt.(Res.) dated 29.12.2005 and subsequent OMs issued by DoP&T from time to time in this regard and as per the mandate under Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- (iv) The names of selected candidates with details along with their nature of disability and percentage of disability may be intimated to this Court within 15 days of their joining.
- (v) The whole exercise will be completed within 180 days from the date of receipt of this order.

9. The compliance of the order may be sent to this Court within a period of six months from the date of receipt of the order

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