



सत्यमेव जयते

27/7/17

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. 5044/1011/2015

Dated: 26th July, 2017

In the matter of :

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

R2545

... Complainant

Versus

Department of Atomic Energy
(Through: the Secretary)
Anushakti Bhawan, Chatrapathi
Shivaji Maharaj Marg, Mumbai

R2546

... Respondent

Date of hearing: 06.07.2017

Present:

1. Complainant absent
2. Shri D.C. Meena, Under Secretary 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 backlog vacancies to be filled for persons suffering from blindness and low vision.

2. And whereas taking cognizance of the complaint, this Court of CCPD took up the case vide 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 for the vacancies issued/to be issued to the office of the CCPD for hosting on the web-portal www.ccd disabilities.nic.in in compliance with the orders of the Hon'ble Supreme Court so that the CCPD office may continue to associate itself in the monitoring of the progress of the said implementation.

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3. And whereas the Office of 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.

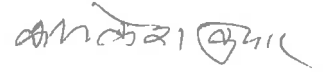
4. And whereas the Office of CCPD also organized a One day Workshop on 28th February, 2017 at New Delhi on Maintaining of Roster System on 3% reservation for Persons with Disabilities under the PwD Act, 1995 and all the Ministries/Departments of the Central Government were requested to direct their official/nominee to attend the workshop.

5. And whereas no reply was received from the respondent despite reminder and therefore, the hearing was fixed for 06.07.2017.

6. And whereas during the hearing, the representative of the respondent submitted through a written submission and whereas the documents submitted were examined, revealing that the backlog vacancies needs to be filled on priority. There are many vacancies existing as per the norms, therefore, the respondent is directed to:

- a. initiate action for clearing the shortfall of reservation preferably in the current year and submit action plan of the same within 60 days.
- b. to prepare and maintain reservation rosters for Group 'A', 'B', 'C' & 'D' in direct recruitment and for Group 'C' & 'D' for promotion in accordance with DOP&T's OM No. 36035/3/2004-Estt (Res) dated 29.12.05 and OM No. 36035/8/2003-Estt (Res) dated 26.04.06 and submit copies of the same within 60 days.
- c. to indicate the points of the rosters against which the vacancies fall, in all future advertisements. And in case none of the vacancies falls against the reserved points, the same should be mentioned in the advertisement. If the post is identified for persons with disabilities but none falls against any reserved point for them, the advertisement must mention that persons with disabilities can also apply for the post in accordance with provision of para 25 of DOP&T OM No. 36035/3/2004-Estt (Res) dated 29.12.2005. The following should also be mentioned in all future advertisements:
 - i. sub categories of disabilities - whether the post is reserved for blind or low vision; hearing impaired; locomotor disabled; or cerebral palsy;
 - ii. eligibility of persons having 40% or more disability;
 - iii. number of posts reserved for persons with disabilities in each category and;
 - iv. relaxation of age, application fee and eligibility criteria, if any.
 - v. persons having disability other than the category for which post is reserved can also be considered if the recruitment year is other than the initial year of recruitment.
- d. to provide for relaxation of standards for persons with disability in accordance with para 22 of the DoP&T's O.M. dated 29.12.05 in case sufficient candidates with disabilities are not available as per general standards.

- e. to submit the names, addresses, date of appointments and categories of disabilities of persons appointed against the vacancy reserved for persons with disabilities within 15 days of their appointment;
7. The respondent is further directed that the status of the appointment and final roster may be submitted to this Court within 03 months time.
8. The matter is accordingly disposed off.



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