



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.5307/1024/2015

Dated:-17.01.2017

In the matter of:

Shri Karthik H.K.,
#93/1, 7th Main,
BMH-Premier Studio Road,
Jayalakshmi Puram,
Mysore-570012

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..... Complainant

Versus

BEML Limited,
(Thru Chief Managing Director),
'BEML SOUDHA'
23/1, 4th Main Road,
S.R. Nagar,
Bangalore-560027

704

..... Respondent

Date of hearing : 03.10.2016

Present :

1. Shri Karthik H.K., Complainant.
2. Shri Shankar Bhattacharjee, on behalf of the Respondent

ORDER

The above named complainant, a person with 75% hearing impairment filed a email complaint dated 04.10.2015 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 the 'Act' regarding non reimbursement of cost of hearing aids by BEML Limited.

2. The complainant has submitted that he is working as an Assistant Engineer in Research and Development (R&D) Department in BEML, Mysore. He applied for reimbursing the cost of hearing aids on 07.07.2015, but after two months nothing has been heard. He enquired about the status of his application and was told that no communication has been received from the Corporate office/Headquarter. He was also informed that there was no move to implement the facilities in BEML Limited even after the copy of that Office Memorandum was sent to the Secretary, Department of Public Enterprises with a request to issue necessary instructions to give effect the above guidelines in all the Central Public Sector Enterprises from 31.03.2014 onwards.

3. The matter was taken up with the Chief Managing Director, BEML Limited vide this Court's letter dated 19.10.2015 for his comments.

4. The respondent vide letter No KPE/C40/1412/16 dated 23.02.2016 has stated that they have decided to grant a maximum of Rs. 7,000/- towards the cost of hearing aid to PwDs and the

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complainant was informed vide letter dated 30.11.2015 to claim the reimbursement. In the meantime, the complainant tendered his resignation on 14.12.2015 owing to personal reasons and he was relieved from the services of the company on 24.12.2015 .

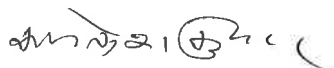
5. The complainant vide his rejoinder by e-mail dated 04.07.2016 has submitted that for persons with an hearing loss of more than 75% in both ears, Rs.7,000/- is not enough to buy single hearing aid with high tech/latest technology to perform duties efficiently. He submitted that the quality of hearing aid cost Rs.7,000/- is not a guaranteed one. As per him, his establishment has not following Section 2(C) of DoP&T O.M. No. 36035/3/2013-Estt. (Res) dated 31.03.2014 and hence he did not accept the reimbursement towards the cost of hearing aid. The reimbursement also came very late in November, 2015 whereas he applied for the reimbursement in July, 2015. He left the company owing to the pressure, stress of workplace and denial of promotion to him. He has to suffer because of the guidelines and policies created and developed by PSUs are not supporting the growth employees with disabilities.

6. During the hearing on 03.10.2016, the complainant reiterated his written submissions and submitted that Government of India has issued guidelines to provide facilities provided for efficient performance of duties of persons with disabilities who are already employed in Government. I had applied for reimbursement of the cost of hearing aid 07.07.2015 but till now I have not been reimbursed the amount. This delay in providing facilities along with difference in pay scale, denial of promotion in BEML Limited are deviating the time and energy of officers with disabilities. This also affecting the officers with disabilities to perform their duties upto their level.

7.. The representative of the respondent submitted letter dated 03.10.2016, which was taken on record. He submitted that the complainant resigned on 14.12.2015 and was relieved from the service of the Company on 24.12.2015. During the consideration of his resignation by the Company, the claimant procured hearing-aid and claimed reimbursement. Since the Complainant had already resigned, Respondent Company was not in a position to reimburse any claim as stated in Para 12 of the reply dated 03.10.2016.

8. After hearing the parties and perusal of the available record placed on the file, the Court observed that the Complainant tendered his resignation on 14.12.2015. While his resignation was under consideration, the claimant procured hearing-aid and claimed reimbursement which was not considered by the Company. He was relieved from the services of the Company on 24.12.2015. In this case, there does not seem any violation of any of the provision of the Persons with Disabilities Act, 1995, DoP&T's Guidelines and Government instructions. Therefore, the case is disposed off. without giving any direction to the Respondent.

¶. Ordered accordingly.


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