



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.5558/1011/2015

Dated 29.03.2017

In the matter of:

Shri M. Nalla Babu,
Door No.44-66-5/1, Singalampuram,
Visakhapatnam, Andhra Pradesh – 530024

R167

.... Complainant

Versus

Visakhapatnam Port Trust,
(Through the Secretary),
Administrative Office Building,
Visakhapatnam – 530035
Email – secretary.vizagport@gmail.com

R168

.... Respondent

Date of Hearing – 05.09.2016, 24.10.2016, 17.11.2016 and 29.11.2016

Present:

- 05.09.2016: 1. Complainant absent
2. Shri Venu Gopal T., Secretary I/c on behalf of the Respondent.
- 24.10.2016: 1. Complainant absent.
2. Shri Venu Gopal T. Sr. P.O. & Secretary, on behalf of the Respondent
- 17.11.2016: 1. Complainant absent.
2. Shri D. Bharat Kumar, SLO (Mech) and Shri D.V. Ramana, H.A., on behalf of the Respondent.
- 29.11.2016: 1. Complainant absent.
2. Shri D. Bharat Kumar, SLO (Mech), on behalf of the Respondent.

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ORDER

The complainant, a person with 89% locomotor disability filed a complaint vide email dated 30.03.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding backlog vacancies in Department of Traffic Manager (TM) and Chief Mechanical Engineering Department of Visakhapatnam Port Trust.

2. The complainant submitted that according to information furnished by the Traffic Manager Department and Chief Mechanical Engineering Department in Visakhapatnam Port Trust, from 01.01.1996 to 31.12.2008 total "99" Class-III Posts were filled up directly and "136" Class-IV posts were recruited directly in TM Department but not even

one post was filled up by Ph category in the said period. He further submitted that 19 years had lapsed but no single post was filled up in the said category.

3. The matter was taken up with the respondents to submit the comments along with details of posts filled since 01.01.1996 in Group 'A' in the proforma and a certificate from the Liaison Officer certifying that the reservation roster for the persons with disabilities has been maintained as per DoP&T's instructions.

4. The respondent vide letter dated 21.04.2016 submitted their reply and intimated that in Traffic Department (TM) of Visakhapatnam Port Trust, the recruitments of Class-III & IV employees, within the period of 01.01.1996 to 31.12.2006, were made on compassionate appointments only against the direct recruitment quota and the applicants fulfilled all the eligibility conditions in the Recruitment Rules. Among Class-IV recruits, two OH persons were recruited. In Chief Mechanical and Engineering Department (CME), 65 posts were filled up in Class-III category and 123 posts were filled up to Class-IV category. Out of which no posts were filled up under disabled category and only 03 posts were filled up under disabled category in Class-IV posts.

5. The complainant in his rejoinder dated 30.05.2016, the complainant submitted that from the reply dated 21.04.2016 of the respondent, it appeared that no backlog recruitment was made from 01.01.1996 in TM Department and not properly in CME Department by the respondent.

6. Upon considering the reply received from the respondent and the rejoinder of the complainant the case was scheduled for personal hearing on 05.09.2016.

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7. During the hearing on 05.09.2016, none appeared for the complainant, nor was any intimation received about his inability to attend the hearing on 05.09.2016 despite the fact that the copy of the Notice of Hearing was sent on 19.07.2016 by Speed Post. This Court noted with serious concern, the utter disregard shown by the complainant by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

8. The representative of the respondent submitted that the petitioner made out the case that no recruitment was done with persons with disabilities from 1996 to 2008 in the Traffic and Mechanical Engineering Departments of the respondent organisation. As a matter of fact, the two categories i.e. Clerks and Peons were identified to fill the same with persons with disabilities. Accordingly, three posts in the category of Clerk and one post in the category of Peon was filled in the Traffic Department with persons with disabilities. In Mechanical Department, three persons with physical disability in the category of Class-IV were appointed and in addition, six more persons were accommodated under the physical disability category. As per directions of the Court

during the hearing, the requisite information would be submitted to the Court before the next date of hearing.

9. After hearing the matter and perusal of the record, the respondent was directed to submit the following documents/information to this Court by 17.10.2016:-

- (i) Copy of Reservation Roster w.e.f. 01.01.1996 in respect of Group A, B, C and D alongwith Certificate of Liaison Officer certifying that the Reservation Roster has been maintained as DOPT's instructions.
- (ii) Detail of vacancies filled since 01.01.1996 (direct recruitment as well as promotion in respect of Group C and D) in the enclosed format.
- (iii) To calculate the backlog of vacancies and submit along with action to be taken to fill up the backlog vacancies.

10. The case was rescheduled for hearing on 24.10.2016 at 1130 Hrs.

11. During the hearing on 24.10.2016, none appeared on behalf of the complainant, nor was any intimation received about his inability to attend the hearing on 24.10.2016 despite the fact that the copy of the Record of Proceedings was sent on 08.09.2016 by Speed Post. This Court noted with serious concern, the utter disregard shown by the complainant by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

12. The representative of the respondent submitted that in compliance of the directions of this Court vide Record of Proceedings dated 08.09.2016, they were preparing the Reservation Roster and it would take some more time. He prayed for grant of some more time for submission of Reservation Roster and other information.

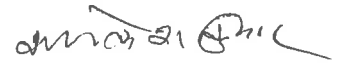
13. This Court after considering the request of the representative of the Respondent and in the interest of justice, adjourned the case to be heard on 17.11.2016 at 1500 Hrs. with the direction to the respondent to submit the documents/information as desired vide this Court's Record of Proceedings dated 08.09.2016 before the next date of hearing.

14. During the hearing on 17.11.2016, none appeared on behalf of the complainant nor was any intimation received about his inability to attend the hearing on 17.11.2016. This Court noted with serious concern the utter disregard shown by the complainant continuously by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

15. The representative of the respondent submitted the following documents along with letter No.L/Disability/2016 dated 15.11.2016 of Chairman, Visakhapatnam Port Trust:-

- 1) Copies of Rosters being maintained in respect of Group C & D in promotional method; and

- 2) Details of vacancies filled since 01.01.1996 in respect of Group C & D in direct recruitment as well as in promotion in the format.
16. The case was rescheduled for hearing on 29.11.2016 at 1600 Hrs.
17. During the hearing on 29.11.2016, none appeared on behalf of the complainant, nor was any intimation received about their inability to attend the hearing despite the fact that the Notice of Hearing was sent on 23.11.2016 by Speed Post.
18. The representative of the respondent relied upon the reply submitted by the respondent.
19. In view of the above, this Court observes that proper roster is not being maintained. The roster submitted by the respondent is also not as per the norms of DoP&T and nil data has been provided. The respondent is directed to prepare the reservation roster from 01.01.1996 as per the instructions issued by DOP&T and fill up all the backlog 3% vacancies identified for the persons with disabilities in Group 'C' and 'D' posts.
20. The case is disposed off.



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