



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.5565/1012/2015

Dated: 05.10.2016

In the matter of:

Shri G.H. Bhatt,
<bhattgirish18@gmail.com>

..... Complainant

Versus

Bharat Sanchar Nigam Ltd.,
Through Chairman cum Managing Director,
Bharat Sanchar Bhawan, Harish Chandra Mathur Lane,
Janpath, New Delhi-110001.

..... Respondent

Date of hearing : 05.07.2016

Present :

1. Complainant absent.
2. S/Shri Manoj Dwivedi, AGM (SCT/SG), A.K. Singh, AGM (E-IV) and Sanjay Kumar, DM (Estt.-IV) on behalf of the respondent.

O R D E R

The above named complainant filed a complaint dated 07.12.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding age relaxation to persons with disabilities for the posts of JTO(T).

2. The complainant submitted that BSNL has published an advertisement for Special Recruitment Drive for persons with disability for the post of JTO(T) and the last date for online submission of application was 10.12.2015. He further submitted that in the advertisement Upper Age Relaxation for OC – 5 years, OBC – 8 years and SC/ST – 10 years but as per DoP&T's guidelines the Upper Age Relaxation for persons with disabilities in OC – 10 years, OBC – 13 years and SC/ST – 15 years when recruitment through "Open Competitive Exam". He has written to Director, HRD, BSNL and also contacted on the telephone number as given in the advertisement but no one give any response.

3. The matter was taken up with the respondent bank vide letter dated 31.12.2015 followed by reminder dated 29.02.2016.

4. As despite reminder dated 29.02.2016, no reply was received from the respondent, a hearing was scheduled for 05.07.2016.

5. During the hearing on 05.07.2016, none appeared on behalf of the complainant. Nor any intimation has been received about his inability to attend the hearing despite the fact that the copy of the Notice of hearing was sent on 30.05.2016 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.

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सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006
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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)

6. The representatives of the respondent submitted that that the complainant by filing the e-mail complaint has sought relaxation in the age. But from the complaint, it is not known whether the complainant has sought age relaxation for any examination. Whether he has appeared in that examination or not and the complainant belongs to which category. If he has not appeared in any examination and seeks redressal as an activist then the BSNL will take care in its future recruitment so that this type of problem may not occur in future. The representative of the respondent further submitted that the work of preparation of roster is being done at a fast speed. The organization is big and there are so many circles. In a short period the BSNL will be in a position to prepare the Reservation Rosters. For the Special Recruitment Driver, the recruitment process was started much earlier. There are 27 Circles. Data is being collected from these 27 circles for preparation of Reservation Rosters. So far as giving the age relaxation to the complainant of this case is concerned, the age concession to this complainant was not given. In future, the recruitments which will be done in them the guidelines of DoP&T will be followed.

7. After hearing the representatives of the respondent and after perusal of the record as well as the relevant instructions on the matter, this Court observed that while issuing advertisement the respondent has not followed Para 21 of DoP&T's O.M. dated 29.12.2005, which provides the benefit of relaxation in age to persons with disabilities. DoP&T further vide its O.M. dated 29.06.2015 has issued instructions regarding grant of age concession to the persons with disabilities. The Department of Public Enterprises vide its O.M. No. 20(10)/99-DPE-GM-Part-2014-FTS-1517 dated 25.02.2015 had issued instructions to all Administrative Ministries/Departments concerned with CPSEs that instructions as issued by Government in respect of reservations to SC/ST/OBC/Disability and Ex-servicemen are to be taken as mutatis mutandis extended to all the CPSEs concerned unless specifically specified otherwise by DPE.

8. In the light of above, the respondent is directed as under:-

- (i) Respondent to follow the DoP&T's instructions made in its O.M. No. 15012/1/2003-Estt.(D) dated 29.06.2015 for the purpose of relaxation in upper age limit in all its future examinations so that the candidates with disabilities shall not be deprived of their legitimate rights.
- (ii) Submit the detail of vacancies filled since 1996, in the enclosed format within 45 days of receipt of this communication alongwith the certificate of Liaison Officer certifying that the Reservation Roster has been maintained as per DoP&T's instructions. Calculate the backlog and conduct the Special Recruitment Drive to fill the backlog vacancies within a time frame manner.

9. The Compliance Report on the above be submitted to this Court within 45 days from the date of receipt of this order.

10. The case is disposed off accordingly.



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