



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. 6530/1012/2016 &  
6582/1012/2016

Dated: 31 July, 2017

In the matter of:-

Shri Madhusoodhana D *R2486*  
S/o Shri Devaraje Gowda K.M.  
Akkihebbal (Post), KR Pet (Taluk)  
Mandya District-571403  
Karnataka

... Complainant No. 1

Shri Nagendra H.K.  
S/o Late Krishnegowda *R2487*  
Hebbakawadi Village, Kottatti Hobli  
Loksara Post, Mandya Taluk & District-571403  
Karnataka

... Complainant No. 2

Versus

Employees' State Insurance Corporation  
Through the Joint Director E-II *R2488*  
Panchdeep Bhawan, C.I.G. Marg  
New Delhi-110002.

... Respondent

Date of hearing: 05.06.2017

Present:

1. Complainant No. 1.
2. Complainant No. 2
3. Shri Ashok Kumar, Deputy Director and Shri Birender Kumar Feru, Assistant on behalf of the respondent.

**ORDER**

Shri Madhusoodhana D. and Shri Nagendra H.K. filed complaints through emails dated 16.06.2016 and 15.06.2016 respectively before the Court of the Chief Commissioner for Persons with Disabilities regarding age relaxation in the recruitment of Meritorious Sports Persons in the Employees' State Insurance Corporation (ESIC).

2. The matter was taken up under Section 59 of the Persons with Disabilities Act, 1995 with the respondent vide this Court's letter dated 16.08.2016 and followed by reminder dated 04.10.2016.



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3. ESIC vide letter No. B-16/16/1/2013-E-II dated 22.09.2016 submitted that Shri Madhusoodhana D. and Shri Nagendra H.K. had applied to the post of MTS and UDC respectively under MSP quota through online. As per instructions to fill online application, they have to upload certificates for claim of his Date of Birth, Educational Qualifications, sports eligibility etc. However, in the matter of Shri Madhusoodhana D, he did not upload any certificate in claim of his Date of Birth. Due to which, E-call letter was not issued to him. They further intimated that in para-lympic category, the final selection performance of candidate after 01.01.2013 was the criteria as decided by the competent authority. However, candidates who have applied were given an opportunity to submit their latest sports certificates, if any, at the time of verification of documents at field trial venue. This was the reason Shri Nagendra H.K. was issued E-call letter only after considering his age-relaxation as per Govt. of India instructions and he was allowed to submit the latest certificates issued after 01.01.2013, if any, at the time of verification of documents but he had not submitted any sports certificate on or after 01.01.2013 for claim of his candidature.

4. ESIC further submitted that the existing sports certificate of Shri Nagendra H.K. (Roll No. 616) is of the level of national gold medal for which 24 marks is fixed. On the other hand, the candidates who have been selected under paralympic category are having following certificates against their names:-

S.No.	Name	Post	Level of participation	Certificate marks
1.	Parmod Bhagat	UDC	International Gold Medal	30
2.	Santhamuthvel	UDC	International Silver Medal	29
3.	Patel Bhavinaben	UDC	International Silver Medal	29
4.	U. Vikram Kumar (Reserve)	UDC	International Bronze Medal	28
5.	Vaishnavi Vinayak (Reserve)	UDC	International Bronze Medal	28
6.	Sanjeeva Kumar (Reserve)	UDC	International Participation	26

5. ESIC further submitted that going through the select list as well as reserve list above, it is clear that those who have been selected as well as in reserve list are having high level of participation in international tournaments/competitions. That is the reason Shri Nagendra H.K could not make position either in merit list or in reserve list.



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6. With regard to reservation policy in respect of MSP, ESIC intimated that as per DoP&T O.M. No. 14034/3/95-Estt(D) dated 29.11.1996, "A person appointed under sports quota should be adjusted in the recruitment / reservation roster against the category viz. SC/ST/OBC/General to which he/she, e.g. a sportsperson from SC category will be counted against the SC reservation point, if any, he belongs to ST/OBC, he will be counted against ST/OBC quota, and if he belongs to General category, he will be shown against the General category vacancy point in the reservation roster". Further, UDC and MTS being the regional cadre in ESIC, concerned regions have been directed to submit the copy of reservation roster for the PwD in respect of UDC and MTS cadre directly to CCPD in the prescribed proforma provided by CCPD.

7. A copy of the reply of the respondent dated 22.09.2016 was forwarded to S/Shri Madhusoodhana D. and Nagendra H.K., both the complainants, vide this Court's letter dated 02.11.2016 for submission of his rejoinder/reply.

8. Shri Madhusoodhana D submitted that he filled the online application and had uploaded all the documents. There was not a demand for Date of Birth Certificate to upload anywhere in the online application form/web site. Further, he is an International Bronze Medal Winner (Badminton singles at Bangalore in December, 2008) whereas Shri Sanjeeva Kumar, who is selected for UDC post is only international Sports Participant.

9. Shri Nagendra H.K. intimated that he uploaded all his relevant documents and after ESIC had thoroughly scrutinized his application, he was issued Admit Card to participate for field trial. He went for Field Trail but ESIC did not oblige/allow him to participate. If he was not eligible for the recruitment process, then why ESIC called him for field trial.

10. Upon considering the respondent's letter dated 22.09.2016 and complainant's rejoinders dated 14.12.2016 and 27.12.2016 respectively, a hearing in the matter was scheduled on 05.06.2017 at 1200 hrs.

11. During the hearing, Shri Madhusoodhana D, complainant No. 1 submitted before the Court that he had uploaded everything on the web site. He meets the criteria for selection but how he was not selected, he does not know. Moreover, Shri Sanjeeva Kumar who has been selected is an International Participant where he is an International Bronze Medal Winner.



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12. During the hearing, Shri Nagendra H.K, complainant No. 2 submitted before the Court that he uploaded all his relevant documents and after ESIC had thoroughly scrutinized his application, he was issued Admit Card to participate for field trial. He went for Field Trail but ESIC did not oblige/allow him to participate. If he was not eligible for the recruitment process, then why ESIC called him for field trial. Now ESIC is telling a different story that they need merit certificate from the person who had attended the international events.

13. The representative of the respondent submitted in respect of Shri Madhusoodhana D, complainant No. 1 that he had not uploaded his Date of Birth Certificate at the time of online application and that is why he was not issued E-call letter.

14. The representative of the respondent submitted in respect of Shri Nagendra H.K., complainant No. 2 that he had not submitted any sports certificate on or after 01.01.2013 for claim of his candidature as that was the pre-requisite condition for selection.

15. The Court after hearing both the complainants and the representative of the respondent observed and there is no violation of any provision of the Persons with Disabilities Act, 1995 and disposed off the matter.

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