



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.: 6609/1024/2016

Dated: 06.06.2017  
Dispatch No.....

In the matter of :

Smt. Navjot Kaur,  
# 729/1, Sector 40A,  
Chandigarh – 160036  
Email<navjotpgi87@gmail.com>

.....Complainant

Versus

Postgraduate Institute of Medical Education & Research (PGIMER),  
(Through the Director)  
Sector – 12,  
Chandigarh – 160 012

.....Respondent

Date of Hearing : 23.05.2017

Present :

Complainant - Smt. Navjot Kaur, Present  
Respondent - Dr. Navneet Dhaliwal and Shri Sudhir Kumar Has, Sr. Admn. Officer-  
on behalf of Respondent.

**ORDER**

The above named complainant, a person with 59% locomotor disability, has filed a complaint under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' against deputing her in night duty.

2. The complainant submitted that she is presently working as Staff Nurse Grade-2. Her husband is also suffering from 65% locomotor disability. Her son is 3 years old. Her grievance is against putting her in night duties by PGIMER as her husband being a person with disability find difficulty in looking after their son alone. There is no one to take care of her child and husband during night. She further submitted that there are other staff nurses who are exempted from night duties.

3. The matter was taken up with the respondent under Section 59 of the Act vide this Court's letter dated 16.08.2016 and followed by reminder dated 21.11.2016..

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4. The Respondent vide letter no. EV(9)PGI/16/F-2692 dated 18.11.2016 submitted that the complainant has already been posted in light area, i.e. Dental OPD. As far as exemption from night duties are concerned, complainant has already been given a very light area of working where the working are generally in routine hours of 09 a.m to 05 p.m. except only in few case the night duty is required to be performed which she is doing three night only in a period of approximately 2 ½ months as compared to other Nursing Officers who are performing 06 night duties every month or say 15 days in a similar period of 2 ½ months whereas the complainant is doing only one night duty. In addition to this, other employees who was granted exemption from night duty, the Institute does allow the night duty exemption on case to case basis after examination of their cases by the Medical Board specialist concerning as to their illness. The respondent stated that the complainant' s case has been examined by them in detail administratively and noted that she has already been obliged by exempting to the possible extent by granting low pressure posting. The respondent informed that the complainant's case cannot be considered for exemption from night duty.

5. The complainant vide her rejoinder dated nil submitted that she agree with the respondent's statement that she is being posted in light area, i.e. Dental OPD, but she was initially posted in Neonatal Nursery (ICU) where she did six and sometimes seven night duties in a month, against which she even made representations to the management. She was then shifted to Gynae Ward where she did night duties. She further submitted she is doing night duty after two and half months. If the policy is same for all the nursing officers who are working in OPD then what is the difference between a person with disability and a normal person. She further submitted that as the exemption is made by the medical board from night duties for some nursing staff, then why her case is not being considered for exemption from night duties.

6. An hearing was scheduled in the matter on 23.05.2017 at 16.00 Hrs.

7. During the hearing the complainant reiterated that she may be exempted from night duties as she has to look after her three year old son and her husband, who is a person with locomotor disability.


8. The representatives of Respondent stated that the complainant is working as Nursing Officer and is posted in the light area, i.e. Dental OPD. The complainant has already been given a very light area of working where the working hours is from 09 a.m. to 05 p.m. except only in few cases the night duty is required to be performed which she is doing three nigh only in a period of approximately 2 ½ months as compared to other Nursing Officers who are performing 06 night duties every month or say 15 days in a similar period of 2 ½ months, whereas the applicant is doing only one night duly. As regards, other employee who was

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granted exemption from night duty, the Institute does allow the night duty exemption on case to case basis, after examination of their cases by the Medical Board specialist concerning as to their illness. They further stated that her case was examined in detail administratively and also with reference to plea of exemption granted to other Nursing Staff from night duty and it has been noticed that she has already been obliged by exempting to the possible extent by granting low pressure posting.

9. After hearing both parties, the Court noted that there is no discrimination of the complainant by her establishment where she is employed as Nursing Officer. However, the Court directed the Respondent that as far as possible to exempt the complainant from putting her in night duty keeping in view the condition of her husband who is a person suffering from locomotor disability and her child. The Court also directed the Respondent to provide accessible, good and friendly atmosphere in the Hospital.

10. The case is accordingly disposed off.



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