



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

Case No.: 7107/1022/2016 सरकार / Government of India

Dated: 03.08.2017

Dispatch No. R...

In the matter of :

Smt. Rajinder Kaur,
X-1192, Lane No.2,
Rajgarh Colony,
Jheel,
Delhi - 110 031
Email<harinder.singh490@gmail.com>

.....Complainant

Versus

State Bank of India (Formerly State Bank of Patiala)
(Through the Managing Director)
The Mall,
Patiala - 147 001

Date of Hearing : 08.06.2017

Present :

Complainant - Shri Harinder Singh, complainant's son and Ms. Rupinder Kaur
Respondent - Shri Kuldip Singh, Chief Manager and Shri Atul Sharma, Assistant Manager
- on behalf of Respondent.

ORDER

The above named complainant, a person has filed a complaint dated 26.10.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 hereinafter referred to as the Act, regarding transfer of her son Shri Harinder Singh, a person with 75% visual impairment from Jalandhar to near to his place of residence in Delhi

2. The complainant submitted that her son, Shri Harinder Singh is posted as Junior Associate in State Bank of Patiala (presently State Bank of India) at Jalandhar. He was appointed under visually impaired quota. She lives with her family in Delhi. Her son being a visually impaired person is facing many problems due to low vision. Her son had given representation to the Dy. General Manager (HR), State Bank of Patiala vide letter dated 10.10.2016 for his transfer to Delhi.

3. The matter was taken up with the respondent under Section 59 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 vide this Court's letter dated 06.12.2016

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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)

4. The General Manager (HR & GA), State Bank of Patiala vide letter no. Per/AK/4214 dated 19.12.2016 has submitted that the complainant joined the Bank as Junior Associate under visually impaired category during November 2015 and is presently posted at Jalandhar. There was no vacancy indented for Delhi in the said recruitment for clerical staff. As no recruitment was done for Delhi, there was no possibility of candidate being posted at Delhi. The candidates applied for the state of Punjab and accordingly the complainant was allotted Jalandhar zone in the Punjab for his further posting. The Respondent further stated that as per their agreement with Award Staff Union, the transfer requests of award staff are noted for a particular station after a period of one and half year of their stay at the present branch. The transfer is affected on the basis of chronological seniority of transfer request recorded for a particular station subject to a vacancy at that station. The Respondent Bank stated that at present there are around 36 transfer requests pending for Delhi station. The transfer request of the employee for Delhi thus can only be considered at an appropriate time.

5. The complainant vide her rejoinder dated 27.03.2017 has submitted that she is not satisfied with the reply of the Bank as they have refused to process transfer request of her son. The complainant submitted that the bank is not adhering to guidelines of Govt. of India. The bank has done the same thing in the past with one Shri V.K. Bhasin who approached High Court which gave a verdict against the Bank. She also cited the case of Ms. Mumtaj Karim who joined the Jalandhar branch under VH category was sent back to her home town Dehradun after the order of this Court.

6. Upon considering the replies of the complainant and Respondent, a hearing was scheduled in the matter on 08.06.2017 at 12.00 Hrs.

7. During the hearing the complainant's son Shri Harinder Singh reiterated his earlier submission that considering his disability, he wishes to be transferred to Delhi/near to Delhi.

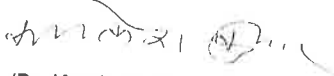
8. The representatives of Respondent vide their written submission dated 08.06.2017 stated that the complainant's son Shri Harinder Singh joined the erstwhile State Bank of Patiala which has not merged with the State Bank of India Junior Associate during the recruitment exercise conducted in 2014-15 vide advertisement no. CRPD/ABCL/2014-15/07 for filling up of vacancies of clerical cadre in five Associate Banks. The said recruitment exercise, only Bank-wise and 'State-wise' vacancies were notified. It was unambiguously mentioned in the advertisement for recruitment that the candidates can apply for vacancies in one Bank and 'one state only' and will have to appear for the test from an examination centre for that particular 'State' only. The Respondent stated that the application form as also the Bio-Data form of Shri

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Harinder Singh shows that he had applied for the vacancies for visually impaired under the persons with disability category for the vacancies of erstwhile State Bank of Patiala under Punjab State. Therefore, it was within the knowledge of Shri Harinder Singh as also the complainant therein, that on being selected, against the said vacancies under the said category and despite having the above referred medical condition, the employee would be liable to be posted in State of Punjab only. It was only out of the sweet will of Shri Harinder Singh to choose Punjab State for applying under PH vacancies. Otherwise the employee could have completed for Ph vacancies under Delhi State in erstwhile State Bank of Travancore. However, Shri Harinder Singh did not do so because of the stipulation in the recruitment advertisement that a candidate can apply in one bank and one state only, and there being only one vacancy in erstwhile State Bank of Travancore for Delhi State for visually impaired category. The Respondent stated that the Court case of V.K. Bhasin vs State Bank of Patiala, which has been relied upon by the complainant in her rejoinder, are totally different from that of the complainant's case. In the said case the employee suffered disability subsequent to this recruitment with the bank whereas in the present case employee had disability prior to joining the bank and had opted the present place of posting at his own sweet will. In Bhasin's case there were issues of non-issuance of medical certificate by the C.M.O whereas it is not so in the present case. The facts and circumstances of Bhasin's case are not applicable to the case of Shri Harinder Singh. The Respondent further stated that the Respondent is an ideal employer who has been conferred with the Golden Peacock Award in 2013 for adopting best HR practices. The Respondent further assured this Court that the case of the complainant's son for inter circle transfer to Delhi will be given a compassionate consideration, as and when he will be due for transfer and he applied for same, in terms of the Bank's policy for transfer. Respondent stated that presently 64 requests of clerical cadre for transfer to Delhi are pending as on date.

9. After hearing both, the complainant and the representative of Respondent, the Court felt that there is no violation of any provisions of Rights of Persons with Disabilities, Act 2016. However, considering the disability of the Shri Harinder Singh, the Court directed the Bank to consider the transfer of the Shri Harinder Singh to any branch near to Delhi which is convenient to him.

10. The case is accordingly disposed off.


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