



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: 7123/1024/2016

Dated : 22.09.2017  
Dispatch No. ....

In the matter of :

Shri M.S.V.R. Murthy, R3765  
D. No.2-15/3, Pinagadi Road,  
Sri Lakshmi Narasimha Enclave,  
Vepagunta,  
Visakhapatnam,  
Andhra Pradesh – 530 047

.....Complainant

Versus

Hindustan Shipyard Limited, R3766  
(Through Chairman & Managing Director),  
Visakhapatnam,  
Andhra Pradesh – 530 005

..... Respondent

Date of Hearing : 24.07.2017

Present :

1. Complainant – Absent
2. Shri K.V. Surya Rao, General Manager (HR) – On behalf of Respondent

**ORDER**

The above named complainant, a person with 60% locomotor disability filed a complaint dated 25.10.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act, against non sanctioning of three months special disability leave as per 6<sup>th</sup> Central Pay Commission for his treatment.

2. The Complainant submitted that he is employed in Hindustan Shipyard Limited, Visakhapatnam since 1979. He was promoted to the post of Assistant Supervisor in the year 2001 under PH category. Presently, he is working as Supervisor in PF Welding department sub stores. In the year 2015, he was attacked with Motor Neuron Disease (MND) for which he visited several hospitals in Bangalore and Hyderabad for treatment. In the process he utilized all his leaves. For undergoing treatment in KGH - Vishakhapatnam he wanted leave for 3 months, starting from 01.11.2016 on the ground of 6th CPC's Special Disability Leave Rule, but his department did not sanction the same.

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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 27.12.2016;

4. The General Manager (HR) Hindustan Shipyard Ltd (HSL) vide letter no. HR/SC&ST/3100/01/2017 dated 28.01.2017 stated that the complainant joined HSL as welder in 1979 and is currently working as Supervisor in the welding department. He was promoted to the post of Asst. Supervisor in the Welding Department on 14.10.2000. He met with a road accident on 01.06.2001. Since it was not possible for him to take up the duties of Asst. Supervisor on board the ship but due to his disability, he was given the job to supervise welding works in Prefabrication Department in a very limited area. As per the respondent, the complainant was not willing to carry out the light duty assigned to him and requested for job where he do not require to move. He was then shifted to the Quality Control Department in October 2004 where the mobility is limited. As the complainant could not adjust in this department, he was asked to look after the issue of materials in the welding stores. The complainant had requested for grant of 11 days of special casual leave for medical treatment, but as the respondent do not have any special provision for grant of special casual leaves for persons with disabilities, the same was communicated by them to the complainant. The complainant was also not sanctioned the 3 months Special Disability Leave for medical treatment as HSL do not have any provision for the same.

5. The complainant vide his rejoinder dated 20.02.2017 submitted that he used to work at the deepest part of the vessel. He has to climb 50-100 steps, wearing artificial leg. He was transferred to quality control department to PF Welding department during 2006 and then to material inspection department. He further submitted that when promotions were taking place during 2015, he was not considered for his next promotion even though he was senior most employee in the Officer's promotion list. He further submitted that in the PF Welding 06 department, no assistants or helper were given to him whereas in other departments 1 or 2 employees are deputed to assist the normal employees. He was attacked with severe rare disease Motor Neuron Disease (MND) which deteriorates his healthy day by day. The management of Hindustan Shipyard Limited issued him

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pass for 15 days only for entering in to the office premises by auto. For renewing it, he had a tedious task. He was not sanctioned 11 days Special Casual Leave. He submitted that due to the rare disease of MND, he could not perform day to day tasks. His request for granting him 3 months Special Disability Leave for his treatment was also not sanctioned to him.

6. As advised vide this Court's letter dated 05.05.2017, a copy of Leave Rules of Hindustan Shipyard Ltd was submitted by the Respondent to this Court vide their letter no. HR/ES/SC&ST/3100/06/2017 dated 22.05.2017.

7. Upon considering respondent's replies dated 28.01.2017, 22.05.2017 and complainant's rejoinder dated 10.02.2017, a personal hearing in the matter was scheduled on 24.07.2017 @ 11:00 Hrs.

8. During the hearing, the representative of the Respondent vide their written submission dated 22.07.2017 furnished that the Complainant was informed vide Hindustan Shipyard Ltd's letter dated 04.02.2016 and 11.08.2016 that his request cannot be considered as there are no rules and provisions existing towards granting Special Casual Leaves. The Complainant had made 3<sup>rd</sup> representation dated 25.10.2016 referring to 6<sup>th</sup> Central Pay Commission report and requested to sanction 3 months Special Disability Leaves without discrimination and loss of pay. The Complainant was informed vide Hindustan Shipyard Ltd's letter dated 15.11.2016 that his request for grant of 3 months Special Disability Leaves cannot be considered as he had not acquired injury during the course of employment. He was also informed that 6<sup>th</sup> CPC is applicable to Central Government employees but not to the employees of CPSUs.

9. After hearing the matter, the Court reached the opinion that the Respondent should explore the feasibility of granting 'Special disability leave' to the Complainant in the present case and to other persons with disabilities in general, on the same line, as available to employees with disabilities under the Central Government, regulated by DoP&T Rules in this regard. The Respondent is further advised to incorporate necessary amendments in their rules to give room for the specific privileges provided to persons with disabilities in the Rights of Persons with Disabilities, Act, 2016 with a view to achieve the

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objective of welfare of persons with disabilities in true sense. Respondent is further advised to explore the possibility of assigning a suitable job to the complainant, keeping in mind his disability.

10. The case is accordingly disposed off.



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