



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. 7239/1013/2016

Dated: 18th August, 2017

In the matter of :

Shri Jetho Chandiram Somia ^{R3090}
14, Mopar Complex, Village Shelu
Taluka Karjat, Dist. Raigard-41010
Maharashtra.

... Complainant

Versus

Export Import Bank of India ^{R3091}
Through the Chief General Manager (HRM)
Head Office – Centre One Building
Floor – 21, World Trade Centre Complex
Cuffe Parade, Mumbai – 400005.

... Respondent

Date of Hearing: 12.06.2017

Present:

1. Complainant present.
2. Shri Uday Shinde, Deputy General Manager on behalf of the respondent.

ORDER

Shri Jetho Chandiram Somai, father of Ms. Neha Jethanand Somai, a hearing impairment candidate, had participated in the PwD Special Recruitment Drive, 2016-17 conducted by Export Import Bank of India, Mumbai and qualified for interview and after obtaining minimum cut-off marks of 50% in written examination, she alleged that she was deprived of final appointment by EXIM Bank authorities because of manipulating of the laid down guidelines and procedures & misusing their discretionary powers. The cut-off marks for qualification, selection and appointment are different for these different sub categories of OH,HH and VI among the PwD candidates. As per the submission of the complainant, all Government organizations are directed through various guidelines for separate cut off marks for all above PwD categories of OH,HH and VH and they accordingly practice the above rule. Similarly, IBPS and other regulatory bodies like SIDBI, NABARD and SEBI etc. and even the constitutional body like UPSC for the selection and appointment of civil servants – IAS,IPS etc. also practice the above guidelines. The complainant further alleged that EXIM Bank authorities have fixed 60% as cut off marks for appointment of HH and VH candidates which is in violation of the laid down Government guidelines and practices.

2. The matter was taken up with the General Manager, Export Import Bank of India, Mumbai vide this Court's letter dated 23.02.2017 under Section 59 of the Persons with Disabilities Act, 1995 (PwD Act) while inviting their comments in the matter.

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3. Chief General Manager-HRM, Export Import Bank of India vide letter dated 06.04.2017 has inter-alia submitted that in the Special Recruitment Drive for Persons with Disabilities during the month of January, 2016, the candidates who satisfied the eligibility criteria as per the advertisement, were shortlisted for written examination conducted during May, 2016. The candidates who performed well in the written examination were called for personal interview. The Bank selected the suitable candidates as per the requirement and other candidates were not found suitable for selection. He further submitted that Ms. Neha Somai, daughter of Shri Netho Somai had appeared for written examination conducted by the Bank and was short listed for interview process. The interview panel in its recommendation for selection of officers in the Bank found Ms. Neha Somai unsuitable for selection in the bank.

4. The complainant vide his rejoinder dated 17.04.2017 informed that he is not satisfied with the reply of the Bank and requested this Court to direct the respondent to give specific replies to his grievances and appoint his daughter, Ms. Neha Somia.

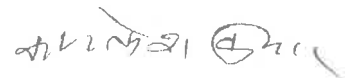
5. Upon considering the respondent's letter dated 06.04.2017 and complainant's letter dated 17.04.2017, the Court of Chief Commissioner for Persons with Disabilities fixed a hearing in the matter on 12.06.2017 and both the parties were informed accordingly vide Notice of Hearing dated 19.05.2017.

6. At the time of hearing, the complainant reiterated what is mentioned in his complaint and accordingly re-affirmed that their procedure for selection of candidate is wrong and that her daughter should be appointed against the same.

7. The representative of the respondent submitted that there are only officers in their Bank and there is no clerical staff, whose selection is done on merit. It is difficult to get PwDs for the posts as they are not readily available. They further submitted that they have already selected a PwD candidate and he has already joined.

8. The Court after going through the submissions of both the parties, observed that there is no violation of the provision of the Persons with Disabilities Act, 1995 and accordingly in the light of Rule 42(4) of the Persons with Disabilities Rules, 1996, the complaint is dismissed in default

9. The case is accordingly disposed off.



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