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न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No: 13517/1022/2022

Complainant:

Shri Gouranga Das
Emp No.: 18729802301
Office Assistant Accounts,
R/o Tejganj 9School Para),
PO- Nutanganj, Dist- Burdwan,
West Bengal-713102,

135991

Respondent:

The General Manager,
South Eastern Railways,
11, Garden Reach Road,
Kolkata - 700043.

135992

Respondent....1

The P.F.A,
South Eastern Railway,
Garden Reach,
Kolkata-700043.

135993

Respondent....2

Affected Person : The complainant, a person with 60% Locomotor Disability

GIST OF COMPLAINT :

The complainant is a person with 60% Locomotor Disability has filed a complaint dated 08.09.2022 regarding requesting for Intra Railway transfer from KGP Workshop to Garden Reach, South Eastern Railway, Kolkata.

2. The complainant stated that he was initially appointed as Helper, through RRC/S.E.Rly./GRC against Centralised Employment Notice No. 01/2015, in Kharagpur Workshop and is currently working as Office Assistant Accounts under

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the control of Sr. A F A (co-ord)/KGP (W) since 30.05.2018, The complainant stated that he is a divyang, residing at Tejganj (School Para), P.O. Nutanganj, Dist-Burdwan (W.B.), Pin – 713102, where his aged parents reside. His family consisting of his wife and two daughters live at Burdwan to look after of his aged parents as they are unable to take care of themselves. Also being a differently abled person need the continuous attention and care of his near and dear ones. So, he wants transfer on own request and divyang ground. Since Howrah (Garden reach) is not very far away from his home, his family can take care of his as well as he may take care of his parents if they all reside at Burdwan.

3. In such a situation he applied to his controlling officer on 28.06.2022, but instead of a favourable action, his controlling officer has been torturing him mentally and repeatedly asking him to quit his service.

4. The complainant requested for intervention of the CCPD by considering his physical condition and the condition of his aged parents and arranging for his transfer to Garden Reach, South Eastern Railway, (Intra railway transfer). So that he would be able to stay with his family there as well as to look after his aged parents.

5. The matter was taken up with the Respondent vide letter dated 09.11.2022 under Section 75 of the RPwD Act, 2016.

6. In response, Sh. Neeraj Singh (IRS), Deputy Financial Adviser & Chief Accounts Officer (General)/SER/GRC stated that Shri Gouranga Das appointed as Helper-II (W/S) against centralized employment Notice No. 01/2015, Special Recruitment Drive for Persons with Disabilities for erstwhile Gr "D" post in pay band Rs. 5200-20200/- with grade pay Rs. 1800/- (6th P.C.) & Level-1 of 7th P.C., through RRC/SER/GRC/KOL and ordered for appointment and posting in Kharagur workshop directly, duly accepting all of the terms and conditions as laid down in offer of appointed letter SER/P-KGP (WS)/ Rectt./140/RRC/Helper/938 dated 29.03.2018 and CPO/GRC's letter No. SER/P-HQ/RRC/141/Gr. D/PWD/SRD/2015 dated 20.12.2017. Shri Das was transferred to the office of Sr. AFA (Co-ord)/ Work shop/ KGP on 30 /05/2018 as OAA in Level-1 of 7th, P. C and since then, he has been discharging his duties there in the same capacity. Shri

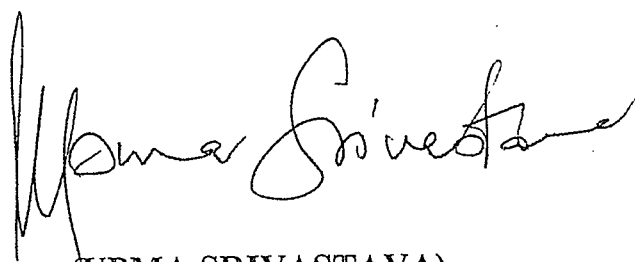
Das preferred a transfer appeal addressed to PFA/GRC on dated 22/06/2022 for his posting at GRC, being the PHOD of the S. E. Railway/Accounts Department through proper channel i.e via Sr. AFA (Co-ord) KGP/WS, who is his immediate cadre controlling authority. A copy of the same was received at the end of PFA/GRC as an advance copy.

7. The above said appeal of transfer was returned to the office of Sr. AFA(Co-ord)/WS-KGP in absence of forwarding with requisite official remarks (his cadre controlling authority) vide letter No. ADMN/ SE/ III GRC/Transfer/311 dated 26.08.2022 However, the office of Sr. AFA(co-ord)/ WS-KGP could not consider his transfer from Kharagpur-Workshop to GRC due to administrative constraint as the office is presently reeling under an acute shortage of staff and he stated that his case of transfer from KGP-WS to GRC on "own request" is under active consideration and he is likely to be accommodated at GRC at the earliest considering his case as a special one. This is being treated as a one-time exception.

8. The complainant filed rejoinder on dated 27.03.2023 informing that the case has been settled in his favour and that he has been transferred to O/o the Sr. AFA/Admn/Garden Reach, where he has already joined on 21.02.2023.

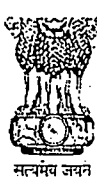
9. As the grievance has been redressed by the respondent, no further intervention is warranted in this matter.

10. This case is disposed off accordingly.



(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated: 02.05.2023



सत्यमेव जयते

4

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13462/1022/2022

Complainant:

Col. Sanjay Agarwal

Officer Commanding

114 MC/MF Det

Pin-900441

C/o 56 APO

Mobile No: 09560653619, 0989929707

Email: agarwalsanjay54@yahoo.com

13462

Respondent:

MS Branch (MS-2A)

Integrated Headquarters of Ministry of Defense (Army)

South Block, DHQ PO,

New Delhi-110011

13462

Disability: Specific Learning Disability – 40%

GIST OF COMPLAINT :

The complainant has filed a complaint that his son Master Shaurya Vikram aged 25 years is a person with disability and has a specific learning disability (Dyslexia) with Attention Deficit-Hyperactivity Disorder with 40% Medical Severity. The Complainant further submitted that Master Shaurya Vikram is currently pursuing his Post graduation course under PwD Category from Delhi University. In his academic curriculum there is a requirement of an assistance of a counselor, peers and faculty to assist him in the course being pursued by him. Being a differently abled child, he requires constant remedial medical assistance, monitoring and guidance from the counselor, parents, teachers and the congenial environment for systematic rehabilitation.

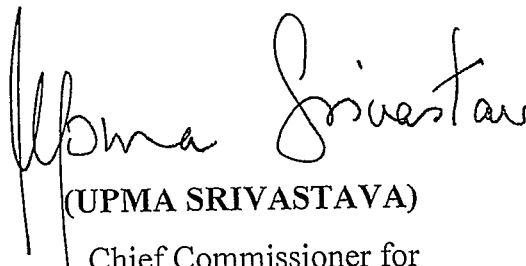
2. The complainant further submitted that he is also undergoing counseling and remedial treatment from the Institute of Human Behavior & Allied Sciences, Delhi and the same has been recommended to be continued for considerable time period and the presence of both the parents in addition to other support system has also been recommended by Military Hospital Psychiatrists.

3. The complainant further submits that presently, he is posted to 114 MC/MF Detachment as Officer Commanding (OC) in Danapur, subsequent to a tenure and study leave in Delhi on 27th September 2020 with the permission to retain accommodation in Delhi under the existing policy of Central Government to retain accommodation for a maximum period of five years which is culminating in July 2023. The complainant is due for his posting in November 2022 and has requested the MS Branch for a posting to Delhi/Field Area as a last leg posting on compassionate ground.

4. Respondent submits that the Complainant requested for posting to a field location to enable him to retain separate family accommodation in Delhi thereby providing much needed stability to his specially abled dependent son. In accordance with laid down policy/norm of postings, as also to meet the specific requirement of concerned officer, he has been posted to a field location which will enable him to retain accommodation thereby meeting his requirements. The respondent further submitted that Requirement projected by Col Sanjay Agarwal for posting to a field station has been met to officer's satisfaction. Hence, ibid matter pending before Hon'ble Court of Chief Commissioner for persons with disabilities has become infructuous/resolved.

5. Complainant confirmed that his grievance has been addressed and he does not want to pursue the Complaint any further. Hence, further intervention of this Court is not warranted.

6. Since the complainant's complaint has been redressed by his Office, no further intervention is required in the matter and the case is closed.


(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated: 02.05.2023



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
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 सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
 भारत सरकार / Government of India

Case No: 13473/1021/2022

Complainant:

Shri Kailash Kumar

Email – k.lakhara2011@gmail.com

139987

Respondent:

The Director

North Eastern Indira Gandhi Regional

Institute of Health & Medical Sciences

Director's Block, Mawdiangdiang, Shillong - 793018

Email – neigri.estti@gmail.com; jitensingh411@gmail.com

139988

Nature and extent of disability of the affected person: 70% Hearing Impairment

1. GIST of the Complaint:

Complainant Shri Kailash Kumar filed a complaint vide email dated 22.09.2022 submitted that in Case No. 12990/1021/2021, it was decided that promotion be given in Group A and Group B but the same was not implemented by North Eastern Indira Gandhi Regional Institute of Health & Medical Sciences (NEIGRIHMS). He further submitted that even after the enactment of Rights of Persons with Disabilities (RPwD) Act, 2016, the posts of PwBD are still vacant in NEIGRIHMS, Shillong. He submitted that an employee in SC category who is also a person with locomotor disability had been given promotion and due to this the employees with disability in UR category are feeling deprived. In NEIGRIHMS, Shillong there are total 131 seats for the post of Senior Nursing Officer (SNO) out of which 4% posts are for persons with benchmark disability which are remained vacant. Similarly, there are 09 posts of Dy. Nursing Superintendent (DNS) out of which 01 seat is for PwBD which is to be filled from person with hearing impairment but the Department is denied to fill the post.

2. Submissions made by the Respondents:

2.1 Respondent filed their reply dated 17.11.2022 and submitted that the complainant request is for promotion to the post of Deputy Nursing Superintendent, which is a Group A Post. As per the Recruitment Rules

of Deputy Nursing Superintendent the eligibility for promotion is from Senior Nursing Officer and not from Nursing Officer. This was communicated to the complainant vide letter dated 02.08.2022.

2.2 As regards the post of Senior Nursing Officer which is a Group B post, there are a total of 131 posts 123 posts are already filled. The vacant posts, (08 in number) are the posts reserved for SC Category. A proposal for de-reservation of these reserved post has been submitted to the Ministry of Health and Family Welfare. Approval of the Ministry is awaited. It was also submitted that the posts which stand filled at present both in the grade of DNS as well as SNO were filled before the issuance of the O.M. dated 17.05.2022. The reservation roster in promotion will be prepared after identification of the post by the Expert Committee.

3. Submissions made in Rejoinder:

The respondent reply was forwarded to the complainant vide letter dated 25.11.2022 with a direction to submit his rejoinder. However, no response was received from the complainant.

4. **Hearing:** The case was heard via Video Conferencing by Chief Commissioner for persons with disabilities on dated 18.04.2023. The following were present in the hearing:

Complainant: Shri Kailash Kumar

Respondent: Shri E Jitendra Singh, Law Officer

5. Observation/Recommendations:

5.1 Complainant submitted that in Case No. 12990/1021/2021, it was decided that reservation in promotion from Group B to Group A is not extended in Respondent establishment.

5.2 He submitted that an employee in SC category who is also a person with locomotor disability had been given promotion and due to this the employees with disability in UR category are feeling deprived.

5.3 He further submits that Respondent establishment there are total 131 seats for the post of Senior Nursing Officer out of which 4% posts are for persons with benchmark disability which are still vacant.

5.4 Similarly, there are 09 posts of Dy. Nursing Superintendent out of which 01 seat is for person with benchmark disability which is to be filled from person with hearing impairment but the Department is denied to fill the post.

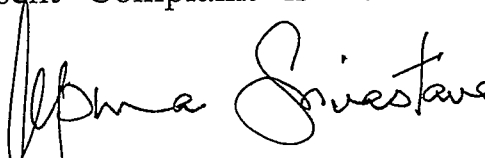


5.5 Respondent submitted that the complainant's request is for promotion to the post of Deputy Nursing Superintendent which is a Group A Post. As per the Recruitment Rules of Deputy Nursing Superintendent the eligibility for promotion is from Senior Nursing Officer and not from Nursing Officer. This was communicated to the complainant vide letter dated 02.08.2022.

5.6 As regards the post of Senior Nursing Officer which is a Group B post out of 131 posts 123 posts had already been filled and the 08 vacant posts are those posts which are reserved for SC Category and the proposal for de-reservation of the reserved post has been submitted to the Ministry of Health and Family Welfare. The approval is still awaited. All promotion to the post of DNS and SNO were already ordered before the issuance of the O.M. dated 17.05.2022. The reservation roster in promotion will be prepared after identification of the post by the Expert Committee.

5.7 Complainant's contention that out of total 131 posts, 4% have to be reserved for Divyangjan, cannot be accepted because reservation for divyangjan is not post-based, but vacancy-based. This Court is satisfied with the Respondent's reply except on their submission on identification of the posts by an Expert Committee. The respondents are hereby informed that identification of suitable posts for PwBD has already been done by the Ministry of Social Justice & Empowerment. The latest such list was issued vide MSJE Notification No. 38-16/2020-DD-III dated 04th January, 2023. While Central Ministries, Departments, Autonomous Bodies, Public Sector Undertakings may further supplement the list by adding to the list of posts identified for respective category of disability, they cannot remove any post from the list unless an exemption in this regard is obtained from the MSJE. As such any vacancy to be filled by promotion and arising out after 17.05.2022 shall be within the scope of the reservation scheme as laid down under the DoPT OM dated 17.05.2022. Further intervention in the present Complaint is not warranted.

5.8 The Case is disposed off.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 02.05.2023



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No.: 13518/1021/2022

Complainant:

Shri Ritesh Kumar Khare
S-1182, Near Police Public School,
Nehru Nagar, Bhopal – 462003
Email - rkkharedms@gmail.com

Respondent:

The Director
National Council of Educational Research & Training
Sri Aurobindo Marg,
New Delhi – 110016
Email - director.ncert@nic.in

Affected Person: The complainant, a person with 60% visual impairment.

1. Gist of Complaint:

1.1 The complainant filed a complaint vide email dated 02.10.2022 for providing the benefit of promotion after Limited Departmental Examination (LDE).

1.2 He submitted that he is posted at Bhopal. He qualified LDE in 2018 and posted as a Trainee Graduate Teacher (Math) at Demonstration Multipurpose School, Mysore whereas he had requested for his posting at Demonstration Multipurpose School, Bhopal. As per him his request had been declined. He alleged that the Roster has not been maintained as per the D/o P&T's guidelines.

2. Submissions made by the Respondent:

2.1 The respondent filed their reply vide letter dated 23.12.2022 and submitted that Shri Ritesh Kumar was not discriminated or treated unequally in any manner. Shri Ritesh Kumar was offered the post of TGT (Trained Graduate Teacher) in Mathematics at D.M. School, RIE Mysore vide NCERT Memorandum dated 18.01.2019, being panel candidate for the post of TGT (Maths) in LDE Quota. Shri Ritesh Kumar accepted the offer of appointment for the post of TGT in Mathematics at D.M. School, RIE, Mysore and requested to extend joining time vide letter dated 24.01.2019 and furthermore requested to post him at RIE, Bhopal. The Council vide letter dated 12.02.2019 had informed Shri Ritesh Kumar that his request for posting at RIE, Bhopal was not accepted and directed him to convey his unconditional acceptance and report for duty with immediate effect as TGT in Mathematics at D.M. School, RIE, Mysore. The post of TGT, Mathematics at DM School, RIE, Bhopal was vacant under DR Quota due to promotion of Shri R.K. Nayak. The post vacant under DR quota

cannot be filled through LDE quota against which Mr. Ritesh Kumar has been promoted.

2.2. The Respondent further submitted that Shri Ritesh Kumar instead of joining vide letter dated 19.02.2019 again requested to post him at RIE, Bhopal on the post of TGT (Mathematics). The NCERT again vide order dated 31.10.2019 informed Shri Ritesh Kumar regarding non acceptance of his request for posting at RIE, Bhopal and directed him to convey his unconditional acceptance and report for duty positively by 10.11.2019 otherwise the offer will be cancelled and he would be debarred for promotion for a period of one year. Since despite several directions to join at Mysore Shri Ritesh Kumar did not report to duty by 10.11.2019 the offer of appointment automatically stood cancelled w.e.f. 11.11.2019.

2.3 As regards Bill towards Travelling Allowance for Medical Treatment is concerned, it is humbly stated that Shri Ritesh Kumar has submitted claim dated 23.09.2021 in connection with his medical treatment from Ms Shankar Chitkatsalaya, Chennai, a non-CGHS empanelled hospital (as per CGHS approved 2016 list) along with TA in respect of himself and his escort. An Audit objection has been raised regarding sanction of T.A. in reference to Rule 12 of CS(MA) Rules stating therein that if the treatment for a particular procedure is available in the same city where the Government servant is employed, he may be permitted to avail the medical services in any other city of his choice but in such cases, he will not be eligible for sanction of T.A. /D.A. Moreover, he has not submitted the certificate from Chief Medical Officer whether the above-mentioned treatment is available at Bhopal or not. It is in this light that an amount of Rs. 8588-00 (Rupees eight thousand five hundred and eighty-eight only) for TA claim submitted by Sh. Ritesh Kumar Khare has been recovered from his salary of August, 2022.

3. Submissions made in Rejoinder:

3.1 The respondent reply was forwarded to the complainant vide letter dated 17.01.2023 for submission of rejoinder. However, no response has been received from the complainant.

4. Hearing: The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 10.03.2023. The following persons were present during the hearing:

Complainant: Ritesh Kumar Khare
Respondent: Sri Manish Singhal, Dy. Secretary
Sri Devender Kumar, Under Secretary

5. Observations & Recommendations:

5.1 The complainant filed a complaint vide email dated 02.10.2022 for providing the benefit of promotion after Limited Departmental Examination (LDE). He submitted that he is posted at Bhopal. He qualified LDE in 2018 and posted as a Trainee Graduate Teacher (Math) at Demonstration Multipurpose



School, Mysore whereas he had requested for his posting at Demonstration Multipurpose School, Bhopal. As per him his request had been declined. He alleged that the Roster has not been maintained as per the DoPT guidelines. Complainant has also submitted that his claim for reimbursement of medical expenses has also been rejected.

5.2 The respondent filed their reply vide letter dated 23.12.2022 and submitted that Shri Ritesh Kumar was offered the post of TGT (Trained Graduate Teacher) in Mathematics at D.M. School, RIE Mysore vide NCERT Memorandum dated 18.01.2019, being panel candidate for the post of TGT (Maths) in LDE Quota. Shri Ritesh Kumar accepted the offer of appointment for the post of TGT in Mathematics at D.M. School, RIE, Mysore and requested to extend joining time vide letter dated 24.01.2019 and furthermore requested to post him at RIE, Bhopal. The Council vide letter dated 12.02.2019 had informed Shri Ritesh Kumar that his request for posting at RIE, Bhopal was not accepted and directed him to convey his unconditional acceptance and report for duty with immediate effect as TGT in Mathematics at D.M. School, RIE, Mysore. The post of TGT, Mathematics at DM School, RIE, Bhopal was vacant under DR Quota due to promotion of Shri R.K. Nayak. The post vacant under DR quota cannot be filled through LDE quota against which Mr. Ritesh Kumar has been promoted.

5.3 The Respondent further submitted that Shri. Ritesh Kumar instead of joining vide letter dated 19.02.2019 again requested to post him at RIE, Bhopal on the post of TGT (Mathematics). The NCERT again vide order dated 31.10.2019 informed Shri Ritesh Kumar regarding non acceptance of his request for posting at RIE, Bhopal and directed him to convey his unconditional acceptance and report for duty positively by 10.11.2019 otherwise the offer will be cancelled and he would be debarred for promotion for a period of one year. Since despite several directions to join at Mysore, Shri Ritesh Kumar did not report to duty by 10.11.2019 the offer of appointment automatically stood cancelled w.e.f. 11.11.2019.

5.4 As regards Bill towards Travelling Allowance for Medical Treatment is concerned, it is humbly stated that Shri Ritesh Kumar has submitted claim dated 23.09.2021 in connection with his medical treatment from Ms. Shankar Chitkatsalaya, Chennai, a non-CGHS empaneled hospital (as per CGHS approved 2016 list) along with TA in respect of himself and his escort. An Audit objection has been raised regarding sanction of T.A. in reference to Rule 12 of CS(MA) Rules stating therein that if the treatment for a particular procedure is available in the same city where the Government servant is employed, he may be permitted to avail the medical services in any other city of his choice but in such cases, he will not be eligible for sanction of T.A. /D.A. Moreover, he has not submitted the certificate from Chief Medical Officer whether the above-mentioned treatment is available at Bhopal or not. It is in this light that an amount of Rs. 8588-00 (Rupees eight thousand five hundred and eighty-eight only) for TA claim submitted by Sh. Ritesh Kumar Khare has been recovered from his salary of August, 2022.



5.6 During online hearing Respondent submitted that if the Complainant had joined in Mysore, his transfer application could have been considered. Complainant also submitted that the posts of Primary Teacher in Bhopal are now vacant under both 'Direct Recruitment' quota and 'LDE' quota.

5.7 To resolve the issue assistance of concept of 'Reasonable Accommodation' is indispensable. Concept of Reasonable Accommodation is defined in Section 2(y) of Rights of Persons with Disabilities Act, 2016. As per provision, it means necessary and appropriate modification and adjustments, to ensure to Persons with Disabilities the enjoyment or exercise of rights with others. Further, Section 20(2) makes it positive obligation of every government establishment to provide 'Reasonable Accommodation' and appropriate barrier free and conducive environment to divyang employee.

SECTION 2(y) - "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others

SECTION 20(2) - Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

5.8 This principle is incorporated in RPwD Act, 2016 for effective implementation of rights recognised or guaranteed by the Act. Concept of 'Reasonable Accommodation' is not new in Indian legal jurisprudence. Hon'ble Supreme Court in JEEJA GHOSH v. UNION OF INDIA; (2016) 7 SCC 761, noted that a key component of equality is the principle of reasonable differentiation and specific measures must be undertaken, recognizing the different needs of persons with disabilities, to pave the way for substantive equality. Principle of 'Reasonable Accommodation' acknowledges that in order to rectify the social problem of discrimination with divyangs, affirmative conditions have to be created for facilitating the development of Divyangjans. This principle is not merely a formality, it is component of duty not to discriminate with Divyangjans hence the state is bound to provide these facilities to its Divyangjans. Hon'ble Supreme Court explained this in VIKASH KUMAR v. UPSC; 2021 SCC Online SC 84.

"54. The principle of reasonable accommodation has found a more expansive manifestation in the RPwD Act 2016. Section 3 of the RPwD Act 2016 goes beyond a formal guarantee of non-discrimination by casting affirmative duties and obligations on government to protect the rights recognized in Section 3 by taking steps to utilize the capacity of persons with disabilities "by providing appropriate environment". Among the obligations which are cast on the government is the duty to take necessary steps to ensure reasonable accommodation for persons with disabilities. The concept of reasonable accommodation in Section 2(y) incorporates making "necessary and appropriate modification and adjustments" so long as they do not impose a disproportionate or undue burden in a particular case to ensure to persons with disability the enjoyment or exercise of rights equally with others." Equality, non-discrimination and dignity are the essence of the protective ambit of the RPwD Act 2016."



5.9 This concept is connected with the principle of equality mentioned in Article 14 of Indian Constitution. The concept helps Divyangjan to eliminate the limitations on the performance of divyang employees. This concept is not limited to making modification in physical infrastructure only. Modifications must be made in every aspect of the job which can cause substantial disadvantage to divyang employee in comparison with enabled employee. In addition to modification in physical features of infrastructure, modification can also be made in working hours, assessment of divyang employee, pre-promotion training, providing assistive aids and devices etc.

5.10 In the present case Respondent can opt to apply the concept of Reasonable Accommodation and make some changes to accommodate any Visually Impaired candidate who might have qualified all the stages of the recruitment process but failed to get selected because of failing to secure 'qualifying marks' in last round. In the present circumstances 'Reasonable Accommodation' can be applied and the Complainant can be posted to his native place as per DoPT guidelines laid down in O.M. No. 14017/16/2002 dated 13.03.2002 issued by DoP&T which provides that the government employee must be posted near to their native place.

5.11 Considering the fact that the post of Primary Teacher is vacant in Bhopal, this Court recommends that the Respondent shall post the Complainant to Bhopal, which is his native place.

5.12 Respondent is directed to submit the Compliance Report of this Order within 3 months from the date of this Order. In case the Respondent fails to submit the Compliance Report within 3 months from the date of the Order, it shall be presumed that the Respondent has not complied with the Order and the issue will be reported to the Parliament in accordance with Section 78 of Rights of Persons with Disabilities Act, 2016.

5.13. Accordingly, the case is disposed off.

Dated: 03.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

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सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13437/1023/2022

Shri Rahul Singh
House No. 1088, Pushp Vihar
Sector - 07, New Delhi - 110017

: Complainant

— R39969

Vs

The Foreign Secretary
Ministry of External Affairs
Jawahar Lal Nehru Bhawan
Janpath Road, Opposite National Museum
New Delhi - 110011
E-mail: <pesec@mea.gov.in>
Tel: 011-23085365

: Respondent

— R39970

Disability: 46% Locomotor disability

GIST of the Case:

प्रार्थी श्री राहुल सिंह का अपनी शिकायत दिनांक 30-08-2022 में कहना है कि वह विदेश मंत्रालय में बतौर मल्टी टास्किंग स्टाफ के पद पर तैनात है। उनकी नियुक्ति दिव्यांगजन कोटे के तहत हुई एवं वह अनुसूचित जाति जनजाति से संबंध रखता है। प्रार्थी का कहना है कि दिनांक 05.04.2022 को उन्होंने भारतीय दूतावास में बतौर सिक्योरिटी गार्ड अथवा वर्तमान में सुरक्षा सहायक के पद के लिए आवेदन किया था। सिक्योरिटी गार्ड पद, वर्तमान में सुरक्षा सहायक विदेश मंत्रालय के ग्रुप सी मल्टी टास्किंग स्टाफ कर्मचारियों द्वारा भरा जाता है। उपरोक्त पद बतौर चौकीदार सुरक्षा कर्मी व गेट कर्मी के रूप में दिव्यांगजनों के लिए पहचाने गये पदों में भी सूचीबद्ध है। प्रार्थी के अनुसार इस मंत्रालय में दिव्यांगजन कर्मचारियों की निम्न 03 अति गंभीर समस्याएं हैं:—

1. भारतीय दूतावास में सिक्योरिटी गार्ड के पद पर आवेदन संबंधित।
2. विदेश मंत्रालय में दिव्यांग कर्मचारियों को पदोन्नति में आरक्षण का लाभ न मिलना।
3. एम.टी.एस के जो पद भारतीय दूतावास में तैनाती के संबंध में भरे जाते हैं उसमें दिव्यांगजनों का नाम आने में 10 वर्षों या इससे अधिक भी समय लग जाता है। जबकि सामान्य कर्मचारी इस कार्यकाल में 3-4 पोस्टिंग बतौर सुरक्षा सहायक भारतीय दूतावास में कर लेते हैं।
4. प्रार्थी ने पिछले 04 वर्षों से एम.टी.एस. के जो पद भारतीय दूतावास में तैनाती के संबंध में भरे जाते हैं के लिए आवेदन करता रहा है उनके आवेदन पर पिछले 04 वर्षों से कोई विचार नहीं किया गया।

प्रार्थी ने निम्नलिखित राहत मांगी है:

- भारतीय दूतावास में एम.टी.एस. की तैनाती के संबंध में हर कनिष्ठ स्थापना बोर्ड मीटिंग में दिव्यांगजन को रखा जाए एवं दिव्यांगजन की एक अलग वेटिंग लिस्ट बनाई जाए जिससे दिव्यांगजन को सामान अवसर मिल सके।

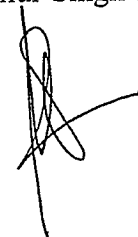
- सीधी भर्ती के कोटे को 85 प्रतिशत से कम करके 75 प्रतिशत पर लाया जाए जिससे दिव्यांगजन को पदोन्नति में आरक्षण का लाभ मिलना शुरू हो सके जोकि पिछले 17 साल से अधिक से नहीं मिल रहा है।
- तैनाती बतौर सिव्योरिटी गार्ड वर्तमान में (सुरक्षा सहायक) पद पर भारतीय दूतावास में अतिशीघ्र करने पर विचार किया जाए।

2. The matter was taken up with the Respondent vide letter dated **07.09.2022** under Section 75 of the RPwD Act, 2016.

3. In response, Under Secretary (PC, PD & PE), Ministry of External Affairs, New Delhi vide letter dated 06.10.2022 inter-alia submitted that Shri Rahul Singh, a person with 46% locomotor disability, joined as MTS in the Ministry of External Affairs, New Delhi in 2018 on compassionate ground. Thereafter, he was deployed in MEA Library Section in 2019 as per his personal request made for his deployment in MEA Library or Welfare Section in Jawahar Lal Nehru Bhawan, citing reasons regarding his limitations in mobility. On 01.04.2022, a circular was issued by the Administration of MEA for selection for the posts of Security Assistants from the Multi-Tasking Staff category. The circular contained the details of eligibility criteria for the applicants as per norms prescribed by Bureau of Security, Ministry of External Affairs. The circular explicitly mentioned the maximum age limit of 52 years, minimum educational qualification of matriculation, minimum height criteria as 150 cm for the applicants with no physical deformity as well as requirement of good health.

4. On 06.04.2022, the complainant has submitted an application with a request to consider him for the post of Security Assistant in a Mission/Post abroad. Thereafter, his application was duly examined to check eligibility including physical deformity as per BOS norms. The complainant has mentioned his height as 150 cm, i.e. the minimum prescribed height for selection of an MTS as Security Assistant. However, on finding the visual discrepancy, he was instructed to re-check his application with regard to his declared height. After Ministry's request, he sent a communication to Administration on 27.04.2022 requesting to correct his height to 145 cm instead of 150 cm. He admitted his mistake and mentioned that his height got reduced due to his disability.

5. His application was referred to Bureau of Security, a separate Division in the Ministry of External Affairs entrusted with the matters related to selection process of MTSs for posting abroad as Security Assistants. After due verification of his application, Bureau of Security informed that in order to get posted abroad as India Based Security Assistant, the minimum requirement is 'medically fit' i.e. SHAPE-I. (S-Psychological, H-Hearing, A-Appendages, P-Physical Capacity, E-Eye sight). Further, MTS detailed for posting abroad have to clear a tough physical conditioning/training of two months prior to their relieving and it is mandatory for them to clear physical endurance test for proving their merit before joining the Indian Mission/Post abroad, therefore, Bureau of Security did not recommend the case of Shri Rahul Singh for his posting abroad as India Based Security Assistant.



6. Further, Shri Rahul Singh joined his service in 10.08.2018 and he has completed only 04 years of his service and has 04 years of seniority at Headquarters for the purpose of posting abroad as MTS. His name may be considered for a posting abroad against the post of MTS as and when he attains the requisite seniority for consideration by the Jr. Establishment Board subject to other conditions such as availability of vacancy, administrative and security clearances functional requirement etc. As a general principle and uniform policy, such posting is not a matter of right for any of the employees of the respondent Ministry. There is no provision for reservation for any category of employees including PwBDs.

7. He further submitted that complainant has sought relief that vacancy of JSAs in the Ministry of External Affairs through direct recruitment may be brought down from existing 85% to 75% so that Divyang employees may get benefits of reservation. In this regard, provision for reservation in promotion to PwBD officials as per DoP&T OM dated 17.05.2022 is not applicable in regarding to the cadre of Jr. Secretariat Assistants.

8. प्रार्थी ने अपने प्रतिउत्तर दिनांक 09.11.2022 में कहा है कि उन्होंने जो भी अपनी व मंत्रालय में काम कर रहे अन्य दिव्यांगजन साथियों की बात इस न्यायालय के सम्मुख रखी वो सभी सही है। उनके अनुसार उनके कार्यालय में दिव्यांगजन कर्मचारियों कि कहीं सुनवाई नहीं है। उनका कहना है कि समान अधिकार और समान अवसर व समान भागीदारी सुनिश्चित करना व कोई भी अवसर बिना किसी भेदभाव के सबको मिलने चाहिए।

9. After considering the respondent reply dated 06.10.2022 and the complainant's rejoinder dated 09.11.2022, it was decided to hold a personal hearing in the matter and therefore, the case is listed for personal hearing on 29.12.2022.

10. **Hearing:** The case was firstly fixed for hearing on 29.12.2022, for which ROP was issued. The second hearing was fixed for 02.02.2023 which was re-scheduled to 09.02.2023. The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities. The following were presents:

- i) **Shri Rahul Singh: Complainant**
- ii) **Shri Ashutosh, Advocate for the Respondent**

Observation/Recommendations:

11. Complainant submits that he joined as MTS in the Respondent establishment in 2018. He filed an application requesting to consider him for the post of Security Assistant in a mission post abroad. However, the same was rejected because of his disability.

12. He prays before this Court that for the post of Security Assistant reservation should be given to Divyangjan and separate merit list of Divyangjan should be prepared. Further he prays that he should be given posting as Security Assistant in a mission abroad.



13. Respondent submits that the Complainant's application was received and was duly examined. As per rules, minimum prescribed height for selection of MTS as Security Assistant is 150 cm whereas, Complainant himself mentioned his height as 145 cm.

14. Respondent further submits that the Complainant's application was also referred to Bureau of Security, entrusted with matters related to selection process of MTS for posting abroad. The Bureau informed that in order to get posted abroad a person has to be medically fit and such candidate has to clear tough rigorous training of two months prior to the posting.

15. Respondent further submits that the Complainant joined in 2018 and he has completed only 4 years of service. His name will be considered for posting abroad against the post of MTS as and when he attains the requisite seniority. There is no provision for reservation for any category of divyang employees.

16. Hearing was conducted on 29.12.2022. ROP was issued and following questions were asked -:

- a) What is status of reservation in promotion?
- b) If the Respondent is not extending reservation in promotion, then what are reasons behind the same?
- c) If all the batchmates of the Complainant have been promoted then why the Complainant has been left out?

17. Following reply has been filed on above asked questions: -

- a) Reservation in promotion is not extended
- b) Reason for not extending reservation in promotion is because in LDC cadre 85% of the vacancies are to be filled by Direct Recruitment. As per DoPT O.M. dated 17.05.2022 reservation in promotion is extended only when element of 'direct recruitment' is not more than 75%. Since in LDC cadre element of Direct Recruitment is more than 75% hence reservation in promotion is not extended.
- c) No batchmate of the Complainant, junior to the Complainant, has been promoted before the Complainant. Respondent has submitted Seniority List. Complainant is at S. No. 237.

18. As far as issue of reservation in promotion is concerned, this Court concludes that Respondent's position is correct. DoPT O.M. provides that reservation in promotion is not extended when element of reservation is more than 75%.

19. During online hearing this Court was apprised that for posting outside India, training is necessary.

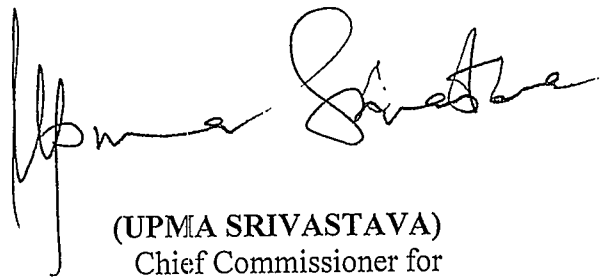
20. During hearing Complainant raised pertinent issue relating to rejection of his candidature on the ground of 'inadequate-height'. Complainant submitted that he applied for posting on mission abroad however his application was rejected because of 'inadequate height'. He further submitted that 60 – 70 other employees of the same batch were sent on same abroad posting.

However, he was left. Complainant further submitted that in gazette notification eligibility relating to height was not mentioned.

21. Advocate representing the Respondent was asked to clarify the position. Unfortunately, the advocate could not answer the queries raised by this Court.

22. This Court concludes that the present case is that of discrimination with the Complainant. Respondent failed to provide any plausible reason for not training the complainant. This Court recommends that the Respondent shall provide an opportunity to the complainant for training which has not been given till date.

23. **The case is disposed off.**



(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated: 03.05.2023



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

परिवाद संख्या 13556/1083/2022/163849

परिवादी—

श्री अश्विनी कुमार (अमरोही),

पुत्र - श्री राम नाथ अमरोही,

निवासी - RZ-B6A/215, ब्लॉक-जे,

वेस्ट सागरपुर, नई दिल्ली-110046,

ईमेल - ansulamrohi40@gmail.com; Phone: 9667694539

प्रतिवादी—

आयुक्त,

दिल्ली नगर निगम,

सिविक सेन्टर, नई दिल्ली-110001;

ईमेल - commissioner@mcd.nic.in

पीड़ित / लाभार्थी - परिवादी, 50% चलन दिव्यांग व्यक्ति

1. शिकायत का सार—

1.1 परिवादी ने दिनांक 03.10.2022 को सचिव, आवास व शहरी विकास मंत्रालय, भारत सरकार; आयुक्त, दिल्ली नगर निगम; और सचिव, दिव्यांगजन सशक्तिकरण विभाग, सामाजिक न्याय और अधिकारिता मंत्रालय के विरुद्ध शिकायत इस न्यायालय में प्रस्तुत की।

1.2 परिवादी के कथनानुसार वह जनकपुरी बी-1, सुपर बाजार के पास पिछले लगभग 30 वर्षों से तहबाजारी जगह पर पेंटिंग का काम करता रहा था एवं कुछ साल पहले फूलों का काम उल्लिखित स्थान पर करने लगा था। फरवरी 2019 में किडनी की बीमारी के कारण उल्लिखित तहबाजारी स्थान पर नहीं जा सका जिसका नाजायज फायदा उठाकर दिल्ली नगर निगम, पश्चिमी क्षेत्र के निरीक्षक, नामित, श्री जय किशन व श्री अशोक कुमार ने श्री वालिया जो एक धनी, रसूखदार व कैफे का मालिक है को उसके तहबाजारी स्थान को उपरोक्त कैफे मालिक से पैसे लेकर घिरवा कर कब्जा करवा दिया है।

1.3 परिवादी का यह भी कहना था कि इसकी शिकायत विभिन्न सक्षम प्राधिकारियों को दी जिससे दिल्ली नगर निगम के अधिकारीगण क्षुब्ध हो गए तथा परिवादी को जबरन दूसरी जगह -

रोड नम्बर 33, पंजाबी बाग विस्तार, नई दिल्ली में तहबाजारी का फाड़ आवंटित कर दिया जो गलत, गैर-कानूनी व मनमाना है।

1.4 परिवादी ने प्रार्थना की कि उन्हें शीघ्र न्याय एवं संरक्षण प्रदान किया जाए जिससे कि वे अपना एवं अपने परिवार का जीवन निर्वाह कर सकें।

2. प्रतिवादी द्वारा प्रस्तुत उत्तर—

2.1 प्रतिवादी ने 17.02.2023 को शपथ-पत्र पर अपना उत्तर प्रस्तुत किया और अन्य बातों के साथ-साथ यह भी कहा कि शिकायतकर्ता ने इस मामले में दिनांक 23.11.2022 को राष्ट्रीय अनुसूचित जाति आयोग के समक्ष एक शिकायत की है जिसमें पत्र दिनांक 09.12.2022 प्रतिवादी को 15 दिनों के भीतर आरोपों पर तथ्य और जानकारी प्रस्तुत करने का निर्देश दिया गया था।

2.2 प्रतिवादी ने आगे कहा कि अभिलेख के अनुसार शिकायतकर्ता को बैठने की जगह (squatting site) के लिए जारी किए गए पहचान पत्र और कब्जे के पत्र के अनुसार उसे आवंटित तह-बजारी साइट रोड नंबर 33, पंजाबी बाग एक्सटेंशन, नई दिल्ली में स्थित है। शिकायतकर्ता का यह दावा कि वह पिछले 30 वर्षों से बी-1 टी हट्स, जनकपुरी में बैठता रहा था, सही नहीं है। शिकायतकर्ता आवंटित तह-बजारी स्थल पर स्थानांतरित नहीं हुआ था, इसलिए उसकी शिकायत निराधार है और खारिज किए जाने योग्य है।

3. सुनवाई—

इस परिवाद में विडियो कान्फ्रेंसिंग के माध्यम से मुख्य आयुक्त दिव्यांगजन द्वारा दिनांक 10.03.2023 को सुनवाई की गई। सुनवाई में निम्नलिखित व्यक्ति उपस्थित हुए -

- (1) श्री अश्विनी कुमार (अमरोही), परिवादी
- (2) श्री भूषण कुमार, प्रशासनिक अधिकारी प्रतिवादी पक्ष से

4. अवलोकन/अनुशंसाएँ—

4.1 परिवादी ने कहा कि वह लाइसेंसशुदा जगह से कुछ सामान बेच रहा था। फरवरी 2019 में खराब स्वास्थ्य के कारण वह अपने व्यवसाय में शामिल नहीं हो सका। इसके बाद प्रतिवादी ने अपना स्थान किसी और को आवंटित कर दिया।

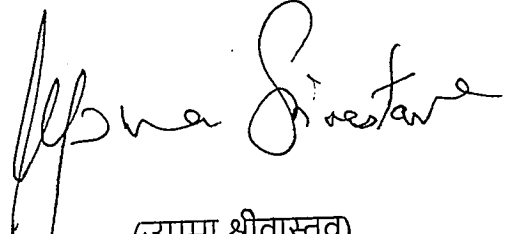
4.2 ऑनलाइन सुनवाई के दौरान, प्रतिवादी ने कहा कि शिकायतकर्ता को जनकपुरी में कोई जगह आवंटित नहीं की गई थी, बल्कि उसे पंजाबी बाग में जगह आवंटित की गई थी।

4.3 परिवादी यह साबित करने में विफल रहा कि वह अपनी दिव्यांगता के कारण विस्थापित हुआ था। परिवादी द्वारा यह भी साबित नहीं किया गया कि दिव्यांगता के कारण उसे अपने पुराने स्थान पर रहने का कोई अधिकार उपार्जित किया है।

4.4 इसलिए, यह न्यायालय निष्कर्ष निकालता है कि वर्तमान शिकायत दिव्यांगता से संबंधित नहीं और इस न्यायालय का हस्तक्षेप आवश्यक नहीं है।

4.5 तदनुसार, इस वाद का निपटारा किया जाता है।

दिनांक - 04.05.2023


(उपमा श्रीवास्तव)
मुख्य आयुक्त दिव्यांगजन



सत्यमेव जयते

Exh (22)

न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.13471/1024/2022

Complainant:

Shri V. Surulikumar
Flat No. 2, Vaikunth Building
RCF Colony, Chembur, Mumbai- 400074
Email: vskumar@rcfltd.com

PN 336

Respondent:

The Chairman & Managing Director
Rashtriya Chemicals and Fertilizers Limited,
Priyadarshini Building,
Eastern Express Highway
Sion, Mumbai - 400022
Email: cmd@rcfltd.com

PN 337

Complainant: 49% locomotor disability

1. Gist of Complaint:

1.1 Shri V. Surulikumar, Complainant a person with 49% Locomotor Disability, filed a complaint dated 17.09.2022 regarding Double Transport Allowance, Special Leave etc.

1.2 In his aforesaid complaint, the Complainant submitted that the Respondent Company does not provide him Double TA (Transport Allowance at double the normal rates to persons with disabilities). The Company is not implementing the provisions of the Rights of Persons with Disabilities (RPwD) Act, 2016. The Respondent Company has also not framed and published the Equal Opportunity Policy of the Company as required under Section 21 of the RPwD Act 2016.

1.3 The Complainant made the following prayers:

- (1) To direct RCF to give him PWD special leaves.
- (2) To direct RCF to give him double TA.

Contd....(Pg. No.2)

(3) To direct RCF to frame and display Equal Opportunity Policy on their Website, establishment premises/ offices/important places etc.

2. Submissions made by the Respondent:

2.1 Rashtriya Chemicals and Fertilizers Limited, vide their written reply dated 15.11.2022 had submitted that the complainant is in the employment of the Company since the year 1995. The Complainant was not appointed under category of Persons with Disabilities by the Company. However, the request of the Complainant regarding PWD Special Leaves and Double Transport Allowance is being examined by the Respondent Company.

2.2 Respondent further submitted that the provision of said Act and also the guidelines issued by the Government in respect of Divangjans are strictly followed by the Respondent Company. The Respondent Company has framed the "Equal Opportunity Policy" and has also appointed a "Grievance Redressal Officer" under Section 23 of the Rights of Persons with Disabilities Act, 2016.

3. Submissions made in Rejoinder:

3.1 The Complainant filed rejoinder dated 17.11.2022 and objected that DGM (HR) is not empowered to sign any paper for Chairman and Managing Director of the Company unless specifically empowered by the CMD. Hence, the reply is not at all to be considered. Even if it considered as a reply of the Company, it is not replied within the stipulated 30 days and as such it is a delayed reply. He has requested to this Court to decide the matter taking into consideration all records and also on merit of the case.

4. Hearing: The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 21.04.2023. The following were present in the hearing:



Contd....(Pg. No.3)

- (1) Shri V. Surulikumar –Complainant
- (2) Shri Sanjeev Doshi, GM (HR) with Shri Vishwas Choudhary, DGM (HR) –Respondent

5. Observations & Recommendations:

5.1 Complainant submits that the Respondent is denying him payment of Transport Allowance at double the normal rate and also denying him special leaves which are sanctioned for employees with disabilities. The complainant further submits that the Respondent has also failed to frame Equal Opportunity Policy.

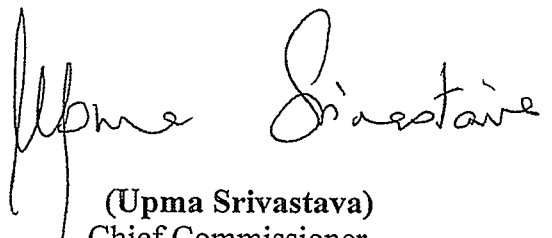
5.2 Respondent submits that the Complainant was appointed in 1995 and he was not appointed under disability quota. Further, Respondent submits that the Complainant's application for Transport at Double the normal rate and sanction of special leaves is under consideration. Respondent has also submitted that 'Equal Opportunity Policy' has now been framed and it is posted on the website of the Respondent establishment.

5.3 During online hearing parties reiterated the submissions made in written pleadings. Further the Respondent informed this Court that the Disability Certificate issued by the Complainant is of December 2021 and all the benefits which are allowed to employees with disabilities shall be extended to the Complainant also from the date of the disability certificate.

5.4 Since the Respondent has agreed to extend benefits given to employees with disabilities, to the Complainant as well, from the correct date, further intervention of this Court in the present Complaint is not warranted.

6. The case is disposed off.

Dated: 12.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



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न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 13810/1041/2023/190657

Complainant :

Smt. Shuchi,

M/o Utkarsh

Email id : devrastogi@rediffmail.com

240382

Vs

Respondent :

Controller of Examination

(By Name – Dr Sanyam Bhardwaj)

Central Board of Secondary Education

Shiksha Kendra, 2, Community Centre, Preet Vihar,

Delhi – 110092

Contact No. – 011-22515828; 011-22057089

Email – controller@cbse.gov.in

240388

Sub: Complaint dated 02.03.2023 filed by Smt. Shuchi, M/o Shri Utkarsh a person with 50% Autism Spectrum Disorder regarding sitting arrangement of Adult Prompter in CBSE Board Exams.

Whereas a complaint was received from Smt. Suruchi, mother of Shri Utkarsh, a person with 50% disability, namely - Autism Spectrum Disorder on the issue of provision of facility of Adult Prompter in CBSE Exams.

2. And whereas the Regional Director, Regional Office, Delhi (E), vide letter dated 21.03.2023 informed that the Board is extending several exemptions/concessions to CWSN candidates with disabilities as defined in the Rights of Persons with Disabilities Act, 2016. He also informed that the Centre Superintendent of Centre No. 819123 (Delhi Public School, Dwarka), where Shri Utkarsh, Complainant's son appeared for his Board's Examination, was following all the guidelines/instructions issued by the Board to provide facilities to the CWSN candidates in toto.

3. And whereas the Complainant vide her email dated 04.04.2023 informed

that due to quick intervention and directions of this Court to CBSE, the concerned school allowed the Adult Prompter to sit beside the child. She also submitted that clear instructions/guidelines be issued regarding all facilities for CWSN during CBSE exam to avoid such stressful situations for both parents and child.

4. And whereas since the Complainant's grievance has been redressed by the respondent, no further intervention is required in the matter.

5. And therefore, the case is disposed of accordingly.


(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated: 15.05.2023



Case No.13594/1011/2022/170804

27

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न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No.13594/1011/2022/170804

Complainant:

Shri Vishwanath Balkrishna Pujari,
Village + Post: Brahampuri,
Talluk: Mangalwedha,
District: Solapur (Maharashtra),
Pin: 413305
Email: pujarivishwanath221@gmail.com

M. J. S.

Affected Person: The complainant, a person with 45% Multiple Disabilities (Left Eye + Both Ears)

Respondents:

- (1) Director (Head Office),
Office of the Director General of Audit, Finance and
Communication,
Shamnath Marg (Near Old Secretariat),
Delhi - 110054
Email: pdafincom@cag.gov.in
- (2) The Chairman,
Staff Selection Commission,
CGO Complex, Block No.12,
Lodhi Road, New Delhi-110003
Email: chairmanssc@gmail.com; sscushqpp1@gmail.com

M. J. S.

M. J. S.

1. Gist of complaint:

1.1 The complainant filed a complaint dated 19.11.2022 regarding injustice done with a person with multiple disability in CGLE 2019 by the Staff Selection Commission.

1.2 The complainant submitted that he had cleared Tier-1, Tier-2, Tier-3 and Typing Test as well as Document Verification. At the time of document verification, the officers of SSC Western Region, Mumbai told

1 | Page

[Signature]

to the candidates with Multiple Disability, MI and SLD to choose three posts. Since the complainant had scored 298 marks, he selected the post of Tax Assistant on first priority whereas the Officer of SSC asked him to select three posts. The complainant further submitted that except the Post Code B03, B05, B07, D34, he secured the minimum score of all posts, despite of that his dossier was not sent to the concerned department by SSC as the concerned department is not ready to appoint the persons with disability having SLD, MI, MD and ID. As per the Notification, at Para 2.3, he could have been appointed to the post of Office Assistant in the Passport Office of Ministry of External Affairs; at para 2.4 - as an Accountant in C&AG; and at Para 2.5 as a Tax Assistant in CBIC.

2. Submissions made by the Respondents:

2.1 The Respondent No.1 filed their reply dated 13.01.2023 and inter-alia submitted that IA&AD or for that matter the O/o C&AG of India or HQs Office does not have any post of Tax Assistant in Group C. The post of Tax Assistant is available in the CBDT and CBIC. They have no control or relationship with either CBDT or CBIC. The IA&AD in response to O/o C&AG's circular dated 14.09.2018 had identified suitable posts in various Group B and Group C cadres in IA&AD for persons with Disabilities under the Rights of Persons with Disabilities Act, 2016. The post of Auditor/Accountant in Group C and the post of Assistant Audit/Accounts Officer (AAO) in Group B are not identified as suitable for VH and Low Vision candidates.

2.2 As per the Complainant, the Staff Selection Commission had not sent his dossier to the concerned Ministry or Department and that he should have been nominated for the post of Accountant in the C&AG Office by SSC, it is evident that the IA&AD or for that matter, the O/o C&AG has no role in this regard. Further, the dossier of the complainant did not appear in the list of 500 candidates (SC-75, ST-38, OBC-135, EWS-50, UR-202) duly nominated by SSC for appointment to the post of AAO (Group-B cadre) through CGLE 2019. The respondent also submitted to



discharge them from the complaint since it is not concerned with Indian Audit & Accounts Department (IA&AD) or any of the constituent Offices of IA&AD or with the Office of the C&AG of India.

2.3 SSC (WR), Respondent No.2, filed its reply dated 13.02.2023 and submitted that at the time of Document Verification his eligible Post Codes were B05 (Assistant Section Officer in Ministry of Railway), B28 (Inspector of Post in Ministry of Communication) and B10 (Assistant Section Officer in Ministry of Electronics and Information Technology), out of three he did not clear the cut-off of B05, B28 was not found eligible for Pwd candidates and final vacancy became zero for B10. Complainant's claim that he may be given the choice of Assistant in Other Ministries/Departments/Organization as per point 8, 9 and 10 of para 2.2 and point 19 of para 2.3 of the notice where both disabilities LV and HH are permissible separately; independent of each other and not Visually Impaired in combination with Hearing Impairment under Multiple Disability (Others). The post of Assistant/Assistant Section Officer in Other Ministries/Departments / Organization; post code B08 to B20 as per the result write-up of CGLE 2019 reported O vacancies except for B15 (Assistant in Central Passport Offices), D37 (Accountant in Controller General of Accounts) and D52 (Tax Assistant in CBIC). The vacancies in respect of post codes B15, D37 and D52 were not identified suitable for HH+LV category by the indenting departments till the completion of Document Verification of CGLE 2019. Further, no vacancy could be filled up in these departments due to non-availability of suitable PwD candidates.

3. Submission made in Rejoinder:

The complainant filed his rejoinder dated 23.02.2023 and reiterated his complaint. However, he added that SSC has issued Corrigendum for the Notification CGLE 2020 and CGLE 2021 and has given reservation to all the categories of disabilities, but has not issued Corrigendum for CGLE 2019.

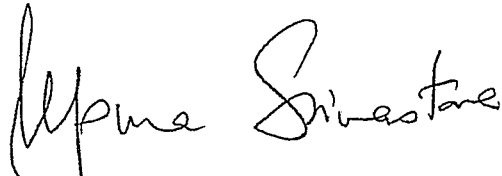


4. Observations & Recommendations:

4.1 This Court is inclined to observe that the fault is not of the Respondent but of the establishments on behalf of which vacancies were issued by SSC. Before 04.01.2021, list which was prevalent was issued in 2013. In that list no post was identified suitable for Mental Disability category. In RPwD Act, 2016, provision was there to reserve vacancies for Mental Disability category, however till 04.01.2021 only few establishments identified posts suitable for mental disability category. The Court is inclined to note that the list of identified posts dated 04.01.2021, issued by MOSJ&E cannot be held to be effective on vacancies which were notified prior to 04.01.2021. Further intervention of this Court in the present Complaint is not warranted.

4.2 Accordingly the case is disposed off.

Dated: 15.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

Dairy No – 186136 भारत सरकार / Government of India

Dated: 15.05.2023

To

Shri Raj Kumar Guru,
Sr. Instrumentation Manager,
IOCL Digboi Refinery, Assam Oil Division,
PO – Digboi, Dist – Tinsukia, Assam – 786171
Mobile No – 7637012175
Email – guru2kmaa@gmail.com

12/03/24

Sub: Complaint dated 24.01.2023 requested for Promotion.

Please refer to the above-mentioned complaint.

2. The matter has been examined. It has been observed that you have earlier also filed a complaint in this regard which was decided vide this Court's order dated 06.09.2022. It is hereby informed that as per proviso to Section 34 (1) of the Right of Persons with Disabilities Act, 2016, reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time. In the matter of reservation in promotion, Department of Personnel and Training has issued consolidated instructions vide O.M. dated 17.05.2022. It was not mentioned in the O.M. that the same is applicable from the retrospective effect.

3. In view of the above, there appears no violation of any provision of the RPwD Act, 2016, Rules, 2017 or Guidelines. Hence, intervention of this court is not required in the matter. However, if you are aggrieved of DoPT's O.M. dated 17.05.2022, you may either approach to DoPT or to any appropriate higher forum if so advised.

4. Accordingly, the case is disposed of.

(Upma Srivastava)
Chief Commissioner

for Persons with Disabilities



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न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13597/1141/2022/154296

Complainant: Shri Saurabh Kumar
Toshiyas Sachiv
G-8, Nandan Tower Colony More
Kankarbagh, Patna-800020
Email: toshiyassaurabh@gmail.com
Mb: 9122959613

R40290

Respondent: The Managing Director
Delhi Metro Rail Corporation
Metro Bhawan, Fire Brigade Lane
Barakhamba Road, New Delhi - 110001
Email: d.f.delhimetro@dmrc.org
Ph: 011-23418303

R40291

GIST of the Complaint:

Complainant Shri Saurabh Kumar vide complaint dated **20.08.2022** has submitted that Delhi Metro Rail Corporation is not providing concession in metro fares to persons with disabilities.

2. SUBMISSION OF THE RESPONDENT:

2.1 Sr. Dy. General Manager/Legal of the Respondent Corporation filed reply dated 17.02.2023. He submitted that the fixation of fare is not within the control of Delhi Metro Rail Corporation Limited. It is fixed by a Statutory Committee constituted by Government of India under Section 33 of Metro Railways (Operation and Maintenance) Act, 2002. The last Fare Fixation Committee was constituted by the Central Government on 27.05.2016 and the Committee did not make any recommendation offering discount to differently abled persons. The DMRC is considered as the safest form of public transport, especially, for Divyangjan Passengers.

...2....

2.2 He further submitted that to promote the mobility of persons with disabilities, DMRC has already made arrangements at its Metro Stations and inside the Stations to make the metro accessible to them and their journey a pleasing experience such as (i) kerb cut at the footpath and tactile path on station platforms; (ii) ramp with appropriate gradient, (iii) handrail at suitable height, (iv) lifts of appropriate space and size to accommodate wheelchair passengers, (v) audible signage at lifts, (vi) information signs and buttons of the lift control panels are provided in Braille, (vii) special toilets for divyangjan at Metro Stations, (viii) reserved seats for divyangjan in trains, (ix) reserved space for wheelchair in trains, (x) audio/video indication while closing of train doors and (xi) DMRC Station staff provides personal assistance to persons with disabilities.

3. HEARING :

3.1 The case was listed for hearing on 16.03.2023 which was rescheduled to 06.04.2023 due to administrative exigency. The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 06.04.2023. The following were present:

- Shri Saurabh Kumar – Complainant
- None appeared on behalf of respondent

4. OBSERVATION/RECOMMENDATIONS:

4.1 The main grievance of the Complainant is that Delhi Metro Rail Corporation, hereinafter referred as 'DMRC', is not providing concession in metro fares to persons with disabilities. Complainant has also submitted that basic facilities like availability of wheel chair at metro stations and washroom facilities for divyangjan are also not available at metro stations .

4.2 Respondent submitted that DMRC does not fix the fares. As per Metro Railways Act 2002, fares are fixed by 'Fare Fixation Committee'. Last time, the committee gave its recommendation in 2016 which did not include any recommendation to relax fares for divyangjan.



...3....

4.3 Main issue in the present Complaint is availability of basic facilities at metro stations and providing concession in fare. Online hearing was conducted on 06.04.2023. Respondent did not join the hearing. Hence, this Court is compelled to decide the complaint ex-parte.

4.4 Mobility is essential aspect of life which is integral for performing various social economical functions connected with day to day life. Transportation facilitates mobility. Importance of transportation gets reflected in s.41 of Rights of Persons with Disabilities act, 2016. The provision enunciates that the 'appropriate government' shall provide various facilities like parking space, toilets, ticket counters etc for divyangjan at places like bus stops, airports, railway stations etc. Further the provision assigns the government establishment duty to develop schemes and programmes to promote personal mobility by giving incentives and concessions in the cost of the transportation. The provision is mentioned below for ready reference:-

41. Access to transport.—(1) The appropriate Government shall take suitable measures to provide —

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design

(c) accessible roads to address mobility necessary for persons with disabilities.

(2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

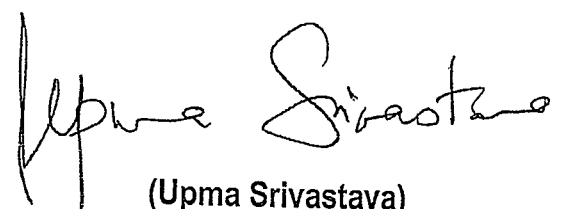
...4...

4.5 This Court takes note of the fact that the Respondent has different mechanism of selling of token/tickets and deducting fares. Traditionally tickets are purchased from ticket counters where transaction takes place. In traditional methods used by Indian Railways, tickets are checked by the human beings hence, any non-divyangjan who has bought concessional ticket available for divyangjan can be caught by the ticket checker. Unlike this traditional method, Respondent follows a system in which the person who intends to use Respondent's transportation facility has to interact with the machine while purchasing token/ticket and then again has to interact with machine at automatic gates situated at entry and exit points. Like traditional method, human beings do not check the token/ticket of the user. The practical problem which may arise is that it may be easy to fool machine at entry and exit points in such case and hence a non-divyangjan may purchase token/ticket at concession rates, which are meant exclusively for divyangjan.

4.6 Respondent being a Government establishment is bound by the provision of Section 41 of the RPwD Act 2016. However, considering the practical problems which may arise, this Court cannot pass a blanket Order directing the Respondent to provide concession in fare. Hence, this Court recommends that the Respondent after taking into account the aspects related to practical problems which may be faced and duty to promote transportation, as enunciated in Section 41 of RPwD Act, 2016, shall formulate schemes to provide concession and incentives in metro fare. The scheme should be designed so that the benefit of such concession and incentive reaches to the divyangjan and must not be susceptible to misuse by non-divyangjan. Further, if such scheme can only be formulated by any committee like 'fare concession committee' then in such case this Order shall be forwarded to such committee.

4.7 On the issue of providing basic minimum facilities like washrooms, wheelchairs etc this Court recommends that the Respondent shall implement Section 41 of RPwD Act, 2016 provide such facilities at all metro stations so that divyangjan can obtain the benefits of travelling at par with non-divyangjan.

4.8. The Case is disposed of accordingly.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 15.05.2023



सत्यमेव जयते

Ex 69
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न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No.13487/1024/2022

Complainant:

Shri Savio Fernandes
B-15, F-3, Milroc Retreat Ribander
Alto Ribander, Goa -403006
Email: fedsavio@gmail.com

R40333

Respondents:

(1) The Chief Executive Officer
Prasar Bharti, Prasar Bharati Secretariat
Tower 'C', Copernicus Marg,
New Delhi- 110001
Email: ceo@prasarbharati.gov.in

R40334

(2) The Dy. Director General (E)
All India Radio,
Ahmadabad
Email: nlchauhan@prasarbharati.gov.in

R40335

1. Gist of Complaint:

1.1 Shri Savio Fernandes, a person with 45% locomotor disability filed a complaint dated 27.09.2022 regarding irregularities in the matter related to promotion under persons with disabilities category. He submitted that he joined the service as Clerk Grade-II on 31.01.1991 in the office of Doordarshan Kendra, Ahmedabad. The post of Clerk Grade II and Clerk Grade I were redesignated as Lower Division Clerk and Upper Division

1 | Page

Clerk w.e.f. 19.11.1994. Ever since he became eligible under disability quota he has been waiting for his promotion to the higher post.

1.2 The complainant submitted that the Respondent did not follow the provisions of reservation for employees with disabilities vis-a-vis non maintenance of mandatory reservation roster meant for employees with disabilities in the matter of promotion by the Respondents. The Respondents misinterpreted Reservation orders much to discomfort of employees with disabilities the Complainant sustains continuing loss and is highly prejudiced and discriminated.

1.3 The Complainant further submitted that the separate Earmarked 100 points Vacancy Based Reservation Roster for PH/PwD is mandatorily required to be maintained taking into account all the common posts such as UDC/SK/Head Clerk/Accountant/SSK/Motor Drivers etc. identified as well as non-identified both from All India Radio (AIR) and Doordarshan (DD), the seniority of which posts is being maintained within a state. The Capital AIR Station which is entrusted with the duty of conducting DPCs for such common posts mentioned above in a State is required to prepare the separate 100 point vacancy based Reservation Roster for PH/PwD without excluding any common post/cadre like Drivers etc on the flimsy ground that their seniority and promotion is being maintained separately. If any of such identified or unidentified post is excluded from the said Reservation Roster, the employees with disabilities will continue to suffer the loss and will be highly prejudiced and discriminated.

1.4 The Complainant also submitted that the recruitment and promotion rules for the post of Clerk Grade-II/LDC prescribes that incumbency period of five years entitles a Clerk Grade-II/LDC to be considered for promotion to the post of Clerk Grade-I/UDC whereas the Recruitment and Promotion Rules on amendment in the year 1994 prescribes eight years incumbency in the post of LDC for consideration for promotion to the post of UDC. In such view of the matter the applicant was eligible to be considered for promotion



under PwD quota after 31/01/1999 (on completion of eight year services in the post of Clerk Grade-II). However, the Respondents refused to consider the Applicant under PWD Quota.

1.5 The Complainant was offered promotion to the post of UDC after a long wait in the year 2002, but under General Category and not under PH (O)/PWD category in spite of repeated prayers. Though there were several vacant posts in the State of Gujarat with no less than three vacant posts of UDCs in Ahmedabad city the applicant was offered post outside Ahmedabad i.e. in Baroda. The Respondent No. 2 deliberately placed wrong seniority in the promotion process and diligently posted an able bodied Compassionate Appointee senior to him and offered him Ahmedabad.

1.6 He had requested for the following reliefs:

(1) To direct the respondents to grant him all his promotions from the date of his eligibility as the roster points meant for PwD with retrospective effect with consequential benefits for the ends of justice in conformity with Respondent Directorate AIR New Delhi Order dated 8th April, 2022;

(2) To direct the respondents to strictly maintain the mandatory 100 points Reservation Roster for PWD taking into account the identified as well as non- identified common posts from both AIR and Doordarshan without excluding any cadre/post, the seniority of which is being maintained within a state;

(3) To pass strong warning to the Respondent no. 2 with an special entry in the CR;

(4) To pass orders to initiate disciplinary proceedings against the Respondent no. 2 and its erring officials for not performing the role of supervision and monitoring;



(5) To pass orders to initiate disciplinary proceedings against the Respondent no. 2 and its erring officials for non-observance of provisions of reservation for persons with disabilities.

2. Submissions made by the Respondent:

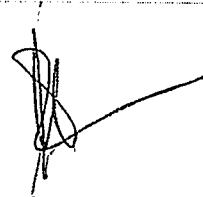
2.1 Deputy Director General (E)/Head of Department, Prasar Bharati, All India Radio, Ahmedabad, filed reply vide letter dated 26.10.2022 and submitted that the roster in respect of persons with disabilities are being maintained. The Roster point vacancies in PWD Quota already filled up when the applicant became eligible for promotion. The Complainant was eligible for promotion as UDC from 31.01.1999 but from 31.01.1999 to 11.01.2005 (his transfer to another Zone i.e. Maharashtra Zone), no vacancy under PWD quota was available. As there was no vacancy under pwd quota, the applicant was offered promotion as per Seniority cum Fitness by the Departmental Promotion Committee in 2002.

2.2 The Respondent further submitted that since all the vacancies were filled in PwD quota, hence, no retrospective recomputing is required. The Department is following all rules and regulations regarding pwd promotion and hence, the Complainant's allegations of discrimination are not justified. Promotions to candidates with disabilities were given as per PwD rosters. The Respondent also objected to the statement of 'slave under British Raj' made by the Complainant.

2.3 The Respondent further submitted that no such order dated 20.11.1989 was received in their office. The pwd quota was already filled and the question of promotion to abled body over the pwd does not arise.

3. Submissions made in Rejoinder:

3.1 The complainant filed rejoinder dated 25.12.2022 and submitted that the Respondent no. 1 may be directed (i) to submit his reply before the court,



(ii) to issue show cause notice for disciplinary action against Respondent no. 2 for deliberately not endorsing the copy of the reply to the complainant in clear violation of the orders of the Court and (iii) to submit the rejoinder to the replies by each of the Respondents in conformity with the Doctrine of Proportionality and Fairplay, Wednesbury principle.

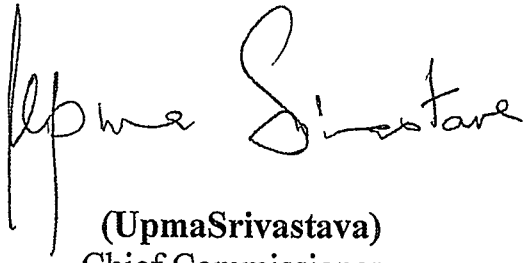
4. Observations and Recommendations:

4.1 On going through the record, it has been observed that the issue of reservation in promotion was already raised by the Complainant before Central Administrative Tribunal, Ahmedabad. The Hon'ble Tribunal decided the issues by Order dated 09.03.2004. Further, the issue raised by the Complainant pertains to the years 1999 and 2002. He is asking for relief since 1999. Complainant has not provided any specific date of period after 2002.

4.2 This Court concludes that since, the issue was already adjudicated upon by CAT Ahmedabad, no intervention of this Court is warranted in the matter. The matter, being one of inordinate delay, is disposed of. However, the Respondent is directed to prepare the reservation roster for promotion as per para 10 of D/oP&T's O.M. dated 17.05.2022.

4.3 Accordingly, the case is disposed of.

Dated: 16.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



महामेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13561/1022/2022

Complainant:

Shri Laxman Dass,
F/o Ms. Priyanka TGT Math
H. No. 851, Sector-10,
Gurugram, Haryana -122001
Email ID laxmandass91@yahoo.com

R40322

Respondent

The Commissioner,
Jawahar Navodaya Vidyalaya Samiti,
B-15, Institutional Area, Sector-62,
Noida, Uttar Pradesh-201 302
Email ID < commissioner.nvs@gov.in >

R40323

1. GIST OF COMPLAINT

1.1 शिकायतकर्ता का अपनी शिकायत पत्र दिनांक 14.11.2022 में कहना है कि उनकी पुत्री सुश्री प्रियंका जोकि 100 प्रतिशत न्यूरोलॉजिकल डिसऑर्डर से पीड़ित है (पैरों से), जवाहर नवोदय विद्यालय, उधमपुर में टी.जी.टी. (मैथ) में कार्यरत है, उनकी पुत्री का चयन दिव्यांग कोटे से हुआ था।

1.2 उनका कहना है कि पहली बार ज्वाइनिंग स्टेशन डुंगरपुर, राजस्थान मिला था, लेकिन जब वह डुंगरपुर, राजस्थान गए तो वहां पर पाया कि डिसेबल व्यक्तियों के लिए इंग्लिस टॉयलेट व रैंप आदि की कोई सुविधा नहीं थी। जिसके बाद शिकायतकर्ता ने लिखित में अपनी समस्या कमिश्नर साहब, जवाहर नवोदय विद्यालय समिति नोएडा को दी थी परन्तु इस सब के बावजूद भी उनकी बेटी को Rakh Jaganoo Udhampur J & K Station Joining के लिए allot किया गया। लेकिन उधमपुर स्कूल में भी डिसेबल व्यक्तियों के लिए इंग्लिस टॉयलेट तथा सपोर्टिंग पाईप हैंडल आदि की व रैंप आदि की कोई सुविधा नहीं थी, जिसकी वजह से प्रिंसिपल कार्यालय, मेस, तथा क्लासरूम में नहीं जा सकते और एक वर्कशॉप से रेजीडेंसियल जोन तक जो रैंप बनाए हुए हैं वह इतने खराब हैं कि उन पर व्हील चेयर चलाना बहुत मुश्किल है। इन सभी समस्याओं के बारे में जब शिकायतकर्ता ने प्रिंसिपल को बताया तो उनका एक ही जवाब होता है की बजट नहीं है और जो सुविधा आपको चाहिए

...Contd. (Pg.2) ...

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं० जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: 011-20892364, 20892275

E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in

(पया मविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)

आप अपने आप इस कि व्यवस्था करें। इसके साथ ही विद्यालय में जंगली जानवर (तेदूए, तथा भेड़िए) आदि के आने-जाने का हमेशा खतरा बना रहता है और बंदरो की संख्या अनगिनत है जोकि दिव्यांग कर्मचारी की जान के लिए बहुत जोखिम भरा है।

1.3 शिकायतकर्ता का कहना है कि उनकी बेटी को Atexia बीमारी है जिसका AIIMS Hospital में अभी तक कोई इलाज नहीं है तथा अभी वह स्वामी रामदेव की पतंजलि हरिद्वार से उपरोक्त इलाज करा रहे हैं। दिनांक 14.11.2022 को सुबह लगभग 8.30 बजे कक्षा शुरू होने के बाद एक खतरनाक जानवर रिहायसी इलाके में मेस के बीचो-बीच से निकल कर गया ऐसे में यदि उनकी बेटी उस समय व्हील चेयर पर वहां उस खुली जगह पर होती तो कोई भी अप्रिय घटना होने में देर नहीं लगती। अतः शिकायतकर्ता ने निवेदन किया है कि गाइडलाइन व दिव्यांगजन की जीवन की सुरक्षा को ध्यान में रखते हुए उनकी बेटी का ट्रांसफर उनके घर के नजदीकी स्टेशन दिलवाया जाए तथा जब तक ट्रांसफर नहीं होता है तब तक उधमपुर के स्कुल में डी०ओ०पी०टी० के निर्देशानुसार सारी सुविधाएँ उपलब्ध करायी जाए।

2. SUBMISSIONS OF THE RESPONDENT :

2.1. In response Sh. Vikram Joshi, Deputy Commissioner (Pers.), Navodaya Vidyalaya Samiti vide email/letter dated 10.01.2023 has filed the reply and has inter-alia submitted that the complainant's daughter Ms. Priyanka was selected to the post of TGT (Mathematics) under OBC PH Category in NVS Recruitment Drive 2019. Keeping in view of providing man power of JNVs based on the academic and administrative necessity and to optimum/proper utilization of human resources (man power) initial posting on either recruitment or promotion is being considered owing to administrative requirement of the NVS.

2.2 Considering the priority of Ms. Priyanka, she was posted to JNV, Distt. Dungarpur under Regional Office Jaipur on fresh posting (appointment through direct recruitment basis under OBC (PH) Category i.e., available nearest place to her Home Town i.e. Delhi (2). Jaipur Region of NVS comprises of JNVs located in Delhi, Haryana & Rajasthan. In NVS as on date 661 JNVs are sanctioned across the country out of which 649 JNVs are functional and being run and managed through the eight Regional Offices i.e., Bhopal, Chandigarh, Jaipur, Hyderabad, Lucknow, Patna, Pune and Shillong. By according priority Ms. Priyanka was considered for JNV, Dungarpur under Regional Office Jaipur which comprises three States i.e. Rajasthan, Haryana and Delhi.



2.3 The respondent further submitted that after considering the grievances of Ms. Priyanka, Competent Authority has acceded her request to change her place of posting from JNV, District Dungarpur, Rajasthan to an available vacancy of JNV, District Udhampur, J&K on her own request basis. She had joined there on 10.09.2022 and working there till date. Further, as per the provision 3 (c) of Transfer Policy of NVS, after completion of the 02 year lock-in-period, Ms. Priyanka has an opportunity to participate in the Annual Transfer Drive under priority category to get a choice station from the available vacancies as per norms.

3. SUBMISSIONS MADE IN REJOINDER :

3.1 The Complainant vide email dated 02.03.2023 filed its rejoinder and submitted that he is not agreed with the reply filed by the Respondent.

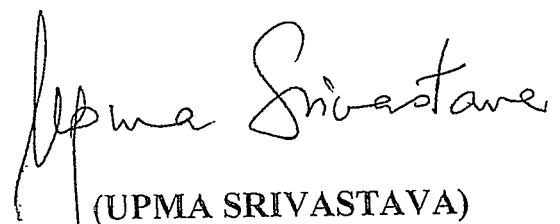
4. Observations /Recommendations:

4.1 From the facts submitted above; it is observed that the daughter of the Complainant was posted in Rajasthan. however the place of posting lacked accessible infrastructure. Hence, many requests were made by the Complainant to change her place of posting. Later, by letter dated 01 September 2022 she requested to post her to Udhampur, J&K. Respondent acceded her request and posted her to Udhampur.

4.2 Considering the fact that she was posted to Udhampur on her own request, the present Complaint is disposed of. However, it is recommended that the Respondent should make infrastructure in all schools accessible for divyangjan.

4.3 Respondent shall also file the implementation report of this Recommendation Order within 3 months of the date of this Recommendation failing which, this Court shall presume that the Respondent has not implemented this Recommendation and the matter shall be reported to the Parliament.

4.4 The case is disposed of accordingly.



(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated:16.05.2023



न्यायमय जयन्त

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13595/1141/2022/160239

Complainant: Shri Saurabh Kumar
Toshiyas Sachiv
G-8, Nandan Tower Colony More
Kankarbagh, Patna-800020
Email: toshiyassaurabh@gmail.com
Mb: 9122959613

240294

Respondent: The Secretary
Railway Board,
Ministry of Railways
Rail Bhawan, New Delhi - 110001
E-mail: <crb@rb.railnet.gov.in>
Tel: 011-23384010

240295

GIST of the Complaint:

1.1 प्रार्थी का अपनी शिकायत दिनांक 20.09.2022 में कहना है कि भारतीय रेलवे डीआरएम ऑफिस में जो फोटो युक्त पहचान पत्र बनाया जाता है उससे घर बैठे टिकट कट जाता है और यह दिव्यांगों को ई-गवर्नेंस से जोड़ने का एक छोटा-सा प्रयास भारतीय रेलवे के द्वारा किया गया है। इसमें दिव्यांग अधिकार अधिनियम 2016 का खुलेआम उल्लंघन हो रहा है।

1.2 प्रार्थी का कहना है कि जब भारतीय रेलवे डॉक्यूमेंट वेरिफिकेशन करता है तो दिव्यांग सर्टिफिकेट पर 25 साल के बाद परमानेंट सर्टिफिकेट लिख दिया जाता है और दिव्यांगों का पेमेंट सर्टिफिकेट बन जाता है। प्रार्थी का यह भी कहना है कि जब फोटोयुक्त पहचान पत्र जिससे ऑनलाइन टिकट कटाया जाता है वह प्रमाण पत्र जब बनता है तो उस प्रमाण पत्र के नीचे 25 के जगह पर 35 साल लिखा हुआ है और ऐसे कई उदाहरण हैं जिसे 35 साल के बाद भी परमानेंट सर्टिफिकेट फोटोयुक्त रेल पर पास डीआरएम ऑफिस परमानेंट नहीं बनाता और बार बार उसे रिन्यूअल करवाना पड़ता है और उसके लिए कई बार कार्यालय का चक्कर काटना पड़ता है जोकि गलत है।

2. SUBMISSION OF THE RESPONDENT:

2.1 Joint Director, Passenger Marketing, Railway Board vide letter dated **12.01.2023** has submitted that as per Railway Rule, for temporary disability in the case of orthopaedically/paraplegic persons, the certificate is valid for 05 years and in case of permanent disability, the certificate remains valid for (i) five years, in case of persons upto the age of 25 years, (2) ten years, in case of persons in the age group of 26 to 35 years and (3) in case of persons above the age of 35 years, the certificate remains valid for whole life of the concerned persons. After expiry of the period of validity of the certificate, the person is required to obtain a fresh certificate. Railways provides concession in fare to Persons with Disabilities only in extreme cases and as per terms and conditions prescribed by Railway. As per Section 30 of Railway Act 1989 and further delegated, the power lies with Railway Board to fix/rationalize the rate for carriage of passengers and conditions thereon.

3. SUBMISSIONS MADE IN REJOINDER:

3.1 The copy of Respondent's reply was forwarded to the complainant on 30.01.2023 for submission of his comments/rejoinder but till date no response has been received.

4. HEARING :

4.1 After considering the documents on record it was decided to hold a personal hearing in the matter and accordingly, the case was listed for personal hearing on **21.03.2023**, but due to administrative exigency, the scheduled hearing was re-scheduled to **11.04.2023**. The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **11.04.2023**. The following were present:

- Shri Saurabh Kumar - Complainant
- Shri Rohit Kumar, Joint Director, Passenger (Marketing) on behalf of respondent

5. OBSERVATION/RECOMMENDATIONS:

5.1 Complainant's grievance is related to 'concession certificate'. He submits that divyangjan have to apply again and again for renewal of concession certificate.

....3....

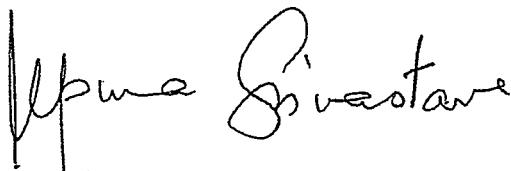
5.2. Respondent submitted that as per Railway Rule, for temporary disability in the case of orthopedically/paraplegic persons, the certificate is valid for 05 years and in case of permanent disability, the certificate remains valid for (i) five years, in case of persons up to the age of 25 years, (2) ten years, in case of persons in the age group of 26 to 35 years and (3) the certificate remains valid for whole life of the concerned persons in case of persons above the age of 35 years. After expiry of the period of validity of the certificate, the person is required to obtain a fresh certificate.

5.3. The main issue which deserves contemplation of this Court is whether the need to renew concession certificate in case of permanent disability can be done away with. As per the extant policy persons with permanent disability, who are less than 35 years of age have to get their certificates renewed. In circumstances when the person's disability has been certified as permanent, need to get concession certificate renewed seems to be bereft of merits. The policy mandates renewal in case of divyangjan of less than 35 years of age. For divyangjan of more than 35 years of age, renewal is not needed. The Respondent failed to explain the rational of the policy.

5.4. The policy discriminates with persons with disabilities of permanent nature and who are of less than 35 years of age. Asking persons with disabilities to renew the concession certificates hampers the accessibility of the transportation facilities of the Respondent establishment, which is in itself discrimination with divyangjan.

5.5 This Court recommends that the Respondent shall review the policy relating to renewal of concession certificates of divyangjan with permanent disability and shall not mandate the renewal of the certificate in cases of permanent disability of permanent nature.

5.6. The case is disposed of accordingly.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 16.05.2023



47

न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 13825/1021/2023

Complainant:

Shri P. Visweswar Rao, F/o Ms. Pilli Sagarika
Flat No. 501 Gharonda Seshasai
Apartment, Vijayapuri Colony, Tarnaka
Secunderabad – 500017
Mobile No – 9100206655
Email – pvisweswar2@gmail.com

140385

Respondent:

The MD & CEO
Punjab National Bank
Corp. Office, 5th Floor, Plot No 4,
Sector 10, Dwarka,
New Delhi - 110075

140386

Affected Person: The complainant, a person with 100% Hearing Impairment

1. Gist of Complaint:

1.1 Shri P. Visweswar Rao F/O Ms. Pilli Sagarika, vide email dated 14.02.2023 filed a complaint dated 17.11.2022 alleging that PNB has not implemented reservation in promotion for PwBDs as per DoP&T OM No. 36012/1/2022-Estt.(Ress-II) dated 17.05.2022.

1.2 He further submitted that his daughter Ms. Pilli Sagarika is working as Peon cum Daftry in PNB, Habsiguda Branch, Hyderabad. As per him, his daughter was appeared in exam held on 29.01.2023 for Sub-Staff to Clerk in Punjab National Bank.

2. Submissions made by the Respondent:

2.1 Dy. General Manager, PNB vide letter dated 22.03.2023 has filed the reply in the matter. He has submitted that as per Para 2.1 of DoPT's OM no. 36012/1/202-Estt.(Res-II) dated 17.05.2022 regarding Reservation in promotion to PwBDs, the guidelines with regard to the quantum of reservation to be provided to the PwBDs is as under:

"In case of promotion, four percent of the total number of vacancies in the cadre strength within group C from Group B within Group B to the lowest rung of Group A shall be reserved for PwBDs. Reservation in promotion shall be applicable in the cadres in which the element of direct recruitment, if any, does not exceed 75%".

2.2 In view of the aforesaid guidelines, respondent submitted that presently reservation is not applicable for PwBDs candidates for promotion from subordinate to clerical cadre as the element of direct recruitment in the clerical cadre exceeds 75% in their bank. Therefore, the complaint has no merit and requested to close the complaint.

3. Submissions made in Rejoinder:

The complainant filed his rejoinder dated 01.04.2023 and inter-alia submitted that under the Provisions of Industrial Disputes Act,1947, a Memorandum of Understanding was signed by Respondent Authorities and All India PNB Employees Federation. As per the adopted Policy and Procedure in Respect of Promotion from Subordinate Cadre to Clerical Cadre and other related matters under para 1 vacancies it was agreed and accepted by both the parties (i.e., Punjab National Bank and All India PNB Employees Federation) that *"The vacancies identified in the Manpower planning in the Clerical cadre, year-wise will be informed, Circle wise, to the Federation (AIPNBEF), out of which 25 % of the identified vacancies will be filled up by way of promotion from eligible employees in the Subordinate cadre and remaining 75% will be filled up by way of direct recruitment. The left-over vacancies, if any, to be filled up by way of promotion will be filled up by direct recruitment"*



3.1 The complainant further submitted that in the light of submission made under para 2 even assuming while not admitting the Punjab National Bank cannot exceed 75% of vacancies to be filled by way of direct recruitment, further in view of the provisions made under the Rights of Persons with Disabilities Act, 2016 and the rules made there under stipulates mandatory provisions for earmarking reservations for persons with Bench Mark Disabilities.

3.2 In view of the above, he has requested to allow the complaint by directing the Respondent Bank to consider reservation to the PwBD in the promotions or pass any such other order in the interest of justice.

4. Observations & Recommendations:

4.1 The Court is satisfied with the Reply filed by the Respondent. DoPT issued guidelines dated 17.05.2022 on Reservation in Promotion for divyangjan. Para 2.1 categorically lays down that reservation in promotion shall be available in cadres in which element of Direct Recruitment is less than 75%. In the present set of facts, since element of Direct Recruitment in clerical cadre is more than 75% hence, reservation in promotion cannot be extended.

4.2 As far as submission made by the Complainant in Rejoinder relating to signing of Memorandum of Understanding is concerned, this Court concludes that instruments signed by two persons/organizations cannot override the statutes made by the legislature or bye laws made by the executive.

4.3 Intervention of this Court in the present Complaint is not warranted.

4.4 The Complaint is disposed of.



(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated:17.05.2023



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13510/1141/2022/155090

Complainant: Shri Saurabh Kumar
Toshiyas Sachiv
G-8, Nandan Tower Colony More
Kankarbagh, Patna-800020
Email: toshiyassaurabh@gmail.com

Mozal

Respondent: The Secretary,
Railway Board,
Ministry of Railways,
Rail Bhawan, Rafi Marg,
New Delhi-110011
Email: secyrb@rb.railnet.gov.in

Mozal

GIST of the Complaint:

1.1 प्रार्थी का अपनी शिकायत दिनांक 24.08.2022 में कहना है कि भारतीय रेलवे द्वारा दिव्यांगों से कोरोना काल से पहले प्लेटफार्म टिकट एवं वेंटिंग रूम का कोई चार्ज नहीं लिया जाता था, परन्तु वर्तमान स्थिति में शुल्क लगा दिया गया है। प्रार्थी ने प्लेटफार्म टिकट एवं वेंटिंग रूम को निःशुल्क करने का आग्रह किया है।

1.2 प्रार्थी का कहना है कि भारतीय रेलवे में 700 प्लेटफार्मों को सुगम भारत के तहत दिव्यांगों के अनुकूल बना दिया गया है। यह आंकड़ा समाज कल्याण अधिकारी और मंत्रालय, भारत सरकार का है। जब इन्हें अनुकूल बना दिया गया है, और उसके सारे नियमों का पालन हो रहा है, जिसकी घोषणा सामाजिक कल्याण अधिकारिता मंत्रालय और रेलवे मंत्रालय द्वारा संयुक्त प्रेस कांफ्रेंस करके करते हैं, तब यह बता दीजिये की प्लेटफार्म टिकट और वेंटिंग रूम टिकट दिव्यांगों को मिल रहा था उसपर कोई चार्ज या शुल्क नहीं लगता था अब क्यों लग रहा है।

2. SUBMISSIONS MADE BY THE RESPONDENT :

2.1 Director Passenger Marketing, Railway Board vide letter dated 03.01.2023 has submitted that as per the rule mentioned in Indian Railway Commercial Manual Vol. 1 to

[Signature]

....2....

admit persons other than bonafide passengers to railway platforms, printed platform tickets are issued by the railway administration at uniform charges of Rs. 10 per person. These tickets are valid for two hours from the time of issue which is indicated on them. Also as per Section 30 of the Railway Act 1989 and further power delegated to Board in 1999, Railway Board has full power to decide passenger fare rates and related issue. Hence, the request for exempting persons with disabilities from purchase of platform ticket for entry at railway platforms is not feasible.

2.2 He further submitted that waiting rooms are available at major stations for use of genuine passengers including divyangjan and can be used 'free of cost' on production of journey tickets for a few hours till the connecting train arrives. Apart from this certain waiting rooms have been upgraded to chargeable AC waiting rooms on 'Renovate Operate, Maintain and Transfer (ROMT)' basis under the Public Private Partnership (PPP) mode.

3. SUBMISSIONS MADE IN REJOINDER :

3.1 A copy of the above reply was forwarded to the complainant on 31.01.2023 for submission of rejoinder, but no response was received.

4. Hearing:

4.1 After considering the respondent's reply dated 03.01.2023 & complainant's complaint, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **18.04.2023**. The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **18.04.2023**. The following were present:

- Shri Saurabh Kumar - Complainant
- Adv. Sheetal Jangra on behalf of respondent

5. Observation/Recommendations:

5.1 Complainant submits that before Covid the Respondent establishment was not charging any fare for platform ticket and waiting room from divyangjan. After Covid the Respondent has started charging the same from divyangjan.




....3..

5.2 Respondent submits that uniform charges of Rs. 10 is charged from all persons against platform ticket. Furthermore, on production of journey tickets, 'waiting room' facility is available free of cost for all passengers irrespective of disability status.

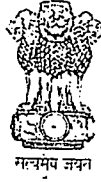
5.3 On the issue of platform ticket, this Court is not inclined to interfere. On other issues like washroom facility and waiting room facility, this Court recommends that Section 41 of Rights of Persons with Disabilities Act, 2016 mandates that government establishment shall provide facilities of ticket counter, parking space, toilet etc., to make transportation more accessible for divyangjan.

5.4 This Court recommends that the Respondent shall ensure that all such facilities like washroom for divyangjan, waiting room etc., are available at all stations and are accessible for divyangjan.

6. The Case is disposed of.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 17.05.2023



53

न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 13850/1041/2023/193133

Complainant:

Shri Rajendra Kumar Panda
F/o Ms. Sneha Saranya
MIG-30, Vivek Vihar, Ambapua,
District – Ganjam
Brahmapur – 760011
Mobile No – 9861534316
Email - rkpanda1568@gmail.com

240576

Respondent:

Controller of Examination
Central Board of Secondary Education
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi – 110092
Contact No. – 011-22515828; 011-22057089
Email – controller@cbse.gov.in

240577

Sub: Complaint dated 14.03.2023 received from Shri Rajendra Kumar Panda F/o Ms. Sneha Saranya, a person with 90% Hearing Impairment regarding not allowing the extra time in the CBSE Board Examination.

Shri Rajendra Kumar Panda, father of Ms. Sneha Saranya, a person with 90% hearing impairment filed a complaint dated 14.03.2023 alleging that his daughter, a student of Class XII was not allowed extra time as stipulated in the CBSE Guidelines in her Hindi Examination on 20/02/2023.

2. The matter was taken up with the Respondent. The Respondent filed their reply and submitted that examination in subject Hindi Core (302) was conducted on 20.02.2023 whereas the complaint was made on 14.03.2023 i.e after a gap of almost 03 weeks' times. The Respondent requested to consider the delay to assess the veracity of the complaint. They also submitted that as per the invigilator's report the candidate was given extra time as per norms, but after consuming 20 minutes, candidate submitted the answer sheet on her own even after the candidate was informed that extra time is not completed.

3. The Complainant vide email dated 28.04.2023 has requested for withdrawing his complaint expecting that CBSE will give justice to his child in future.

4. In view of the above, no further intervention is required in the matter and the case is disposed of accordingly.

(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated : 18.05.2023



न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No: 13435/1022/2022

Complainant:

Shri Sanoj Kumar
MTS, CAO, CA Mines
Kolkata, West.Bengal
Email: sanojroy898@gmail.com
Mobile No: 09354152265

R40583

Respondent

The Secretary
Ministry of Coal & Mines
Shastri Bhawan
New Delhi-110001

R40584

: Respondent-1

The Office of the Controller of Accounts :
Central Accounts Office, Ministry of Mines
Geological Survey of India
5&6 Esplanade East
Kolkata-700069
Email: caomineskol-wb@nic.in

R40585

: Respondent-2

GIST OF COMPLAINT

शिकायतकर्ता का अपनी शिकायत दिनांक 01.09.2022 में कहना है कि वह 40 प्रतिशत लोकोमोटर दिव्यांगजन कर्मचारी है जो कि एमटीएस के पद पर सीएओ-सीए माईस कोलकता में कार्यरत है। शिकायतकर्ता का आगे कहना है कि वह दाहिने पैर से दिव्यांगजन है जिसका उपचार कोलकता में नहीं होने के कारण पटना में करा रहे है। शिकायतकर्ता को उपचार कराने के लिए कोलकता से पटना आना जाना पडता है। अतः शिकायतकर्ता ने मुख्य आयुक्त दिव्यांगजन कोर्ट से विनम्र निवेदन किया है कि उनका स्थानांतरण या प्रतिनियुक्ति के आधार पर कोलकता से पटना करवाने की कृपा की जाए।

2. The matter was taken up with the Respondent vide letter dated 16.09.2022 under Section 75 of the RPwD Act, 2016.

3. Administrative Officer, Ministry of Mines, Geological Survey of India vide letter dated 11.10.2022 has informed that the complaint has been forwarded to the concerned office i.e. the Controller of Accounts, CA Mines, Kolkata for taking appropriate action.

[Signature]

4. In response Account Officer (Admin), Office of the Controller of Accounts, Geological Survey of India, Kolkata vide letter dated 09.11.2022 submitted that the cases related to transfer/deputation of Government Servants are not under the administrative purview of their office. Every request received from officers/officials through proper channel are forwarded to Principal Accounts Office, Ministry of Mines, New Delhi for obtaining approval of the competent authority. Their Office is under the administrative control and support of the Principal Accounts Office, Ministry of Mines, New Delhi and the Chief Controller of Accounts, Mines, New Delhi being the Head of the Department is the competent authority to take decision on the transfer/deputation request application of any officer/official pertaining to accounting units of Ministry of Mines.

5. Shri Sanoj Kumar, MTS, belongs to cadre of Central Civil Accounts Service and presently posted in the Accounting Unit of Ministry of Mines. In view of the Recruitment Rules, Head of the Department is empowered to approve 'Inter Departmental Transfer', but there is no existence of Accounting Unit of Ministry of Mines in Patna, Bihar. Further, it is worth mentioning that previously on two (02) occasions, the complainant applied for consideration of his transfer/deputation from Kolkata, but on both occasions, Principal Accounts Office, Ministry of Mines, New Delhi conveyed approval of the CCA (Steel & Mines), New Delhi to the effect that the transfer/deputation request submitted by him could not be considered favourably due to non-availability of vacancy under MTS cadre and also due to administrative reasons respectively.

6. The copy of Respondent's reply dated 09.11.2022 was sent to the complainant vide letter dated 25.01.2023 for submitting of his comments thereon but no rejoinder has been filed by the complainant.

7. **Hearing:** The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **06.04.2023** The following were present:

- (i) Shri Sanoj Kumar : **Complainant**
- (ii) Shri Deo Kumar, Controller of Accounts, Ministry of Mines
Geological Survey of India: **Respondent No. 2**



8. Observations /Recommendations:

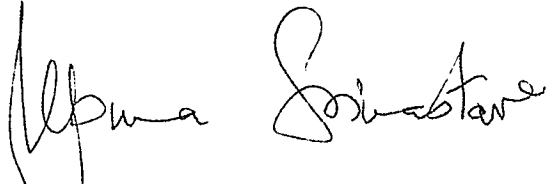
8.1 Complainant submits that he is employed as MTS in establishment of Respondent No. 2. Currently he is posted in Kolkata office of the Respondent establishment. He submits that he has disability in lower limb. He further submits that his treatment is undergoing in Patna. He has requested for transfer to Patna so that he can get treatment. He has prayed this Court to direct the Respondent to post him in Patna office either by way of transfer or by way of deputation.

8.2 Respondent No. 2 has submitted that it is not the appropriate authority in the case. Issues related to transfer and deputation are forwarded to Principal Accounts Office, M/o Mines and Chief Controller of Mines is the appropriate authority to take action in such matters. Further it is submitted that the Complainant belongs to the cadre of Central Civil Accounts Services and as per Recruitment Rules head of the department can only approve inter-departmental transfer.

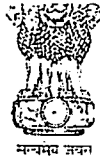
8.3 During online hearing, the Respondent No. 2 informed this Court that in Patna there is no Pay & Account office. The Respondent has written to Controller General of Accounts to transfer the Complainant to any other Pay & Account Office situated in Patna. To support its claim, the Respondent has submitted two documents. First document is Office Memorandum dated 18.11.2022, addressed to Principal Accounts Office, M/o Mines. The O.M. conveys the mutual transfer request of the Complainant for transfer to PAO Office Patna. Another document is Office Memorandum dated 19.12.2022 issued by Office of Controller of Accounts. It contains information that the Principal Accounts Office has conveyed approval of the CCA that the Complainant's request for transfer to Patna may be considered on mutual basis.

8.4 Documents submitted by the Respondent substantiates the Respondent's claim that it has made the efforts to transfer the Complainant to Patna. The Court is satisfied with the Reply of the Respondent. There is no case of discrimination with the Complainant or violation of guidelines relating to disability. Further intervention of this Court is not warranted.

8.5 The case is disposed of.


(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated:18.05.2023



Extra

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 13509/1131/2022/155164

Complainant:

Shri Gordhan Ram,
S/o Shri Balaram,
R/o Loradi Panditji,
Jodhpur, Rajasthan;
Email: patellordi@gmail.com;
Mobile: 9352408393

240611

Respondent:

Zonal/Regional Manager,
Union Bank of India,
Zonal and Regional Office,
1 St. Flour Sun & Moon Chambers,
Ajmer Pulia, Jodhpur,
District-Jodhpur, Rajasthan;
Email: rh.jodhpur@unionbankofindia.com;
rabd.rojodhpur@unionbankofindia.com

240612

Affected Person: The complainant, a person with 60% Visual Impairment

1. Gist of Complaint:

1.1 Shri Gordhan Ram, a person with 60% Visual Impairment filed a complaint dated 24.08.2022 regarding non-sanction of loan for self-employment by the Union Bank of India, Jodhpur Branch, Rajasthan.

1.2 He submitted that he had filed his loan application with all requisite supporting documents before the Social Justice Department, Government of Rajasthan which after examination was forwarded to Union Bank of India, NIFT Campus Karwad, Jodhpur Branch for appropriate action. As per Complainant, he had submitted all necessary documents and quotation for business with the Branch Manager but so far his loan was not sanctioned.

2. Submissions made by the Respondent:

2.1 Regional Head, Union Bank of India vide letter dated 31.12.2022 has submitted that during the pre-unit inspection conducted by their Branch Officials on 30.08.2022 of business place, mentioned by the Complainant in his loan application and found no visible sign of any business activity. Even the family members of the complainant were unaware of his plans to initiate a business. The complainant also does not have related experience or knowledge to run the business. Moreover, the location being a rural area, there is no viability for the business.

3. Submissions made in Rejoinder:

No rejoinder was received from the complainant.

4. **Hearing:** The case was heard via Video Conferencing by the Chief Commissioner for Persons with Disabilities on **13.04.2023**. The following persons were present during the hearing:

- (1) None for the complainant
- (2) Shri Gopi Chand Parihar, Branch Head, Union Bank of India for Respondent

5. Observations & Recommendations:

5.1 The complaint is related to non-sanction of loan for self-employment by the Union Bank of India, Jodhpur Branch, Rajasthan. He submitted in written Complaint that he had filed his loan application with all requisite supporting documents before the Social Justice Department, Government of Rajasthan which after examination was forwarded to Union Bank of India, NIFT Campus Karwad, Jodhpur Branch for appropriate action. As per Complainant he had submitted all necessary documents and quotation for business with the Branch Manager but so far his loan was not sanctioned.

5.2 Respondent in its written Reply submitted that during the pre-unit inspection of business place mentioned by the complainant in his loan

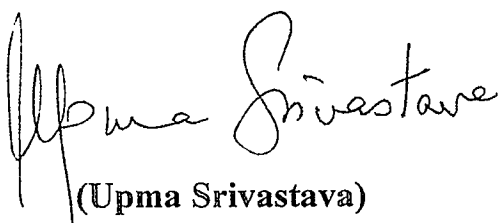


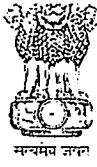
application was conducted by their Branch Officials on 30.08.2022. During visit no signs of business activity were visible with that even the family members of the complainant were unaware of his plans to initiate business. The complainant has also not have related experience or knowledge to run the business. Being rural area the viability of business is not beneficial from economic point of view.

5.3 Since the present issue is not related to disability and from the Reply it is evident that the Respondent had followed procedure. Hence, this Court concludes that intervention of this Court in the present Complaint is not warranted.

5.4 Accordingly the case is disposed of.

Dated: 19.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

*extra***न्यायालय मुख्य आयुक्त दिव्यांगजन****COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 13477/1011/2022/155492

Complainant:

Shri Bunty Biswas,
C/o Mr. Amal Chandra Biswas (IAS Retd.), *240598*
Kaizen Abode Apartment,
316- Fartabad, B Block, Flat 1G,
Garia, Kolkata-700084, West Bengal;
Mobile: 8334858100; Email: bunty.biswas382@gmail.com

Respondents:

(1) The Chairman,
Staff Selection Commission Head Office
Block-12, CGO Complex, Lodi Road, *240599*
New Delhi-110003
E-mail id- enquirysscnr@gmail.com

(2) The Regional Director,
Staff Selection Commission Eastern Region'
1st M.S.O. Building, 8th Floor, *240600*
Nizam Palace, 234/4 A.J.C. Bose Road, Kolkata-700020
E-mail id- contact-sscer@gov.in / ex2sscer.wb-dopt@gov.in

(3) The Assistant Comptroller & Auditor General (N),
Office of the Comptroller & Auditor General of India, *240601*
9, Deen Dayal Upadhaya Marg,
Post Box-110124, PIN-110002, New Delhi
E-mail id- supriyas@cag.gov.in; pdstaff@cag.gov.in

Affected Person: The complainant, a person with 45% Mental Illness**1. Gist of Complaint:**

1.1 The complainant filed a complaint dated 23.08.2022 against the respondents regarding non-appointment to the post of Assistant Audit Officer, despite being in Merit List of CGL 2018 Exam in PwD-Others category with Roll No.4410007138. His document verification was done by the Regional Director, SS (ER), Kolkata. The complainant further alleged that during document verification the officer concerned allowed

him to exercise his option only for limited job categories which was allowed for PwD-Others category. His rank was 295 in final AAO merit list of SSC CGL 2018 and amongst the top four PwD-Others category candidates, and in final merit list, got recommended for Assistant Audit Officer but failed to get any appointment letter.

1.2 In addition to the above, the complainant vide email dated 28.08.2022 submitted that SSC vide letter dated 24.08.2022 had informed that he is not qualified as his disability is not identified suitable for the post, therefore, his result was revised keeping in view posts identified suitable for his physical disability. At the time of the document verification of CGLE 2018, Mental illness was identified suitable only for the post code B10 and there was no vacancy in B10 (Assistant in Ministry of Electronics and Information Technology) in PwD-other category.

2. Submissions made by the Respondent:


2.1 No reply was filed by the respondent No.1 – Chairman, SSC (HQ).

2.2 Respondent No.2 – SSC (ER) filed their reply vide letter dated 16.11.2022 and inter-alia submitted that they are recruiting agency which conducts examinations for recruitment of various Group ‘B’ and Group ‘C’ posts for filling up the vacancies reported by the indenting Ministries/Departments/Organizations. The total vacancy for a particular reserved category, including reservation for PwDs through the system of maintenance of roster, are the exclusive domains of respective indenting Ministries/Departments/Organizations. Respondent No.2 further submitted that after implementation of RPwD Act, 2016, SSC has already informed all the indenting Ministries/Departments/Organizations vide its letter dated 25.05.2018 to identify and inform the SSC about the suitability of post for newly identified categories of disabilities as per RPwD Act, 2016. However, some of the Departments like D/oP&T, M/o Railways, M/o External Affairs, AFHQ, CGDA, CA&G etc. have identified the posts suitable for newly identified categories of disabilities as per RPwD Act, 2016, details of which were included in the Notification of CGLE 2019 and CGLE 2020.

2.3 No reply was received from the Respondent No.3 – Office of CAG.

3. Submissions made in Rejoinder:

3.1 The complainant filed his rejoinder dated 29.11.2022 and submitted that he had covered all replies given by SSC in pursuance of their Notification SSC-CGLE 2018 which was uploaded on their website on





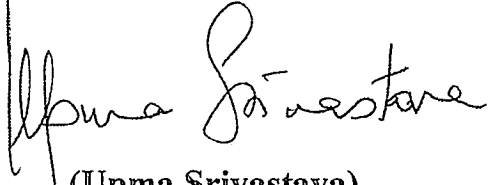
05.05.2018; the provisions of RPwD Act, 2016 which came in force w.e.f. 19.04.2017; and the DoPT O.M dated 15.01.2018.

4. Observations & Recommendations:

4.1 This Court is inclined to observe that the fault is not of the Respondent but of the establishments on behalf of which vacancies were issued by SSC. Before 04.01.2021, list which was prevalent was issued in 2013. In that list no post was identified suitable for Mental Disability category. In RPwD Act, 2016, provision was there to reserve vacancies for Mental Disability category, however till 04.01.2021 only few establishments identified posts suitable for mental disability category. This Court is not inclined to note that the list of posts identified suitable, dated 04.01.2021, issued by MoSJ&E cannot be held to be applicable on notification issued prior to 04.01.2021. Hence, intervention of this Court in the present Complaint is not warranted.

4.2 Accordingly the case is disposed of.

Dated: 19.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 13506/1102/2022/158497

Complainant:

Dr. Kalyan C. Kankanala,
R/o No.40, J.C. Industrial Estate,
Kankapura Road, Bangalore,
Karnataka-560111;
Email: legal@canefoundation.org

140606

Respondents:

(1) M/s Adonmo Private Limited,
Address: Third Floor,
Smiline Dental Hospitals,
HITEC City, Hyderabad,
Telangana 500081
Email: ask@adonmo.com

140607

(2) The Secretary,
Ministry of Information & Broadcasting,
Room No 552, 'A' Wing Shastri Bhawan,
New Delhi-110001;
Email: secy.inb@nic.in; sobpl-moib@nic.in

140608

(3) The Secretary,
Ministry of Electronics and Information Technology,
Electronics Niketan, 6, CGO Complex,
Lodhi Road,
New Delhi – 110003;
Email: secretary@meity.gov.in

140609

(4) The Secretary,
Ministry of Housing and Urban Affairs,
Room No. 122, 'C' Wing,
Nirman Bhavan, New Delhi – 110011;
Email: secyurban@nic.in

140610

Affected Person: The Complainant, a person with 100% Blindness

1. Gist of Complaint:

1.1 The Complainant a person with visual impairment and a practicing intellectual property law filed a complaint dated 09.09.2022 against Respondent No.1 for violation of Sections 3, 5, 40, 42 and 46 of the Rights of Persons with Disabilities Act, 2016 and Rule 15 of Rights of Persons with Disabilities Rules 2017.

1.2 The Complainant has submitted that he resides at Elita Promenade Apartment (Community) which is administered and managed by Elita Promenade Apartment Owners Associate (EPAOA). Respondent No. 1 has been authorised by EPAOA to install its display devices in the Community at various locations in the common areas. The Devices display various Community-related notices, circulars, other information/media content relevant to residents and advertisements. However, none of the Devices have accessibility features or audio facilities which may enable persons with blindness to access the information displayed on the Devices. The Respondent No.1 is a company that markets and promotes its ad-based devices to residential complexes and gated communities by stating that they are connected, programmable, immersive, precise and exclusive to locations.

1.3 The Complainant alleged that he requested Respondent No.1 several times for accessibility of those devices, but Respondent No.1 denied accessibility based on two grounds: (a) Enabling voice features on the digital devices will create noise pollution, which will disturb other residents; and (b) Respondent No.1 is not bound by Rule 15 of the RPWD Rules, 2017 and accessibility standards issued thereunder.

2. Submissions made by the Respondent:

2.1 Respondent No.1 filed their reply on affidavit dated 17.11.2022 and submitted that they had multiple interactions with the Complainant and exchanged multiple letters via emails and was fully cooperating with the Complainant and patiently addressing their demand to make the Devices accessible for persons with visual disabilities. The Complainant was never denied and/or refused to make the devices accessible. The Respondent wishes to clarify that in lieu of the specific undertaking requested, it was conveyed in writing vide email dated 07.09.2022 to the Complainant that Respondent believed in complying with the requirements not just in letter but in spirit as well. The reason for not giving an undertaking in writing as requested was to first understand the various options available and then consider the best one which not only benefits Persons with Disabilities but also was financially viable, technically feasible and easy to implement.

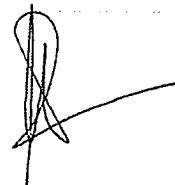


2.2 The Respondent further submitted that allegation by the Complainant that "Respondent does not wish to enable/facilitate the same because providing such a system would cause disturbance to other residents due to noise pollution" is factually incorrect. Enabling audio features in the Devices does not depend on the will of just Adonmo, since it is the residents of the societies, who are the customers of Adonmo who insist on not enabling audio features due to possibility of auditory disturbances to the entire community in such societies. Therefore, Adonmo has provided the audio feature in the alternate webpage made available to the Complainant.

2.3 Respondent No.1 further submitted that to improve accessibility and engagement with the content on the Devices, Adonmo's technical team have created weblinks and QR codes through which the same content can be consumed on mobiles. Users can scan the QR code posted on the screen which shall land them on a webpage with the exact same information available on an individual's personal device. This allows the users to go through the content at their convenience. Audio is enabled for the content that gets consumed on personal devices. In addition, Persons with visual disabilities can use the accessibility features on mobile such as 'Spoken content', 'VoiceOver', 'Audio Descriptions' etc., wherever applicable and not miss out on the content displayed on the Devices placed on lift lobby screens. For ease of use all society notices have been made available in PDF format making it easier for mobile devices to read out the content. Adonmo has piloted this project in Ahmedabad and some apartments in Hyderabad. The project is expected to be completed for pan-India within the next 3 months. In addition to the above stated feature, for Complainant's convenience, Adonmo has created a dedicated weblink where all of Elita Promenade Apartment's content and advertising content can be accessed through a mobile. The weblink for the dedicated weblink created is - <https://connect.adonmo.com/d3388323-9bc5-4428-9c7f-524807cdebde>.

2.4 Under Secretary, Min. of Information and Broadcasting, Respondent No.2 filed its reply dated 16.11.2022 and submitted that as per the Government of India (Allocation of Business) Rules, 1961 the Ministry has been entrusted with Broadcasting Policy and Administration, Cable Television Policy, Radio, Doordarshan, Films, Digital/Online Media, Advertising and Visual Publicity on behalf of Government of India, Press Publications etc. The functions/activities/business of Adonmo Private Limited is beyond Ministry's purview. Accordingly, it has been requested to delete their name from the array of Respondents.

2.5 Respondent No.3 - Ministry of Electronics & IT vide email dated 10.11.2022 inter-alia submitted that the matter does not pertain to them. Scientist E, MEITY, vide letter dated 12.04.2023 has submitted that the





accessibility standards mandated by RPwD Act, 2016 is administered by the Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities. He further submitted that being the nodal Ministry of accessibility related activities, it is the responsibility of MoSJE/DEPwD to handle the implementation issues related to accessibility. MEITY has only a limited role in accessibility domain wherein, it has provided technical guidelines and the implementation of the accessibility related matter does not fall within the domain of MEITY. The accessibility related matter of Respondent No. 1 may be taken up with the DEPwD.

2.6. Under Secretary, Ministry of Housing & Urban Affairs, Respondent No.4 - filed its reply dated 14.12.2022 and inter-alia submitted that the thrust of the complaint is regarding alleged non-accessibility of digital device for visually challenged, which is not within their domain. Further, the 'Works, lands and buildings vested in or in the possession of the State' is a State Subject and Ministry of Housing & Urban Affairs is not the appropriate government for implementation of these guidelines. The implementation of these guidelines lies within the purview of respective State/UT/Local Authorities.

3. Submissions made in Rejoinder:

The Complainant filed his rejoinder dated 18.11.2022 to the reply filed by the Respondent No.1; Rejoinder dated 22.11.2022 to the reply of Respondent No.2; Rejoinder dated 25.11.2022 to the reply of Respondent No.3; and Rejoinder dated 30.12.2022 to the reply of Respondent No.4 and requested this Court to grant an opportunity to be heard in this matter.

4. **Hearing:** The case was heard via Video Conferencing by the Chief Commissioner for Persons with Disabilities on 13.04.2023. The following persons were present during the hearing:

- (1) Dr. Kalyan C. Kankanala, Complainant
- (2) Adv. Surekha Rao; Sri Gyan Vikas S., CFO for Respondent No.1
- (3) Shri Amarendu Singh, Dy. Secretary, for Respondent No.2
- (4) Shri Kshitij Kushagra, Addl. Director, for Respondent No.3
- (4) Shri Jaideep Roy Chowdhary, Director, for Respondent No.4

5. Observations & Recommendations:

5.1 The Complainant submitted that he resides at Elita Promenade Apartment (Community) which is administered and managed by Elita Promenade Apartment Owners Associate (EPAOA). Respondent No. 1 has

been authorised by EPAOA to install its display devices in the Community at various locations in the common areas. The Devices display various Community-related notices, circulars, other information/media content relevant to residents and advertisements. However, none of the Devices have accessibility features or audio facilities which may enable persons with blindness to access the information displayed on the Devices. The Respondent No.1 is a company that markets and promotes its ad-based devices to residential complexes and gated communities by stating that they are connected, programmable, immersive, precise and exclusive to locations.

5.2 The Complainant alleged that he requested Respondent No.1 several times for accessibility of those devices, but Respondent No.1 denied his request.

5.3 Respondent submitted that enabling audio features in the Devices does not depend on the will of just Adonmo, since it is the residents of the societies, who are the customers of Adonmo who insist on not enabling audio features due to possibility of auditory disturbances to the entire community in such societies. Therefore, Adonmo has provided the audio feature in the alternate webpage made available to the Complainant.

5.4 Respondent No.1 further submitted that to improve accessibility and engagement with the content on the Devices, Adonmo's technical team have created weblinks and QR codes through which the same content can be consumed on mobiles. Users can scan the QR code posted on the screen which shall land them on a webpage with the exact same information available on an individual's personal device. This allows the users to go through the content at their convenience. Audio is enabled for the content that gets consumed on personal devices. In addition, Persons with visual disabilities can use the accessibility features on mobile such as 'Spoken content', 'VoiceOver', 'Audio Descriptions' etc., wherever applicable and not miss out on the content displayed on the Devices placed on lift lobby screens. For ease of use all society notices have been made available in PDF format making it easier for mobile devices to read out the content. Adonmo has piloted this project in Ahmedabad and some apartments in Hyderabad. The project is expected to be completed for pan-India within the next 3 months. In addition to the above stated feature, for Complainant's convenience, Adonmo has created a dedicated weblink where all of Elita Promenade Apartment's content and advertising content can be accessed through a mobile.

5.5 Respondent has not submitted that it is not bound to make the information accessible for divyangjan. Furthermore, perusal of the written Reply of the Respondent suggests that Respondent took measures to make



the information accessible for divyangjan with Blindness. Hence, the issue is not of law and is not related to applicability of the rules and guidelines relating to accessibility but the issue is that of fact, whether, the Respondent is denying accessibility of information to the Complainant.

5.6 During online hearing Respondent submitted that all the information which is published on the display screens placed in the residential buildings is also published on the web page, which can be accessed by using web link or QR code. Respondent claimed that web link as well as the QR codes were shared with the Complainant, however the Complainant denied the fact of sharing such information.

5.7 During online hearing, Complainant also suggested that instead of publishing the information on the website, the same can be made available in accessible pdf file, which can be directly sent on email to him.

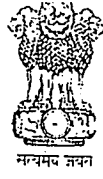
5.8 The Court agrees with the suggestion of the Complainant. Either the Respondent could not successfully share the weblink with the Complainant or else the Complainant could not access the same. However, the main objective which is to be achieved is that the information must be shared with the Complainant. Hence this Court recommends that the Respondent No.1 shall email the Complainant all notices and other public information, which is published for view on display screens in the residential complexes. Furthermore, this Court recommends that M/o Housing & Urban Affairs shall ensure that necessary steps are taken in all residential societies across the country to share public information with persons with disabilities of all categories.

5.9 Respondents are directed to submit the Compliance Report of this Order within 3 months from the date of this Order. In case the Respondent fails to submit the Compliance Report within 3 months from the date of the Order, it shall be presumed that the Respondent has not complied with the Order and the issue will be reported to the Parliament in accordance with Section 78 of Rights of Persons with Disabilities Act, 2016.

5.10 Accordingly the case is disposed of.

Dated: 22.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 13620/1011/2023/174021

Complainant:

Shri Hemant Maheshwari,
R/o Yasho-Indra Niwaas,
Kumhara Para,
Jaisalmer-345001 (Rajasthan);
Email: hemantinism@gmail.co;
Phone: 9509750000

240591

Respondents:

(1) Commissioner
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110016;
Email – commissioner-kvs@gov.in,
kvs.commissioner@gmail.com

240592

(2) The Secretary,
Department of School Education & Literacy,
Ministry of Education,
Room No. 124-C, Shastri Bhawan, New Delhi
Email: secy.sel@nic.in

240593

1. Gist of Complaint:

1.1 Shri Hemant Maheshwari, a person with 100% Blindness filed a complaint dated 04.12.2022 regarding violation/non-implementation of reservation for the persons with Blindness and Low Vision in direct recruitment by Kendriya Vidyalaya Sangathan (KVS) for recruitment of 239 posts of Principals and other posts under Advertisement No. 15/2022.

1.2 In the said advertisement KVS has given reservation only to the persons having Locomotor Disabilities and Hearing Impairment; and no reservation has been given to the persons with Visual Impairment for the posts of Principal. As per the Complainant the post of Principal in KVS is identified. He has requested for equal opportunities in reservations to persons with disabilities in all categories.

2. Submissions made by the Respondents:

2.1 KVS (Respondent No.1) filed its reply dated 13.01.2023 and submitted that they had constituted a Committee to review the issue of back-log vacancies and also to identify the posts in KVS suitable for persons with disability as per Government's guidelines. The Committee examined the following issues relating to reservation for OH/VH/HH candidates:

- (1) Re-look on the Article-41 of the Education Code i.e. reservation for persons with disabilities;
- (2) Issue of filling up backlog vacancies for 'Persons with Disability'; and
- (3) Identification of the post for Persons with Disability as per the DoPT OM No.36035/3/2004-Estt (Res) dated 29.12.2005.

2.2 The KVS further submitted that the said Committee has exempted the post of Principal from giving the reservation to Visually Impaired persons on the ground that the nature of duties requires to function as the Administrative, Academic & Financial Head of the Vidyalaya, acting as the Drawing and Disbursing Officer of the staff employed in the Vidyalaya and supervising / inspecting the class room teaching and other field work.

2.3 No reply has been received from the Respondent No.2 (Department of School Education & Literacy, Ministry of Education).

3. Submissions made in Rejoinder:

3.1 The complainant filed his rejoinder dated 28.01.2023 and reiterated his complaint. However, he added that KVS had constituted that Committee long back during the years 2010 to 2014. KVS is just taking excuses with their wrong decisions taken 10 years back, which is ridiculous. Recently UPSC has announced an advertisement for filling up the post of Principal for the Government of NCT of Delhi, vide Advt. No.07/2021 (Vacancy No.21040701324) in which three posts were reserved for visually impaired candidates. In KVS, some persons with visual impairment are already either handling this post or some have handled it in the past and now promoted to the higher post of Assistant Commissioner, for example—

- (1) Mr. Bala Saheb Anton Londhe, a Blind person working as Principal at KV ISP No.II, Nasik Road Camp.
- (2) Mr. Rajguru Singh, a Blind Person, posted as Principal, at KV Itawah (UP).



- (3) Mr. M.L. Mishra, a Blind person, working as Assistant Commissioner, KVS (RO), Agra Region.

4 **Hearing:** The case was heard via Video Conferencing by the Chief Commissioner for Persons with Disabilities on 21.04.2023. The following persons were present during the hearing:

- (1) Shri Hemand Maheshwari, complainant
 (2) Shri R.K. Pathik, Assistant Commissioner with Shri Pushpendra Kumar, Assistant Commissioner (Adm) for Respondent No.1
 (3) None appeared for Respondent No.2

5. **Observations & Recommendations:**

5.1 Complainant alleged that the Respondent failed to reserve vacancies for the post of Principal in the Advertisement No. 15/2022 notifying 494 'Group A' vacancies which included 52 vacancies of 'Assistant Commissioner', 239 vacancies of Principal and 203 vacancies of Vice-Principal. Respondent did not reserve any vacancy of Principal for 'Visually Impaired' category and also failed to reserve 4% vacancies for divyangjan.

5.2 Respondent submitted that a committee was constituted to review the reservation for divyangjan. The committee vide O.M. dated 29.06.2010 aligned the reservation provisions in line with DoPT O.M. of 2005 and also identified posts in accordance with lists of identified posts issued in 2007. Committee exempted the Post of 'Principal' for divyangjan with 'Visual Impairment'.

5.3 It is evident from the Reply that the respondent is not aware of the extant legal position with regard to identification and exemption of posts for implementation of reservation policy for PwBD. Respondent relied upon O.M. issued in 2005 and list of identified posts issued in 2007. Latest O.M. on Direct Recruitment was issued in 2018 and latest list of identified posts was issued in 2021. In 2021 list, posts of Principal and Vice Principals are identified suitable for Blind and 'Low Vision' category. Furthermore, Note No.6 of the Notification dated 04.01.2021 issued by Department of Empowerment of Persons with Disabilities, hereinafter mentioned as 'DEPwD', enunciates that the list of identified posts issued by DEPwD shall be principal list and in case the central government establishment separately identifies and issues list of posts then in such case the list which has wider range will supersede. Hence, applying Note 6 to

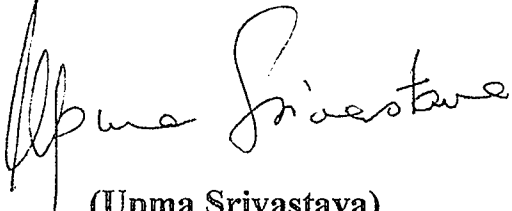
the present Complaint, the list of identified posts issued by DEPwD dated 04.01.2021 shall supersede.

5.4 During online hearing, Respondent informed the Court that they have constituted a separate committee to review the recommendations of previous committee. Respondent further informed that the Complainant also file 'O.A.' before Hon'ble CAT, Jodhpur raising the same issue as in the present Complaint. Complainant confirmed that the 'O.A.' on the same subject matter is pending before CAT, Jodhpur. Further the Complainant informed that the Respondent's decision to constitute a separate committee was made pursuant to the directions issued by CAT, Jodhpur.

5.5 Since, the issue is pending before Hon'ble Central Administrative Tribunal, Jodhpur and the Respondent is also implementing the directions issued by the Hon'ble Tribunal hence this Court shall preclude itself from making any recommendations in the matter.

5.6 Accordingly the case is disposed of.

Dated: 22.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13539/1022/2022

Complainant:

Ms. Sauvagyamanjari Pattanaik
L-26. Nandan Enclave H B Colony
Post KIIT, Kalarahang,
Patia, Bhubaneswar – 751024
Email : <harasmailbox@gmail.com>
Contact No 6370146957

R40588

Respondent:

The Chairman,
Central Ground Water Board,
NH-IV, Bhujal Bhawan
Faridabad – 121001
Email chmn-cgwb@nic.in

R40589

Respondent....(1)

Regional Director,
Central Ground Water Board,
South Eastern Region,
NH-16, Khandagiri,
Bhubaneswar – 751013
Email cgwb@nic.in

R40590

Respondent....(2)

Complainant : 100% Visual Impairment

GIST OF COMPLAINT

1.1 Ms. Sauvagyamanjari Pattanaik, a person with 100% Visual Impairment, filed a Complaint dated 29.07.2022 requesting for cancellation of transfer order of her brother Shri Haraprasad Pattanaik, who is working as Office Superintendent, in the O/o Regional Director, Central Ground Water Board (CGWB), South Eastern Region, Bhubaneswar to RGI, CGWB, Raipur, Chhattishgarh as he is caregiver to her.

-2-

1.2. The Complainant further submitted that after the death of her parents, she is residing with her only brother and is fully dependent on him. Her brother Shri Haraprasad Pattanaik, Office Superintendent, has been transferred to RGI, CGWB, Raipur, Chhattisgarh as per the Chairman, CGWB's order No. 419 dated 22.06.2022. Her brother has represented to the authority citing the exemption granted to the care giver employee having disabled dependents favourably duly recommended by the Regional Director, SER, CGWB, Bhubaneswar. The Chairman, CGWB, Faridabad has not only refused to consider the same but has stand relieved him with direction to join immediately without giving him ample time and opportunity as per rule.

2. **SUBMISSIONS MADE BY THE RESPONDENT:**

2.1 In response, Sr. Administrative Officer, Department of Water Resources, RD & GR, Central Ground Water Board, vide letter dated 14.12.2022 has submitted that Shri Haraprasad, Office Superintendent, SER, Bhubaneswar was transferred to RGI Raipur along with 17 other Office Superintendents considering organizational interest, tenure spent at the present location. Shri Haraprasad was posted at Bhubaneswar from 03.11.2000 till the impugned transfer order, i.e. for a total of 21 years 11 months.

2.2 He further submitted that Shri Haraprasad had submitted a representation for retention at Bhubaneswar on 23.06.2022 mainly on the ground that her sister is visually impaired. The Competent Authority has considered his request along with the representations of other staff but could not be acceded due to administrative reasons and organizational interest. He was stand relieved on 27-07-2022 vide order dated 27-07-2022. Further, as per the Clause 14 of the Transfer Policy, the permissible maximum accumulated tenure at any station during whole service tenure (in same or different post) is 20 years whereas Shri Haraprasad has completed more than 21 years at the same Station i.e. Bhubaneswar. Hence, his transfer is as per the provisions of revised transfer policy.

2.3 He also submitted that Shri Haraprasad Pattanaik, Office Superintendent had filed an O.A. No. 369 of 2022 dated 29.07.2022 at Central Administrative Tribunal (CAT), Cuttack on the issue of his transfer and the Hon'ble Tribunal had ordered that Shri Haraprasad Pattanaik be allowed to continue to work at his place at CGWB, Bhubaneswar till next date of listing which was fixed to 30.08.2022. The case is sub-judice and the appropriate decision will be taken as per the directions/disposal



of the Tribunal case. However, the present place of posting of Shri Haraprasad Pattanaik is SER, Bhubaneshwar because of Hon'ble CAT's order.

3. SUBMISSIONS MADE IN REJOINDER:

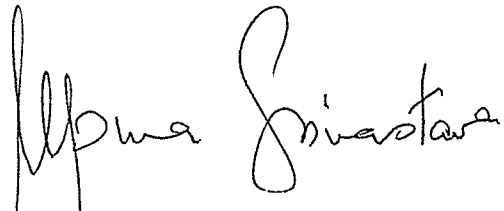
3.1 The Complainant in her rejoinder dated 07.03.2023 has submitted that after her complainant dated 29.07.2022 Shri D. Suresh Kumar, OS, a person with disability was transferred and posted in place of her brother at Bhubaneshwar. Shri D Suresh Kumar had filed an OA No. 494/2022 before the Hon'ble Central Administrative Tribunal, Hyderabad challenging his order of transfer and posting. During the pendency of the said OA the authority concerned had cancelled the transfer order of Shri D. Suresh Kumar vide Office Order No. 751/2022 dated 28.11.2022 and accordingly, the OA was disposed of. She also submitted that Smt Lovabati Mallick, Office Superintendent is working in Bhubaneshwar from her initial appointment i.e. 01.01.1990, Shri Niranjan Padhi, OS and Shri Debachan Meher, OS are working in Bhubaneshwar since 21.12.1994 and 08.02.1991 respectively.

4. Observations /Recommendations:

4.1 The matter has been examined. It is related to cancellation of transfer order of Complainant's brother who is a care giver to her. The Respondent in its reply dated 14.12.2022 has submitted that Shri Haraprasad, brother of the Complainant has filed an OA in CAT, Cuttack Bench which is sub-judice. However, the present posting of Complainant's brother is at Bhubaneshwar.

4.2 Since the issue is already pending in Hon'ble CAT, Cuttack Bench, intervention of this court is not warranted.

4.3 In view of the above, the case is disposed of.


(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated: 22.05.2023



न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.13490/1024/2022

Complainant:

Shri Kulbir Singh Sachdev
A-604, Nitesh Central Park
Baqlur Cross, Bangalore- 560064
Karnataka

Respondents:

The Adjutant - General
(Chairman AWHO)
AG's Branch, South Block,
IHQ (Arms),
New Delhi - 110011

Complainant: 50% Locomotor Disability

1. Gist of Complaint:

1.1 The Complainant Sh. Kulbir Singh Sachdev, filed a complaint dated 17.09.2022 regarding non-payment of salary and allowances by AWHO. The complainant has submitted that he had worked with AWHO as Consultant/SA w.e.f. 2nd May 2016 to 26 August 2019 and retired at the age of 65 years. He had been paid salary of Rs. 30,000/- + Allowances as SA 1 w.e.f. 2nd May 2016 to 26 August 2019. The salary of employees was increased as per order of AGs (Chairman) AWHO and to be paid with effect from 1st January 2017. He had requested to Director (Admn) several times to clear his dues, but till date the same has not been paid to him. He has requested for getting his outstanding dues.

2. Submissions of the Respondent:

2.1 Director (Administration), AWHO vide letter dated 02.12.2022 has informed that the Complainant was employed as JE/SA Gde-I at HQ, AWHO w.e.f. 02.05.2016 to 01.05.2017 under Employees Service Rules 2015 (ESR 2015) at a consolidated compensation of Rs. 30,000 vide letter

dated 28.04.2016 for one year w.e.f. 02.05.2016. The last Fixed Term Service Contract was given to him for the period 01.01.2019 to 25.08.2019 at a consolidated compensation of Rs. 32,100/- per month. Conditions of Limited Term Contract were given to the individual which were accepted by him. This included the consolidated pay per month to be given to him.

2.2 The revised ESR 2015 was implemented at AWHO for employees under ESR 2015 w.e.f. 02.08.2019. Accordingly, consolidated compensation in respect of Complainant was revised from Rs. 32,100/- per month to Rs. 43,000/- per month w.e.f. 02.08.2019. The Complainant retired on 25.08.2019 on completion of 65 years of age and the final dues released to Complainant considering the revised consolidation compensation of Rs. 43,000/- per month is as under:

Sl. No.	Entitlements	Amount in Rs.
1	52.50 days Gratuity @ Rs. 43,000/- per month	86,827
2	22.5 days Leave Encashment @ Rs. 43,000/- per month	32,250
3	Arrears of pay due to revision of consolidated compensation	8,720
	Total	1,27,797

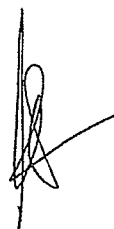
2.3 In view of the above, no dues are admissible to the Complainant since the revised consolidated compensation was implemented w.e.f. 02.08.2019.

3. Hearing (1):

3.1 The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 19.01.2023. The following were present in the hearing:

- Shri Kulbir Singh- Complainant
- Shri A.P Tiwari Advocate along with Col. Kavi Kratu Director Administration

3.2 Both the parties were heard. The respondent submitted that he has received the notice on the day of the hearing itself and that too without the copy of the complaint. Hence, he is unable to file the reply in the matter. He sought 3 weeks time to file the reply in the matter, which was agreed to by the Chief Commissioner for Persons with Disabilities. The case was fixed for next hearing on 23.02.2023.



4. Hearing (2):

4.1 Hearing in the case was re-scheduled for 09.03.2023 and again from 20.04.2023 to 21.04.2023. The case was heard via Video Conferencing by Chief Commissioner for persons with disabilities on 21.04.2023. The following were present in the hearing:

- Sh. Kulbir Singh Sachdev – Complainant
- Chairman AWHO – Respondent

5. Observation/Recommendations:

5.1 The complainant submitted that he had worked with Respondent establishment as consultant/SA w.e.f. 02.05.2016 to 25.08.2019 and retired at the age of 65 years. He had been paid salary of Rs. 30,000/- + Allowances as SA 1 w.e.f. 02.05.2016 to 26.08.2019. Complainant claims that the salary of employees was increased as per order of AGs (Chairman) AWHO and was to be paid with effect from January 2017. However, the benefit of increment of salary was not given to him.

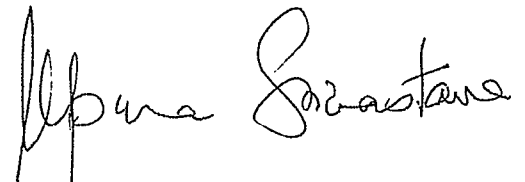
5.2 Respondent has refuted the claims and has submitted that the benefit of increment was given to the Complainant and was not denied. Complainant was given benefit of revised salary w.e.f. 02 August 2019 and his salary was increased from Rs. 32,100/- to Rs. 43,000/- per month.

5.3 During online hearing the counsel appearing on behalf of the Respondent informed this Court that the Disability Certificate submitted by the Complainant is of 2020 whereas the Complainant's tenure in the Respondent establishment completed in 2019.

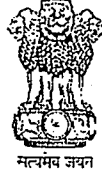
5.4 Since the Complainant's disability certificate was issued in 2020 after completion of his tenure, it cannot be proven that the Complainant was person with disability in 2019 and hence, it cannot be concluded that he was discriminated on the basis of disability. Therefore this Court concludes that the Complainant failed to invoke the jurisdiction of this Court. Further intervention is not warranted.

6. The case is disposed of.

Dated: 22.05.2023



(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



सत्यमेव जयते

Case No.13258/1101/2022

Extra

79

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 13258/1101/2022

Complainant:

Shri Devender Kumar,
R/o House No.531, Gali No.5, Vijay Park, Maujpur,
Delhi-110053
Email: nitink2682@gmail.com

RYo 604

Affected Person The complainant, a person with 50% Cerebral Palsy

Respondent:

The Branch Manager,
Punjab National Bank,
Delhi Yamuna Vihar Branch,
C-4/78A, Yamuna Vihar, Delhi-110053
Emails: care@pnb.co.in, ibscorporate@pnb.co.in,
ibshelpdesk@pnb.co.in

RYo 608

1. Gist of Complaint:

1.1 The complainant filed a complaint dated 12.04.2022 alleging that the Punjab National Bank, Delhi Yamuna Vihar Branch (IFSC Code PUNBO133310) is not accessible and barrier free for persons with disabilities.

1.2 The complainant further submitted that he receives his disability pension in the Respondent Bank. The said Branch is neither accessible for persons with disabilities nor they have a wheelchair due to which he cannot get entry in the bank. Whenever his mother and brother go to the branch with his application regarding SMS Alert and for New Pass Book, the Branch Manager forbade to take action on the application saying to bring the complainant in the Branch anyhow or let him standing on the road but had not taken action. He also complained that the staff sitting at Counter No.1 and the Manager of the Branch is making fun of his disability

1 | Page

1.3 The complainant prayed for justice so that he can receive his pension timely.

2. Submissions made by the Respondent:

The Respondent filed a reply dated 27.06.2022 and submitted as under:-

- (1) Ramp has been constructed at branch on date 21/06/2022;
- (2) As per Customer's request, mobile number is updated in his account on 18.05.2022;
- (3) New passbook of customer had been got printed and for the delivery of the same, the complainant/customer was contacted telephonically on mobile No. 8700371685 on date 24.06.2022, his mother had received the call and replied that due to some issue they were not present there and had gone to their village; and
- (4) An investigation was conducted on 20.06.2022 to know the facts of allegation made by complainant of making fun of his disability. As per investigation report no such type of incident happened at branch. However, all branch staff are counseled for better customer service.

3. Submissions made in Rejoinder:

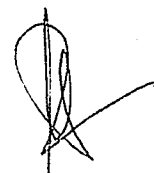
The complainant filed his rejoinder dated 19.08.2022 and submitted that the Ramp is steep and is not as per the guidelines.

4. Hearing:

4.1 An Online Hearing through Video Conferencing was conducted by the Commissioner for Persons with Disabilities on **09.09.2022**. The following persons were present during the hearing:

- (1) Shri Devender Kumar, the complainant; and Shri Nitin Kumar
- (2) Shri Girish Kumar for Respondent

4.2 After hearing both the parties, this court decided that an inspection of the premises of the respondent establishment should be made by the



officers of this Court in order to determine whether the ramp construction by the respondent is in accordance with the requisite rules.

4.3 Accordingly, a Committee consisting of the following officials, namely, (i) Shri Rajeev Malhotra, Desk Officer; (ii) Shri Rajesh Kumar Jaryal, Private Secretary; and Shri Nandan Singh, Personal Assistant inspected the respondent’s establishment on 04.11.2022 and submitted their report on 07.11.2022 with the photographs.

4.4 As per the Inspection Report, the ramp constructed alongside stairs at the entrance was not of the right gradient and was very steep. It could not be used by the persons with locomotor disability / wheelchair user. The Committee pointed out its observation to the Chief Manager of the Branch who told that the branch is being operated in a rented accommodation in the residential colony and, hence, it would be difficult to extend the length of the ramp because, if extended, it would cause damage to the road which is a busy lane. The Chief Manager further told that the height of the ramp is also cannot be reduced because it would cause damage to the roof of the basement.

4.5 The Inspection Committee, however, suggested that the Chief Manager should consult an accessibility expert to explore the feasibility to extend the ramp in terms of the “Harmonised Guidelines & Standards for Universal Accessibility in India – 2021” published by M/o Housing & Urban Affairs, Govt. of India.

5. Observations & Recommendations:

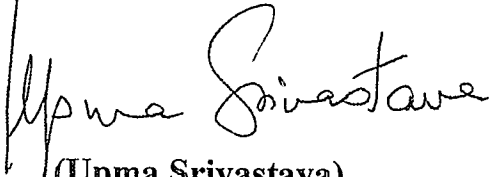
5.1 Keeping in view the complaint filed by the complainant, the reply filed by the Respondent Bank and in the light of the Inspection Report submitted by the Inspection Committee, this Court recommends the respondent to consult an accessibility expert to explore the feasibility to extend the ramp in terms of the “Harmonised Guidelines & Standards for Universal Accessibility in India – 2021” published by M/o Housing & Urban Affairs, Govt. of India.

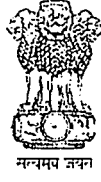


5.2 Respondent is directed to submit the Compliance Report of this Order within 3 months from the date of this Order. In case the Respondent fails to submit the Compliance Report within 3 months from the date of the Order, it shall be presumed that the Respondent has not complied with the Order and the issue will be reported to the Parliament in accordance with Section 78 of Rights of Persons with Disabilities Act, 2016.

5.3 Accordingly the case is disposed of.

Dated: 23.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

परिवाद संख्या 13465/1101/2022/153945

परिवादी—

श्री सौरभ कुमार,
तोषियास सचिव,
नन्दन टॉवर कॉलोनी मोड़,
कंकड़बाग, पटना 800020 (बिहार)
Email: toshiyassaurabh@gmail.com

Handwritten signature

प्रतिवादी—

सचिव,
रेलवे बोर्ड, रेल भवन,
रफी मार्ग, नई दिल्ली 110001
Email: secyrb@rb.railnet.gov.in

Handwritten signature

1. शिकायत का सार—

1.1 श्री सौरभ कुमार, तोषियास सचिव, पटना ने इमेल दिनांक 18.08.2022 के द्वारा रेल मंत्रालय दिल्ली रेल भवन में काउन्टर दिव्यांगजन के लिए सुगम्य न होने (ऊँचा होने), दिव्यांगजन के लिए व्हीलचेयर की भी व्यवस्था नहीं होने से सम्बन्धित एक शिकायत प्रस्तुत की।

1.2 शिकायतकर्ता का कहना है कि रेल मंत्रालय का जो पूछताछ काउन्टर है वह काफी ऊँचाई पर है जो कि दोनों हाथ एवं पैर से दिव्यांगजन के लिए सुगम्य नहीं है। उनका यह भी कहना है कि दिव्यांगजन के लिए सभी कार्यालयों में व्हीलचेयर की व्यवस्था होनी चाहिए लेकिन रेल मंत्रालय, नई दिल्ली में व्हीलचेयर की व्यवस्था भी नहीं है।

2. प्रतिवादी द्वारा प्रस्तुत उत्तर—

रेल मंत्रालय ने उत्तर दिनांक 27.10.2022 प्रस्तुत किया और कहा कि—

(1) रिसेप्शन पर दिव्यांगजन के लिए व्हीलचेयर उपलब्ध है।

(2) दिल्ली रेल भवन में बने तीन काउन्टरों में से एक काउन्टर की ऊँचाई को दिव्यांगजन के लिए सुयोग्य बनाने के लिए नीचे करने के आवश्यक निर्देश दे दिए गए हैं।

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3. परिवादी का प्रत्युत्तर—

इस न्यायालय द्वारा डाक और इमेल दिनांक 09.11.2022 से प्रतिवादी द्वारा प्रस्तुत उत्तर को परिवादी को उस पर टिप्पणी / प्रत्युत्तर 15 दिनों के भीतर प्रस्तुत करने के लिए भेजा गया। परिवादी से उस पर कोई टिप्पणी / उत्तर प्राप्त नहीं हुआ।

4. अवलोकन / अनुशंसाएँ—

4.1 शिकायतकर्ता की शिकायत रेल भवन में दुर्गम रिसेप्शन काउंटर और दिव्यांग व्यक्तियों के लिए रिसेप्शन पर व्हीलचेयर नहीं होने के सम्बन्ध में है। रेल भवन में दिव्यांगजन के पहुँच को सुगम्य बनाने के लिए उचित कदम उठाये गए हैं। दिव्यांगजन के उपयोग के लिए व्हीलचेयर भी रिसेप्शन काउन्टर पर उपलब्ध करा दी गई है और रेल भवन के तीन रिसेप्शन काउंटर्स में से एक की ऊँचाई कम करने के लिए प्रतिवादी द्वारा आवश्यक निर्देश जारी किए गए हैं। प्रतिवादी का उत्तर संतोषजनक है। चूँकि शिकायतकर्ता की शिकायत का निवारण हो गया है, अतः इस प्रकरण में अग्रिम कार्यवाही की आवश्यकता नहीं है।

4.2 तदनुसार इस वाद को बंद किया जाता है।

दिनांक - 23.05.2023

उपमा श्रीवास्तव

(उपमा श्रीवास्तव)
मुख्य आयुक्त दिव्यांगजन



न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 13505/1014/2022

Complainant:

Shri Bachchalal Kumar Yadav,
House No.832, Janta Flat, Pocket-11, *PH 0595*
Third Floor, Block-C, Jasola Vihar,
South Delhi, Delhi-110025;
Email: bachchababu4job90@gmail.com

Respondents:

(1) The Regional Director (Northern Region),
Staff Selection Commission,
5th Floor, Block No.12, CGO Complex,
Lodhi Road, New Delhi-110003;
Email: rdsscnr@gmail.com *PH 0596*

(2) The Registrar General and
Census Commissioner, India
Office of The Registrar General and
Census Commissioner,
NDCC-II Building, Jai Singh Road,
New Delhi -110001
Email: rgi.rgi@gov.in *PH 0592*

Affected Person: The complainant, a person with 40% Hearing Impairment

1. Gist of Complaint:

1.1 The complainant filed a complaint dated 09.09.2022 regarding putting his name in the Rejection List of candidates despite having desired qualifications & experience for the post of Office Superintendent as advertised under Post Category No.NR16920 vide Advertisement No.VIII/2020 by SSC (NR).

1.2 The Complainant has submitted that at the time of advertisement of vacancies for the post of Office Superintendent the required qualification

was Degree in Graduation from any Recognized University and 02 years experience in Administration, Accounts and Budget in any Central Government Office/State Government Office, hence, he had applied for the post. Now, as per the list issued on 28.03.2022, the eligibility criteria for the eligible candidates is degree from any recognized University in Library Science or in Library and in IT(सूचना विज्ञान) or 02 years experience in Library from any Central Government/State Government/Autonomous Body/Statutory Body/PSU. He contended that hence, his name was kept in rejected list.

2. Submissions made by the Respondent:

2.1 Under Secretary, SSC (NR), Respondent No. 1 has filed its reply dated 14.03.2023 and submitted that the Complainant was found ineligible for the post of Office Superintendent in the O/o Registrar General of India (RGI) in the initial scrutiny and thus placed in the rejection list. Later on, considering his representation in consultation with the User Department, he was found eligible and placed in the OK list. A final OK list was published in January, 2023 and he was there in the OK list. He was called for documents verification on 28.01.2023 and found clear/ok in the said process. Thus, he was considered for next stages of recruitment process for the post of Office Superintendent in the O/o RGI as per the selection process. The Complainant had filed the complaint without waiting for final outcome of his representation

2.2 Under Secretary, Office of the Registrar General India, filed its replies dated 17.11.2022 and 16.03.2023 and inter-alia submitted that ORGI had sent a requisition to SSC on 04.07.2019 for filling up of 17 vacant posts of Office Superintendents including two posts for Divyangjan i.e. One for deaf and hard of hearing and the other one for Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy as per PH Roster. SSC scrutinizes the validity of the applications of the candidates with reference to the



eligibility criteria, conducts competitive examination, declares results and selects/nominates the candidates for appointment to various offices. ORGI has no role to play to put the name of the complainant Shri Bachchalal Kumar Yadav in the Rejection List of candidates.

3. Submissions made in Rejoinder:

The complainant filed his rejoinder dated 19.12.2022 and prayed to this Court to look into the matter as to why SSC did not file its reply regarding rejection of his application.

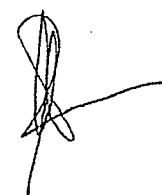
4. Hearing: The case was heard via Video Conferencing by the Chief Commissioner for Persons with Disabilities on **06.04.2023**. The following persons were present during the hearing:

- (1) Shri Bachchalal Kumar Yadav, the complainant
- (2) Shri Kulvinder Singh, Under Secretary, for Respondent No.2
- (3) None present for Respondent No.1

5. Observations & Recommendations:

5.1 The complainant filed a complaint dated 09.09.2022 regarding putting his name in the Rejection List of candidates despite having desired qualifications & experience for the post of Office Superintendent as advertised under Post Category No.NR16920 vide Advertisement No.VIII/2020 by SSC (NR).

5.2 The Complainant submitted that at the time of advertisement of vacancies for the post of Office Superintendent the required qualification was Degree in Graduation from any Recognized University and 02 years' experience in Administration, Accounts and Budget in any Central Government Office/State Government Office, hence, he had applied for the post. Now, as per the list issued on 28.03.2022, the eligibility criteria for the eligible candidates is degree from any recognized University in Library Science or in Library and in IT or 02 years' experience in Library from any Central Government/State Government/Autonomous Body/Statutory Body/PSU. He contended that hence, his name was kept in rejected list.





5.3 Respondent No.1 submitted that the Complainant was found ineligible for the post of Office Superintendent in the O/o Registrar General of India (RGI) in the initial scrutiny and thus placed in the rejection list. Later on, considering his representation in consultation with the User Department, he was found eligible and placed in the OK list which was published in January, 2023. The Complainant was called for documents verification on 28.01.2023 and found clear/ok in the said process. The Complainant filed the complaint without waiting for final outcome of his representation

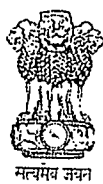
5.4 Respondent No. 2 submitted that a requisition was sent to SSC on 04.07.2019 for filling up of 17 vacant posts of Office Superintendents including two posts for Divyangjan i.e. One for deaf and hard of hearing and the other one for Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy as per PH Roster. SSC scrutinizes the validity of the applications of the candidates with reference to the eligibility criteria, conducts competitive examination, declares results and selects/nominates the candidates for appointment to various offices. Respondent No. 2 has no role to play to put the name of the complainant Shri Bachchalal Kumar Yadav in the Rejection List of candidates.

5.5 During online hearing, Respondent No.2 submitted that SSC, Respondent No.1, is reconsidering the case of the Complainant and re-verification of the Complainant's documents has been started. During online hearing, the Complainant was present in person and confirmed that the re-verification of his documents has been started by the Respondent No.1 and he does not want to pursue his case any further.

5.6 The present Complaint is disposed of as withdrawn.

Dated: 23.05.2023

**(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities**



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 189638/2023/CCPD

Complainant:

Shri Chichu Prasad S,
Vishnu Bhavan,
Madathikkonam,
Veeranakav PO,
Kattakkada – 695572 (Kerala)
Email: chichuprasad916@gmail.com
Contact No. 9656361886

Respondent:

The Director,
Rajiv Gandhi Centre for Biotechnology (RGCB),
Thycaud Post, Poojappura,
Trivandrum – 695014, Kerala,
+91-471-2529400 | 2347975 | 2348753
+91-471-2348096
Email: webmaster@rgcb.res.in

Affected Person: The complainant, a person with 45% Mental Illness

1. Gist of Complaint:

The complainant filed a complaint dated 21.02.2023 regarding not filling up the vacancies reserved for persons with disabilities by Rajiv Gandhi Centre for Biotechnology (RGCB), Thiruvananthapuram. The complainant also alleged that SCPD, Kerala had also adjudicated a complaint in this regard filed by the complainant and it was clearly proved that his candidature for the year 2021 was concealed by RGCB purposefully. But RGCB has still not taken any action against the Court order since last 06 months.

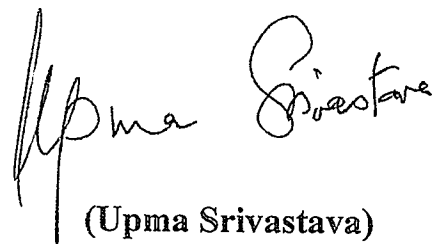
2. Observations & Recommendations:

2.1 It is seen from para 3 of the Order dated 22.11.2022 passed by the State Commissioner for Persons with Disabilities, Govt. of Kerala [SCPD Kerala] that Director, Rajiv Gandhi Centre for Biotechnology had submitted before the SCPD that earlier 02 notifications were cancelled for want of a competent and qualified candidate in the scrutiny of the applications. Thereafter, re-notification was already published. If the present petitioner (the complainant) again applies for the appointment, his claim for appointment under the disability quota would be considered as per law. The case was closed accordingly.

2.2 It has also been observed that the Complainant has not pointed out any fact of discrimination. He is alleging that he is meritorious candidate and was qualified for appointment but was not appointed. Same allegations were made before SCPD Kerala also. Since no candidate was appointed even during first two attempts hence it can be concluded that no case of discrimination on the basis of disability is made out by the Complainant.

2.3 In view of the above, no further intervention is required in the matter and the complaint is closed.

Dated: 24.05.2023



(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities





न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

परिवाद संख्या - 13581/1103/2022/160253

परिवादी -

श्री सौरभ कुमार, तोषियास सचिव,
जी-8, नन्दन टावर कॉलोनी मोड़,
कंकड़बाग, पटना-800020 (बिहार),
इमेल - toshiyassaurabh@gmail.com,
Phone: 7488347779

No 813

प्रतिवादी -

(1) महाप्रबन्धक,
पूर्व मध्य रेलवे,
दानापुर, पटना (बिहार),
इमेल - drm@dnr.railnet.gov.in

No 814

(2) सचिव,
रेलवे बोर्ड, रेल मंत्रालय,
रेल भवन, नई दिल्ली -110001,
इमेल - crb@rb.railnet.gov.in

No 815

1. परिवाद का सार -

शिकायतकर्ता ने इमेल दिनांक 20.09.2022 के द्वारा शिकायत किया कि पटना जंक्शन पर दिव्यांगजन के लिए जो टिकट काउन्टर है वह काफी ऊँचा है, जिससे दोनों हाथ-पैर से दिव्यांग व्यक्ति को टिकट लेने में कठिनाइयों का समाना करना पड़ता है। शिकायतकर्ता ने यह भी शिकायत की कि जहाँ पर दिव्यांगों के लिए टिकट काउन्टर है वहाँ पर बैठने की व्यवस्था सुगम्य भारत के तहत करनी है वह कहीं नहीं दिखती है। यदि कोई दिव्यांग या दोनों हाथ पैर से दिव्यांग है और वह टिकट काउन्टर के समीप बैठना चाहता है तो लम्बी लाइन की वजह से वह वहाँ बैठ नहीं सकता है। उन्होंने निवेदन किया कि दिव्यांग काउन्टर से टिकट लेने वालों को उपरोक्त सुविधा प्रदान की जाए।

2. प्रतिवादी द्वारा प्रस्तुत उत्तर -

2.1 सहायक वाणिज्य प्रबन्धक, पूर्व मध्य रेलवे ने उत्तर दिनांक 19.01.2023 प्रस्तुत कर कहा कि एक कम उँचे स्तर का टिकट काउन्टर दिव्यांगजन के लिए उपलब्ध है। तथापि, प्रशासकीय

कारणों से वह प्रयोग में नहीं है परन्तु दिव्यांगजनों की कठिनाइयों को ध्यान में रखते हुए उस कम उँचे स्तर के टिकट काउन्टर को पूरे जोर-शोर से चालू कर दिया गया है। जहाँ तक बैठने की व्यवस्था का सम्बन्ध है, चार कुर्सियों के सेट वाली दो नग वहाँ पर स्थापित किये गए हैं जहाँ पर दिव्यांगजन टिकट लेने के लिए प्रतीक्षा करते हैं।

2.2 रेलवे बोर्ड से कोई उत्तर प्राप्त नहीं हुआ है।

3. परिवादी द्वारा प्रस्तुत प्रत्युत्तर -

परिवादी से प्रतिवादी के उत्तर पर कोई प्रत्युत्तर प्राप्त नहीं हुआ है।

4. अवलोकन/अनुशंसाएँ -

4.1 प्रतिवादी के उत्तर से स्पष्ट है कि परिवादी द्वारा प्रस्तुत शिकायतों का निवारण प्रतिवादी द्वारा कर दिया गया है। अतः इस प्रकरण में आगे किसी कार्यवाही की आवश्यकता नहीं है।

4.2 तदनुसार, इस वाद का निपटारा किया जाता है।

दिनांक - 24.05.2023

उपमा श्रीवास्तव

(उपमा श्रीवास्तव)
मुख्य आयुक्त दिव्यांगजन



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13774/1141/2023

Complainant: Shri Mayank Pandey
A-45, Christian Colony
Patel Chest, North Campus
Delhi-110007
E-mail: <mayankpandey15071994@gmail.com>

Respondent: 1. The Commissioner
Office of the Commissioner of Police
Police Headquarters
Jai Singh Road, New Delhi – 110001
2. The Chairman
Delhi Transport Corporation (IHQ)
Govt. of NCT of Delhi, I.P. Estate
New Delhi – 110002

Complainant : 100% visual impairment

GIST of the Complaint:

1.1 Complainant vide e-mail dated 30.01.2023 has submitted that on 27/1/2023, when he boarded the DTC bus (DL 1PC 8232) on route number 192 (going towards Keshav Nagar) from GTB Nagar bus stop for Burari around 9:20 pm, a person tried to snatch his mobile phone from pocket, he immediately held his hand and shouted loudly that his phone is being snatched and requested for shutting the bus door. The Bus Conductor Pankaj and Bus Driver Raj Kumar did not heed to his call and the snatcher ran away easily with his phone as the doors remained open.

1.2 The Complainant further stated that he repeatedly requested the driver to stop the bus as his mobile phone was snatched and he had an exam on next morning i.e. 28/1/2023. But they showed very cold attitude and said, "then what? It's just a mobile". Due to this he was compelled to call Burari Police Station for help and police staff stopped the bus in front of Burari police station. As the incident happened in the jurisdiction of Mukherjee Nagar they asked him to go there so he called 112 and reached Mukherjee Nagar Police Station. Meanwhile the Driver and Conductor tried to threaten him by making a phone call to someone who as they claimed to be was from the DTC office.

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1.3 He further submitted that he told the whole story of negligence by the bus staff to the police station, Mukherjee Nagar and also to the person statedly from the DTC office who admitted the mistake on the part of the bus staff . He narrated the whole incident to SI Shri Rameshwar (IO) (mobile-9871259511), but next morning i.e. 28/1/2023 when he received copy of FIR, he found that it was lodged under Section 379 IPC only and that SI Shri Rameshwar intentionally omitted to mention the name of Bus Driver and Conductor who were directly liable for the mishappening.

1.4 He also alleged that there was no marshal on duty in the bus as claimed by the Government and when asked for CCTV footage, the Conductor replied that bus cameras are not working.

2. SUBMISSION OF THE RESPONDENTS:

2.1 Respondent No. 02 vide letter dated **20.04.2023** has submitted that as alleged by Sh. Mayank Pandey that he was misbehaved by DTC Bus Conductor and Driver after snatching incident on dated 27.01.2023, the same was not found to be corrected. Rather DTC bus crew helped Sh. Pandey as first they took him to Police Station, Burari and thereafter Police Station, Mukherjee Nagar, Delhi-110009 in their bus as he had to lodge a police report against his mobile phone snatcher. DTC Bus Driver cannot be held guilty at all as he was busy in driving DTC Bus. Bus Conductor can be held responsible for not extending satisfactory help (as alleged by complainant) and he deserves disciplinary action but his contract with this corporation had been terminated vide letter No. BBMD/AI(T)/Term-01/20231/134 dated 01.04.2023 of Depot Manager, BBM Depot in another case (as he was a contractual employee). So, no further action is possible now into the case. However to ensure natural justice, this case can be reopened by this Corporation against bus conductor in future, if required.

2.2 He further submitted that FIR lodged into this case has no mention of DTC bus Driver and Conductor. Moreover, during their different training programmes also, they particularly direct all Bus Drivers and Conductors to extend help sympathetically to Children, Women and Persons with Disabilities during their duties.

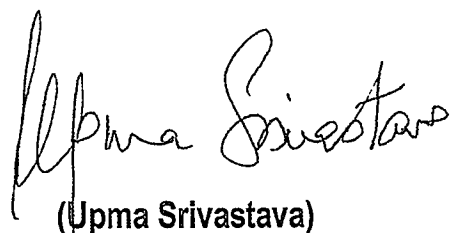
3. OBSERVATION/RECOMMENDATIONS:

3.1 This is a case involving law and order issue and there is no imputation of disability of the complainant being a ground for the alleged snatching. An FIR has been filed in the matter and further action will follow as per the Criminal Law. As such, intervention of this Court is not warranted. Nevertheless, the respondents are advised to ensure that the rights of Persons with Disabilities are not violated and that they enjoy their right to equality, life with dignity and respect.



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4. The case is disposed of accordingly.



(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.05.2023





सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Case No: 13699/1023/2023

Complainant

Shri Sarvjeet Singh
Deputy Manager
State Bank of India
Sector-22, Chandigarh
Email ID: sarv.jmi@gmail.com

Vs

Respondents:

The Chairman
State Bank of India
Corporate Centre, State Bank Bhavan,
Madame Cama Road, Nariman point,
Mumbai, Maharashtra-400021
Email: ascem.bhushan@sbi.co.in

GIST of the Case:

The Complainant Shri Sarvjeet Singh, a person with 45% Locomotor Disability has filed a complaint dated 20.01.2023, regarding Infantile Hemiparesis with Telipes Equinovarus regarding Harassment. The Complainant suffering from General Anxiety Disorder; therefore, he is under treatment for the same in PGIMER, Chandigarh. The Complainant submitted that he joined the State Bank of Travancore as a Probationary Officer on the 1st June, 2015 under the persons with disability category. Later on, as per the Govt. policy the said Bank merged with the State Bank of India on 31st March, 2017. He was promoted as Deputy Manager on 26th April, 2021 and was assigned the role of Deputy Manager (Financial Inclusion) where the task involved compiling of data received from various branches of SBI under RBO-4 Chandigarh for further submission to LFIO Chandigarh. Apart from the said work schedule he also had to assist Ms. Ekta Mahajan, Manager (HR) in arranging deputations for Branches on her verbal instructions.

2. The Complainant further submitted that end of year 2021 there was a change in my reporting authority as Shri Sujeet Lohani took over as Manager (Financial inclusion). His behavior in the office towards him was never cordial. He always used abusive and indecent language and was disrespectful while assigning any job. When the Complainant raised objections for his abusive language, he felt offended and started finding ways to harass him. He compelled him to come to the office during Covid 19 though there was exemption for PWD from attending office during said period. He reported the matter to the Manager (HR) but she refused to do anything on the ground that she is helpless as Shri Lohani is a senior officer. On one occasion, when the complainant

requested for leave on the ground of suffered Urine infection on 25th March, 2022, it was refused on account of excuse of work pressure. The HR Manager also refused to interfere. His request to put his grievance on the Sanjivani Portal was also disallowed by the HR Manager on the pretext that being posted in the RBO, he could write only to Regional Manager. The Complainant further submitted that in the month of June, 2022 there was a change of guard at RBO-4 Chandigarh and the new Regional Manager was receptive to his health issues and he stopped assigning deputations and thus his working condition also improved.

3. The complainant further submitted that he suffered major panic attack on 23rd November, 2022 and he was given medical leave on the recommendation of Director of Medicine at Max Hospital, Mohali and also advised him to consult his mental health specialist. The Complainant further stated that due to the mental and physical harassment caused by and at the instance of Ms. Ekta Mahajan, HR and Shri Lohani, he got completely depressed about his life and lost all hopes of leading good and respectable life and opportunity of working in office in terms of my medical condition. His appointment under the persons with disability category could be the reason that his senior officers are not treating him equally with others and always finding ways to harass him. He got so fed up with the life due to the harassment he was facing in the office that he left his home on 26th December, 2022. His parents persuaded him and he got courage to fight back for his survival in the office. He consulted his mental health specialist at PGIMER and he has given him one month's medical leave on account of nervous illness.

4. The Complainant requested this Court to give necessary direction to the Respondent and seniors not to harass him mentally and physically in view of his medical condition and he may be given work inside the bank premises which requires not much movement and he may be timely relieved from office after office hours so that he may take care of his health. The complainant also requested for transfer to a back office at Chandigarh.

5. The matter was taken up with the Respondent vide letter dated 30.01.2023 under Section 75 of the RPwD Act, 2016.

6. In response, General Manager, Local Head Office, State Bank of India, Chandigarh filed the reply vide dated 09.03.2023 and submitted that the Complainant was never compelled to come to office during COVID-19 pandemic. He was rather allowed to work from home as per Bank's instructions. On the issue of harassment faced from Shri Lohani, the respondent submitted that the Complainant never reported any such complaint against the officer and no such instance was witnessed at the office. He was never taunted or demeaned on account of his medical condition. Further, whenever he was not feeling well, he was allowed to leave the office before office hours. Moreover, many a times he was allowed to use the office car to visit the hospital or home owing to urgency. Regarding allegations of harassment by the Regional Manager, it is submitted that the Regional Manager, was very sympathetic and concerned towards his staff members & no complaint was ever received against him from any staff.

7. The allegations levelled by Sh. Singh that he was not allowed to raise his grievance on the Sanjivani portal, it is submitted that all employees of our Bank are free to lodge their grievances

in various in-house grievance redressal mechanisms of the Bank including on the Sanjivani Portal. The Sanjivani Portal is open to all staff members and no permission is required to lodge a grievance in the Portal. Further, there is no record available of any complaint lodged by the Complainant to the Regional Manager. The Respondent further submitted that due to some technical issues, the reporting authority of the complainant could not be changed, however, CDS scores/grade for the said period have been awarded as per the officer performance with suitable assessment and reviewed by the Competent Authority. The Respondent further submitted that in case of administrative exigency, he was deputed to other branches in local area only to meet customer service requirement.

8. The Complainant's current job profile is that of a Relationship Manager (PB). RMs (PB) were selected based on the interaction and willingness of nominated candidates for the said post/role. Officers who were not interested in RM (PB) role were not selected. The complainant has willingly chosen the role and has also undergone the required training at State Bank Academy, Gurgaon before taking up the said role/assignment. As such, the duties of RM (PB) at PGIMER Branch, Chandigarh have been assigned to the officer.

9. The officer has alleged that he was insulted in open meeting by pointing out his fragile mental health condition by Branch Manager of SBI PGIMER branch. The respondent stated that there are 4 officials of PWD category at the branch including the Complainant. None of them has ever raised any issue regarding allotment of duties or being felt insulted. Special care is taken of PwD employees as far as possible. In one such instance, the Complainant on 24.12.2022 requested for leave by sending a message on Whatsapp at 09:23 AM. The Branch Head approved his leave on Whatsapp at 09:37 AM. He has always been accommodated in the branch work as far as possible. The Respondent also stated that the Complainant has never raised such issues with the Branch Head or through the Grievance Redressal Mechanism available within the Bank.

10. The Complainant filed his rejoinder vide letter ~~dated~~ dated 24.03.2023 and submitted that he is not satisfied with the reply submitted by the respondent. The complainant once again requested to this Court to provide him justice against the respondent.

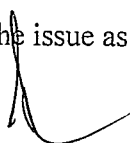
11. **Hearing:** The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 23.05.2023: The following were present:

- i) Shri Sarvjeet Singh: **Complainant**
- ii) Shri Sujeet Kumar, General Manager, State Bank of India: **Respondent**

Observations/Recommendations

12. During online hearing the Respondent apprised this Court that both the Complainant and Shri Lohani Respondent have now been posted in different offices. This Court is satisfied with the fact that both the Complainant and Sri Sujeet Lohani are posted at different locations and thus the Respondent took initiative to resolve the dispute between the two employees.

13. As far as issue of leave is concerned, both the Complainant and the Respondent agreed to resolve the issue as per the extant rules.

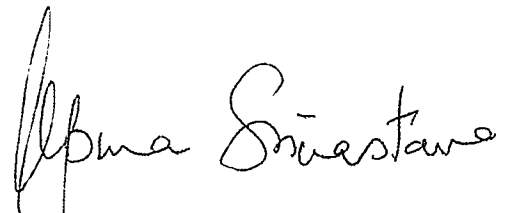



14. Last issue which remains is related to assignment of suitable job. During online hearing the Complainant informed this Court that as on the date of hearing, he is satisfied with the nature of the job which has been assigned to him. Though the issue is now redressed, it is imperative to take note of some legal provisions for future purpose.

15. Concept of Reasonable Accommodation is defined in Section 2(y) of Rights of Persons with Disabilities Act, 2016. As per provision, it means necessary and appropriate modification and adjustments, to ensure to Persons with Disabilities the enjoyment or exercise of rights with others. Further, Section 20(2) makes it positive obligation of every government establishment to provide 'Reasonable Accommodation' and appropriate barrier free and conducive environment to Divyang employee. Principle of 'Reasonable Accommodation' acknowledges that in order to rectify the social problem of discrimination with Divyang, affirmative conditions have to be created for facilitating the development of Divyangjan. This principle is not merely a formality, it is component of duty not to discriminate with Divyangjan hence the state is bound to provide these facilities to its Divyangjan.

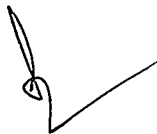
16. This Court recommends that the Respondent shall always explore possibilities to assign suitable job to the Complainant in order to accommodate the Complainant's disability and provide reasonable accommodation to the persons with disabilities so that they can achieve the optimum results.

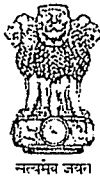
17. The case is disposed of accordingly.



(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated:30.05.2023





न्यमय जका

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13720/1093/2023

Complainant: Shri Saurabh Kumar
Toshiyas Sachiv
G-8, Nandan Tower Colony More
Kankarbagh, Patna-800020
Email: <toshiyassaurabh@gmail.com>

20/8/19

Respondent: The Secretary
Railway Board,
Ministry of Railways
Rail Bhawan, New Delhi – 110001
E-mail: <crb@rb.railnet.gov.in>

20/8/20

Gist of the Complaint:

प्रार्थी का अपनी शिकायत दिनांक 20.09.2022 में कहना है कि भारतीय रेलवे में जो टिकट कटता है टिकट के साथ उसे बहुत सारी सुविधाएँ जैसे एक्सीडेंटल कवर बीमार पड़ने पर डॉक्टर की सुविधा टीटी के द्वारा प्रदान किया जाता है लेकिन इस नियम का पटना राजधानी तेजस स्पेस ट्रेन में खुलेआम उल्लंघन हो रहा है डॉक्टर की सुविधा के लिए यहां पर 200 रुपये टीटी के द्वारा मांगे जाते हैं तथा दवाई के पैसे अलग से चार्ज किये जाते हैं पानी भी एक बार दिया जाता है।

2. The matter was taken up with the Respondent vide letter dated 01.02.2023 under Section 75 of the RPwD Act, 2016.

3. SO/TG-2, Railway Board, Rail Bhavan vide e-mail dated 03.04.2023 has forwarded the comments of Sr. Divisional Commercial Manager, East Central Railway vide which he stated that constitution fee & Charges for Medicine, Injections, etc. for Medical aid to Passengers is defined in Railway Board's dated 06.11.2018 and as per para -1 of the said letter "to issue EFT as a valid receipt for recovery of Consultation fee from the passenger against the medical aid provided when afflicted with sudden illness or injury (other than as a result of a railway accident in which case it is duty of the Railway administration to provide free medical attendance and treatment facilities), which is Rs. 100/- per patient at present, irrespective of the grade of attending Medical Officer".

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4. He further submitted that as per Commercial Circular No. 32/2014 issued by Railway Board on 06.08.20214 para 6.1 "Newspaper and Rail Neer Packaged Drinking Water bottles along with disposable cup are to be served to the passengers on board Shatabdi/Rajdhani/Duronto Express trains on complimentary basis and it will not be a part of apportionment cost for catering on board. One bottle of 01 liter Rail Neer Packaged Drinking Water and Newspaper should be supplied to every passenger. In case passenger is travelling for more than 20 hrs on Rajdhani/Duronto trains, a second bottle of Rail Neer Packaged Drinking Water should also be served to the passengers".

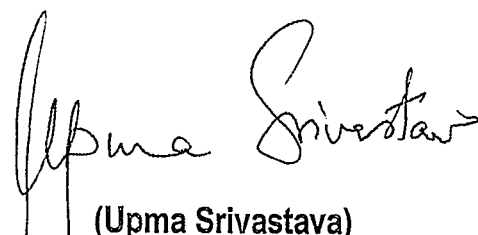
5. A copy of Respondent's reply was forwarded to the complainant on 18.04.2023 for submission of his comments/rejoinder but till date no response has been received.

Observation/Recommendations:

6. The Complainant has raised the issue of additional fees being charged from the passengers for treatment of sudden illness during journey and for extra water bottles. He has stated that these expenses are covered in the cost of the ticket itself and the Railways should not charge extra money for such services. Therefore, he has sought intervention of this court in this matter.

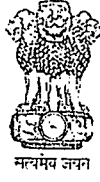
7. After perusal of the rival submissions, it is clear that neither there is any violation of any rule by the Respondent, nor is this a case of discrimination arising out of disability. Intervention of this court is not considered appropriate in the matter.

8. The Case is disposed of accordingly.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.05.2023





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न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No: 13707/1141/2023

Complainant: Shri Stilvenson EJ

E-mail: <e.stilvenson@gmail.com>

Mobile: 9871242234

Respondent: Kochi Metro Rail Ltd.

Through the Chairman & Managing Director

JLN Metro Station, 4th Floor, Kaloor

Ernakulam - 682017

E-mail: customerrelations@kmrl.co.in

crc.kmrl@kmrl.co.in

GIST OF THE COMPLAINT :

Shri Stilvenson EJ, Complainant has submitted that Kochi Metro Rail Corporation (KMRL) has not yet earmarked any seat for persons with disabilities or senior citizens in their coaches deliberately. As a result of this, these categories of people have to beg seats while travelling. Perhaps, KMRL may be the first and only Metro Rail service in the world where such facilities have denied to these categories. Despite several reminders, KMRL has not yet taken any action or even ready to respond his emails addressed to them due to the reasons best known to them.

2. SUBMISSIONS OF RESPONDENT :

2.1 General Manager (O&M), Kochi Metro Rail Limited filed reply vide Affidavit dated 16.02.2023 and has inter-alia submitted that all the allegations and averments contained in the instant complaint are false and frivolous, and hence denied. Kochi Metro Rail Project (KMRL) is a Mass Rapid Transit Project envisaged for the City of Kochi and KMRL is a Company incorporated under the Companies Act, 1956 as a joint venture of the Government of India and Government of Kerala for Implementation, Operation and Maintenance of the Project. KMRL aims at providing fast, safe, convenient and affordable transportation to the people in an around the city. The Operations of the Metro Railway are done in a manner ensuring the safe and convenient travel requirements of various strata of citizens including senior citizens and differently abled persons. The said aspects were taken care right from the time of implementation of the Project itself and is well evident from the provision for wheel chair friendly access to all the Metro Stations and trains, provision of lifts to Concourse level and to Platforms which can accommodate wheelchairs.

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: 011-20892364, 20892275

E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in

(पया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)

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2.2 He further submitted that during Operations, KMRL has ensured that seats are reserved in all the compartments for senior citizens, differently abled persons and other needy passengers close to the entrance of the compartments and apart from conventional reservation of seats within the compartment, folding seats specifically aimed at differently abled persons travelling alone on wheelchair is also provided in the metro coaches apart from earmarked spaces for keeping wheelchairs for the convenient travel of wheelchair user and accompanying persons. The seats so reserved are specifically marked with clear distinguishable signs for easy identification. There is no neglect or laches on the part of KMRL in complying with the provisions of the Rights of Persons with Disabilities Act, 2016 or any other security legislation in this regard and all contra-averments are devoid of any merits.

3. SUBMISSIONS MADE IN REJOINDER :

3.1 The Complainant vide rejoinder dated **08.03.2023** has inter-alia submitted that the KMRL has not yet revealed ratio of seats reserved for each category vis-à-vis general category, out of total seats. The Petitioner is afraid of the fact that without that data, rejoinder affidavit shall be ineffective in bringing out the facts for further examination of the Court. That the Respondent's claim of earmarking of reserved seats specifically with clear distinguished signs for easy identification sans any merit. Whereas the Respondent has installed all signages in the Metro Rail Compartment for the reserved categories in an ambiguous manner which practically prevents the beneficiary for easy identification of his reserved seat.

3.2 The KMRL has installed signages in small fonts and that too in lowest colour frequency (black/white) for reserved categories in their Metro Rail Compartments in such a manner that as and when a non-entitled person occupies/sit in the seat, the signage contains the reservation, disappears behind him which prevents the entitled person to identify his seat and ultimately he/she has to beg seat from the general categories without knowing the availability of the seat in front of him/her. However, they did only a minute cosmetic change by installing the sign board of Senior Citizen at a little bit height with same font and same colour combination. Ambiguity in inscriptions colour and font can easily be identified while comparing sign board of KMRL with DMRC. DMRC's signages are always without any ambiguity in letter and spirit. DMRC's signages are in legible font size, with appropriate height and in most viable frequency of colour like green which never disappears when a person occupies the seat.



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4. HEARING :

4.1 After considering the documents on record it was decided to hold a personal hearing in the matter and accordingly, the case was listed for personal hearing on 09.05.2023. The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on 09.05.2023. The following were present:

- o Shri Stilvenson EJ - Complainant
- o Shri Manikandan, General Manager & others on behalf of respondent

OBSERVATION/RECOMMENDATIONS:

5. The main issue raised by the Complainant is relating to reservation of seats for divyangjan. During online hearing, Respondent shared pictures of seats and spaces which was earmarked reserved for divyangjan. The problem with marking is that it is printed in shorter font and marking is done at less height. The other issue highlighted by the Complainant during the hearing was that there is no separate marking of seats reserved for PwDs. The reserved seats are marked as such commonly for Elderly, Pregnant Woman and PwD categories, which according to the Complainant is against all the National and International Standards followed in Public Transport.

6. The attention of the Respondent is attracted to Rule 15 of the Rights of Persons with Disabilities Rules, 2017. It provides that every establishment, whether private or public shall mandatorily comply with the Harmonized Guidelines and Space Standards for Barrier Free Environment issued by M/o Urban Development, Government of India. These guidelines were reviewed and suppressed by new guidelines, termed as 'Harmonized Guidelines & Standards for Universal Accessibility in India, 2021' issued by M/o Urban Development, Government of India.

7. Chapter 15 of the Harmonized Guidelines, 2021 relates to 'Information and Wayfinding Systems'. This Chapter contains detail guidelines relating to types of signage, location, color contrasts of the signages. Respondent is bound to implement these guidelines in letter and spirit.

8. This Court recommends that the Respondent shall survey and review the signages inside the Metro Coaches and Metro Station and at other public spaces situated within the premises of the Respondent establishment and make appropriate changes in the signages to bring them in consonance with the Harmonized Guidelines, 2021. In addition, a reasonable number of seats may be reserved for PwDs separately.

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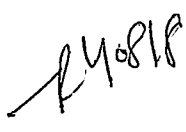
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9. The case is disposed of accordingly.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 30.05.2023

Copy to:


The CMD
Kochi Water Metro Limited,
4th Floor, JLN Metro Station, Kaloor,
Kochi - 682 017

: for information and necessary action





न्यायालय मुख्य आयुक्त दिव्यांगजन
 COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
 दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)
 सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
 भारत सरकार / Government of India

Case No. 13547/1024/2022

Complainant:

Ms. Lavanya Sharma

Email: sharmalava5@gmail.com

— 13547/1024

Respondent:

The Commissioner,
 Kendriya Vidyalaya Sangathan
 18, Institutional Area,
 Shaheed Jeet Singh Marg
 New Delhi- 110016

— 13547/1024

1. Gist of Complaint:

1.1 Ms. Lavanya Sharma, Complainant, a person with 40% locomotor disability filed a Complaint dated 31.10.2022, regarding grant of Double TA and TDA.

1.2 She submitted that she had joined the post of TGT- English on 31/08/2019 in KV NKJ, Katni (M.P) and got recruited on the basis of physically handicapped quota but her Double TA and TDA has not been sanctioned yet. She had communicated this via post to Regional Office, Jabalpur regarding the same on 09/03/2021 and on 21/08/2021. She had duly attached and sent the required documents on 21/10/2021 to R.O Jabalpur.

1.3 She submitted that currently she is posted at Kendriya Vidyalaya No. 1, A.F.S Hindan, Ghaziabad (R.O.Agra). She had joined there on 22 October 2021, on request transfer. Here also, she is not receiving double TA and TDA, as it is not yet sanctioned by her previous R.O Jabalpur. She also submitted that she has not received his original disability certificate back.

2. Submissions made by the Respondent

2.1 Smt. Neelam, Deputy Commissioner, Kendriya Vidhyalaya Sangathan, Delhi filed reply vide letter dated 13.03.2023 and submitted that the grievance has been redressed by the Dy. Commissioner, KVS, Regional Office, Jabalpur vide letter No. F.22029/double transport/2021-2022/KVS/RO/Jabal/Estt/31053 dated 22.02.2023.

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3. Submissions in Rejoinder


3.1 The copy of the Respondent's reply was forwarded to the Complainant vide letter dated 20.03.2023 for filing the rejoinder but no rejoinder has been filed by her.

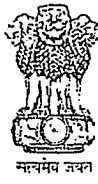
4. Observations and Recommendations

4.1 The main grievance of the complainant was that the respondent did not grant her Transport Allowance at double the normal rate. She claimed that relevant documents were forwarded to Jabalpur Office of the Respondent establishment on 21.10.2021. However, her request for Double Transport Allowance was not granted. Since, the grievance has now been redressed the cause of complaint stands extinguished. No further intervention of this Court is warranted.

5. Accordingly, the case is disposed of.

Dated: 30.05.2023


(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

**न्यायालय मुख्य आयुक्त दिव्यांगजन****COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 13392/1141/2022**Complainant:**

Shri Amar Jain,
R/o House No.1701, A Wing, Girnar Heights,
Bhakti Park, Wadala East,
Near Imax Cinema-400037, Mumbai, Maharashtra
Email: amarjain@amarjain.com

R40839

Respondents:

(1) Ministry of Electronics and Information Technology
Through the Secretary
Electronics Niketan, 6, CGO, Complex
Lodhi Road, New Delhi – 110003
E-mail: <secretary@meity.gov.in>

R40840

(2) The Chief Executive Officer
One 97 Communications Limited,
#136: 1st Floor, Devika Tower,
Nehru Place, New Delhi 110019
Email: compliance@paytm.com

R40841

(2 a) The Company Secretary
One 97 Communications Limited
Corporate Office: B-121, Sector 5
Noida, Uttar Pradesh 201301;
Email: vss@paytm.com & narendra@paytm.com

R40842

Affected Person: The complainant, a person with 100% Visual Impairment**1. GIST OF COMPLAINT:**

1.1 The above named complainant filed a complaint dated **10.07.2022** regarding inadequate disclosures and misleading statements for persons with disabilities with regard to compliance with applicable Laws of India in the Draft Red Herring Prospectus (DRHP) issued by the respondents on July 15, 2021 .

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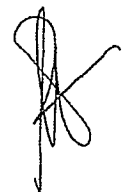
1.2 The complainant has alleged that the applicable laws, the description as included in Sections III, IV, V and VI of the DRHP are untrue and incorrect. The respondents, its Subsidiaries, Associates and Joint Ventures have not complied with the Rights of Persons with Disabilities Act, 2016 [RPwD Act, 2016], the Rules made their under, namely, the Rights of Persons with Disabilities Rules, 2017 [RPwD Rules, 2017] and the standards on accessibility of information, communication and technologies prescribed thereunder namely, the Guidelines for Indian Government Websites, 2018 (GIGW 2018). The complainant has prayed that the respondents have to ensure that –

- (i) its Subsidiaries, Associates and Joint Ventures have adopted the Equal Opportunity Policy as mentioned in the RPwD Act, 2016;
- (ii) has the Equal Opportunity Policy been registered with the Chief/State Commissioner for Persons with Disabilities by the respective entities;
- (iii) have the respondent its Subsidiaries, Associates and Joint Ventures complied with the accessibility standards on information, communication and technology, namely GIGW 2018. If yes, then confirm if the apps offered by respective entities are accessible to persons with disabilities;
- (iv) provide an audit report from a certified professional on web accessibility from an International Association of Accessibility Professionals/ trusted tester from United States of America;
- (v) has the respondents its Subsidiaries, Associates and Joint Ventures have obtained any exemption from compliance with the RPwD Act, 2016; RPwD Rules, 2017 and the standards notified thereunder; and
- (vi) what action are proposed to be taken by the respective entities to comply with any of the requirements, if any, of the answer to the above.

2. SUBMISSIONS MADE BY THE RESPONDENT:

2.1 SEBI was made Respondent No. 01, later it was deleted from the array of parties.

2.2 SEBI filed its reply dated 20.09.2022 and inter-alia submitted that the disclosures made in the DHRP are in accordance with SEBI (Issue of Capital & Disclosure Requirements) Regulations, 2018 [ICDR Regulations]. Since SEBI ICDR Regulations do not specifically mandate disclosure requirements highlighted in the complaint, any such details in the draft offer document were not incorporated. The RPwD Act, 2016 is relatively a new and evolving legislation, the company is in the process of ensuring compliance with the provisions of RPwD Act, 2016 and has appointed an independent consultant to advise on applicable Labour Law compliances including the RPwD Act, 2016.



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2.3 SEBI further submitted that they are in process of adopting an 'Equal Opportunity Policy for Persons with Disability'. It also informed about certain steps, such as provisioning of convenient parking spaces, ramps (with hand rails) at the entrances, wide passages having ample turning radius for wheelchairs, designing separate washrooms for the specially-abled, elevators with handle supports and appropriate access to pantry, drinking water station and cafeteria, at its upcoming office premises, to provide with equal accessibility to persons with disabilities.

2.4 Further SEBI submitted that in terms of Section 2(b) of the RPwD Act, 2016, SEBI is not the appropriate Government having an obligation to ensure compliance of such standards as mentioned in the RPwD Act, 2016. Respondent No.1 prayed that the name of SEBI may be removed from the parties arrayed in the complaint as there is neither any specific allegation against SEBI nor any specific relief has been sought from SEBI in the complaint.

2.5 The Respondent No.2 One 97 Communications Limited filed its reply dated 16.09.2022 and submitted that on receipt of the complaint, they conducted a detailed review/scrutiny of its existing policies, procedures, practices and internal Code of Conduct which applies to all its stakeholders and employees and mandates strict adherence to principles of equality and non-discrimination. The said Code of Conduct explicitly warranted equal opportunities and non-discrimination towards specially abled persons was and remains published on its website.

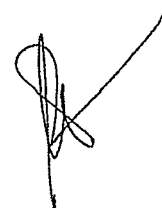
3. SUBMISSIONS MADE IN REJOINDER:

3.1 The complainant filed its Rejoinder dated 16.09.2022 to the reply filed by SEBI and submitted that –

(1) SEBI is the domain regulator as regards proposed to be listed and listed companies, the intermediaries registered under its purview dealing with securities market, and the self-regulatory organizations registered with it. SEBI has wide powers to regulate compliance related aspects. SEBI has the power to ensure compliance with the Nodal Department i.e. the Department of Empowerment of Persons with Disabilities (Divyangjan).

(2) Specific relief has been sought against SEBI to issue a circular to all proposed to be listed, listed companies, intermediaries and self-regulatory organizations to ensure compliance with the Rights of Persons With Disabilities Act, 2016, the Rules made thereunder, and the standards notified therein.

(3) If the companies are non-compliant with disability law, then that is a material disclosure for non-compliance which should have been disclosed in the Draft Red Herring Prospectus itself without even any complaint to have come up.



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(4) OCL or "Paytm" did not disclose the risk factor because SEBI played a proactive role, but because of its own general observation to disclose all complaints that would have come up during the draft offer document stage. It is the standard practice which is followed in any public offering in securities market in India.

(5) The company (One 97 Paytm) has included a risk factor language to the effect of non-compliance with the Act and the Rules.

(6) As the Company has claimed accessibility of the Paytm app on IOS and Android, they may be asked to produce an audit report certified by a Certified Professional on Accessibility either who has passed the Section 508 Trusted Tester Exam of U.S. or International Association of Accessibility Professionals? If the audit report proves app's accessibility in line with GIGW, the complaint would be put to rest.

(7) If in the audit report Company's claim of accessibility does not stand true, then the company may be asked to get a road map to resolve all the accessibility barriers that exist in the app.

4. After considering the respondent's reply & complainant's rejoinder, it was decided to hold a personal hearing in the matter and therefore, the case was listed for personal hearing on **29.12.2022**.

5. During online hearing Respondent No. 2 sought adjournment on the ground that main Counsel in the matter was not in the town and would not be able to represent. It was decided that SEBI cannot be held as 'Nodal Ministry/Department' in the issue of ensuring accessibility of app of Respondent No. 2, hence, Securities & Exchange Board of India was deleted from the array of parties and M/o Electronics and Information Technology was impleaded as party in the present Complaint. Respondent No. 02 sought adjournment on the ground that main counsel is out of town. Adjournment was granted.

6. After lapse of sufficient time, no response was received from the Ministry therefore, the case was listed for personal hearing on **16.03.2023** but due to administrative exigency, the scheduled hearing was re-scheduled on **06.04.2023**.

Hearing: The case was heard via Video Conferencing by Chief Commissioner for Persons with Disabilities on **06.04.2023**. The following were present:

- Shri Amar Jain - Complainant
- Shri Bharat Monga, Advocate and Ms. Sanjoli Mehrotra on behalf of Respondents

OBSERVATIONS & RECOMMENDATIONS:

7. Main grievance raised by the Complainant is related to inaccessible app of the Respondent No. 2 and non-filing of Equal Opportunity Policy.



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8. Online hearing was conducted on 29.12.2022, during which the Complainant and the Respondent No. 2 agreed to conduct meetings in order to identify the issues relating to accessibility of the app of the Respondent No. 2 and contemplate possible solutions. After hearing on 29.12.2022 this Court also deleted 'Security & Exchange Board of India' from the array of the parties.

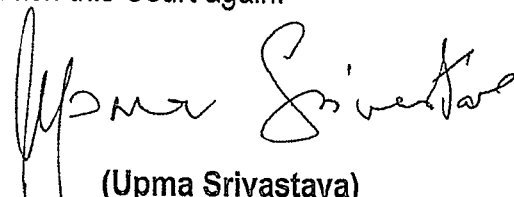
9. Later hearing was conducted on 06.04.2023. During the Online hearing the Complainant apprised this Court that the Complainant met with the Executives of Respondent No. 2 and they were apprised with the issues relating to accessibility of the 'PayTM' app. Complainant also submitted before the Court that the Respondent has started taking corrective measures to improve the accessibility of the app. Complainant further submitted that the Respondent No. 2 often adds new features to its app. Very often these new features are not accessible for divyangjan.

10. Technology is ever evolving branch of knowledge. Similarly, it is the prerogative of the Respondent No. 2 to design and make changes to its app in order to suit its interests. This Court can neither stop the evolution of technology nor can preclude the Respondent No. 2 from using technology and thus making changes in its app. However, this Court agrees with the contention of the Complainant that all features of the app, whether old or new, must be accessible for divyangjan of all categories.

11. This Court also expresses its satisfaction with the fact that the Respondent No. 2 has started to work upon the lacunae of its app in order to make the app more accessible for divyangjan of all categories. However, lot of work is still needed to be done which requires Consultation with Experts.

12. Hence, this Court recommends that the Respondent No. 2 shall conduct a meeting with the Complainant to identify the issues relating to accessibility in newly added features. Further, the Respondent No. 2 shall also conduct accessibility audit of its app to identify issues relating to accessibility. Thereafter the Respondent No. 2 shall prepare a roadmap to address two issues, i.e. accessibility of existing features of the app and plan to ensure that all new features which will be added in future are accessible for divyangjan of all categories, right from the first day of roll out. This Court recommends that the whole exercise shall be completed by the Respondent No. 2 within 3 months of receiving the copy of this Order and in case the Complainant is not satisfied with the steps taken or the roadmap prepared by the Respondent No.2, the Complainant shall be at liberty to approach this Court again.

13. The case is disposed of.


(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 31.05.2023