

/1038/2023



COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

Case No. 13848/1141/2023 भारत सरकार/Government of India

Complainant:

- Ratendra Singh Jayara
Mobile No – 8005196252; 9473545288
Email – jayara1988@yahoo.com; ratendraj@gmail.com

142094

Respondent:

- The Chief Executive Officer
Board of Control of Cricket in India (BCCI)
4th Floor, Cricket Centre, Wankhede Stadium
'D' Road, Churchgate, Mumbai – 40020
Email – office@bcci.tv

142095

Affected Person: The Complainant, a person with 40% visual impairment

1. Gist of Complaint:

1.1 Shri Ratendra Singh Jayara, a person with 40% visual impairment filed a complaint dated 22.01.2023 and submitted that the National Human Rights Commission of India (NHRC) has issued direction to BCCI in December 2019, to take appropriate action as deemed fit related to his inclusion in Indian Premier League (IPL) as partially sighted cricket player but Board of Control of Cricket in India (BCCI) till date has not informed him about its decision on the direction issued by the NHRC in Case No. 3133/11/13/2019. The Complainant further submitted that his subsequent efforts to follow up with the BCCI through personal visits and telephonic calls have not borne any fruits.

1.2 Further, the Complainant submitted that due to his constant follow up, the BCCI staff raised objection on his picketing and complaint to the police, who detained him for interrogation for two

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hours. Marine drive police officials asked him many questions and then told him to write a letter to the BCCI for getting IPL player selection letter. The Marine drive police officials told him that they will take him to BCCI Head office next day with the letter and asked him to come next day. Then next day he went to Marine drive police station and there he was told to wait. After waiting for a few hours, he was told by Marine drive police officials that they went to BCCI Head office and the BCCI officials told them that he should contact Uttar Pradesh Cricket Association (UPCA). He requested to the police officials to give him in writing what they and BCCI officials said, but Marine drive police officials refused his request. After that he called UPCA, Manager and he told him that UPCA can not do anything on this and he should contact only BCCI Head Office.

1.3 Further, he has contacted Cricket Association for the Blind in India (CABI) and he was told by CABI Official that they can not help him in getting his IPL player selection letter from BCCI.

1.4 He prayed for direction to BCCI to give him his IPL player selection letter and tell him which IPL team he has to join for IPL 2023 as per direction issued by NHRC.

2. Submissions made by the Respondent:

2.1 BCCI filed their reply on Affidavit dated 12.05.2023 and inter-alia submitted that a similar complaint was moved by the Complainant before this Hon'ble Court in Case No 8324/1141/2017 and same came to be dismissed vide order dated 26.12.2017. The Hon'ble Court accepted the contention of the answering Respondent that CABI is the suitable body for promotion cricket for visually impaired persons and accordingly, refused to pass any direction against the answering Respondent.

2.2 The reliance placed upon the order dated 14.12.2019 as passed in Case No 3133/22/13/2019 is misplaced. In this regard, he submitted that the said order dated 14.12.2019 stated that the complaints be transmitted to the concerned authority for such

action as deemed appropriate and the authority concerned is directed to take appropriate action within 8 weeks associating the Complainant/victim and to inform them of the action taken.

2.3 It is re-iterated that the activities of visually impaired cricketers are controlled by the CABI, which is the Apex Cricketing Body of the visually impaired persons playing cricket. The CABI is registered as a not-for-profit private organization and affiliated with the World Blind Cricket Ltd. and promotes blind cricket for physical development of visually impaired persons. The BCCI does not regulate or have any association with playing of cricket by visually impaired players. The BCCI does not control the activities and affairs of the CABI and neither is it affiliated with the CABI. The CABI is an autonomous body which frames the rules and regulations for visually impaired crickets.

3. Submissions made in Rejoinder:

The Respondent reply was forwarded to the Complainant vide letter dated 23.05.2022 with a direction to submit his rejoinder. However, no response was received from the Complainant.

4. Observations & Recommendations:

4.1 The Complainant filed his case for implementation of directions issued by NHRC dated 14.12.2019 whereby the NHRC completed the proceedings with directions that ***"These complaints be transmitted to the concerned authority for such action as deemed appropriate. The authority concerned is directed to take appropriate action within 8 weeks associating the Complainant/victim and to inform them of the action taken in the matter."***

4.2 The contention of the Complainant that the NHRC gave any direction to the respondent for selecting him for IPL matches or for issue of any selection letter appears totally misplaced. As such, the grievance on account of not being selected or given any selection letter is also without any basis. This complaint is therefore, not tenable. Moreover, any intervention of this Court in a matter already decided by another quasi-judicial authority such as the NHRC, is not warranted.

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4.3 The Case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 13:57:48

(Upma Srivastava)
Chief Commissioner for
Persons with Disabilities

Dated: 31.07.2023



COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
भारत सरकार/Government of India

Case No.: 13961/1141/2023

Complainant:

Shri Chintala Sobhan Kishore

Email – smilewithsobhan@gmail.com

142092

Respondent:

The Secretary

Ministry of Transport & Highways

Transport Bhawan, 1

Parliament Street, New Delhi – 110001

Email – secy-road@nic.in; mvl-morth@gov.in

142093

Affected Person: The Complainant, a person with 90% locomotor disability

1. Gist of Complaint:

1.1 Shri Chintala Sobhan Kishore, a person with 90% locomotor disability filed a complaint dated 23.02.2023 and submitted that he needs some clarification regarding getting a driver's license for a 4-wheeler. He wanted to know the modifications that are required to be done in his car (Honda Amaze Auto Transmission (CVT version) to get a driving license.

1.2 The Honda dealer advised the Complainant to contact ARAI authorized car modification vendors. They all suggested that only the steering wheel knob would be sufficient, they said that 'for a differently abled driver with one hand disability can drive Auto Transmission cars without any modifications.

1.3 The Complainant contacted Ability on Wheels, Ahmedabad and they suggested Four-Wheeler Automatic Transmission (Auto Gear Shift/Auto Transmission) Car.

. Left Leg Disability : Auto Transmission only (without any modifications)

Right Leg Disability: Auxiliary accelerator pedal on the other side of the brake

Both Legs Disability: Hand operated accelerator & brake

Left Hand Disability: Steering knob

Right Hand Disability: Steering knob

1.4 The Complainant met the RTO under the Ministry of Road Transport and Highways as per Guidelines on Provisions for Adapted Vehicles of categories M1, N1 and M2 (Draft AIS-169/D3). Even after seeing all these details, he refused to issue the learning license.

2. Submissions made by the Respondent:

2.1 Under Secretary, Ministry of Road Transport & Highways filed their reply dated 24.05.2023 on behalf of the respondent and inter-alia submitted that Section 2(1) of Motor Vehicles Act, 1988 – "Adapted vehicle" means a motor vehicle either specially designed and constructed, or to which alterations have been made under sub-section (2) of section 52, for the use of a person suffering from any physical defect or disability, and use solely by or for such person.

2.2 The alteration of the Motor Vehicle is permissible under the Rule 112A with the conditions notified by the Central Government. The AIS-169 has been adopted in the 60th meeting of CMVR-TSC dated 4th July 2022 for the M1, M2 and N1 category of the vehicles and AIS-178 has been adopted in the 61st CMVR-TSC dated 18th May 2023 for L1, L2, L5M and E-rickshaw category of the vehicles. However, the aforesaid standards have not been notified.

2.3 The Ministry of Road Transport and Highways has issued advisory vide letter dated 13.11.2022 titled as "Facilitation for the

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vehicles whose ownership type is Divyangjan.", wherein the vehicles with Automatic gear have been considered suitable for driving by some of the Divyangjan without altering the vehicle.

2.4 This Ministry administers Motor Vehicle Act 1988 and make rules there under. However, implementation of the provisions contained in the Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 comes under the purview of the State Government/Union Territory Administration.

3. Submissions made in Rejoinder:

3.1 The Complainant filed their rejoinder dated 09.06.2023 and submitted that the Ministry of Road Transport and Highways letter dated 13.11.2022, anticipated that the left-hand deformity persons will be allowed to drive a four-wheeler car with automatic gear system without altering the vehicle. He has a Honda Amaze CVT (Automatic Gear) which does not require any alterations.

3.2 He submitted all these documents to RTO on 07.02.2023, even after verifying all documents, RTO refused to issue the learning license. He requests to issue a letter by this office under copy to AP Transport Commissioner, Vijyawada so as to re-approach RTO for issuing the driving license.

4. Observations & Recommendations:

4.1 The matter is for issuance of Driving License, and in view of the reply of respondent Ministry that it comes under the jurisdiction of State/UT, the matter is forwarded to the State Commissioner for Persons with Disabilities, Govt of Andhra Pradesh for appropriate action under information to this Court and the Complainant.

4.2 Accordingly, the case is disposed of.

71059/2023

Signed by

Upma Srivastava

Date: 31-07-2023 17:41:54

Dated: 31.07.2023

(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities



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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No. 13970/1033/2022

Complainant:

Ms. R Rajeshwari
CC-51 C, Shalimar Bagh,
Delhi – 110088
Mobile No – 9213721372

Email – rajeshwaribgr@gmail.com

Respondent:

- (1) The Chairman
University Grant Commission
Bahadur Shah Zafar Marg
New Delhi – 110002
Email - contact.ugc@nic.in
- (2) The Registrar
The English and Foreign Languages University
Near Tarnaka
Hyderabad, Telengana – 500007
Email – registrar@efluniversity.ac.in
- (3) The Director In-charge, Lucknow Campus,
The English and Foreign Languages University
2, Rana Pratap Marg, Hazrat Ganj,
Lucknow, Uttar Pradesh – 226001
Email – directorlucknow@efluniversity.ac.in
- (4) Dr Vijaya
Assistant Professor
The English and Foreign Languages University
2, Rana Pratap Marg, Hazrat Ganj,
Lucknow, Uttar Pradesh – 226001
Email – vijaya@efluniversity.ac.in

/1049/2023

Affected Person: The Complainant, a person with 100% Visually Handicapped

1. Gist of Complaint:

1.1 Ms. R Rajeshwari, a person with 100% visually handicapped filed a complaint dated 15.03.2023 and submitted that she joined Ph.D. in English Language Education (after clearing UGC NET) at the English and Foreign Languages University, Lucknow campus under VI category in August, 2017 (at the age of 47) under the supervision of Assistant Professor, Dr Vijaya. In spite of facing discrimination at the University, she managed to submit her thesis on 06.09.2021; but her viva voce has been stalled and therefore, she has not been able to procure her doctorate degree. She is frantically looking for a job and due to her age and physical disability, she finds it very difficult to crack the interview without her degree. In spite of repeatedly requesting her supervisor and the University authorities at Lucknow and its main Hyderabad office, she has neither been able to get a solution nor able to know the status of her thesis.

1.2 She prayed that to intervene in the matter and to obtain her doctoral degree immediately, in order to help her find a job.

2. Submissions made by the Respondent:

2.1 Respondent No 02; Prof Narasimha Rao Kedari, Registrar (In-charge) filed their reply on affidavit dated 11.05.2023 and submitted that the Complainant has been awarded the degree of Doctor of Philosophy with distinction in English Language Education, w.e.f. 28.04.2023.

2.2 The Complainant submitted her thesis on 06 September, 2021 at the Regional Campus, EFL University, Lucknow. After receiving the Panel of Examiners form the Regional Campus on 23.06.2022, the thesis of the Complainant was sent to the three

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examiners, in terms of the University rules, requesting them to send their reports at the earliest. The University received all the three reports by 03.03.2023. A review committee was constituted, which met and recommended the conduct of viva-voce examination on 05.04.2023. The University conducted the viva-voce examination on 28.04.2023 and the notification was released on the same day, which was communicated to the Regional Campus, EFL University, Lucknow.

2.3 The University has conducted the viva-voce examination of the Complainant on 28.04.2023 and awarded her the Doctoral degree with distinction on the same day i.e., 28.04.2023. The University has never show discrimination of any kind towards the Complainant as alleged in her complaint dated 15.03.2023.

3. Submissions made in Rejoinder:

3.1 The Complainant file her rejoinder dated 16.06.2023 and submitted that a provisional Ph.D. completion notification was sent to her on email. Further correspondence is under way with the research wing of the said University to get her final Ph.D. degree issued by the University.

4. Observations & Recommendations:

4.1. From the perusal of the documents submitted by the parties, this Court concludes that the Respondents have redressed the grievance of the Complainant and that further intervention of this Court in the present Complaint is not warranted.

4.2 The case is disposed of accordingly.

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Signed by

Upma Srivastava

Date: 31-07-2023 17:41:03

(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

Dated: 31.07.2023



COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
भारत सरकार/Government of India

Case No.: 13852/1141/2023

Complainant:

Shri Sachin Vadehra

Email – sachinvadehra@gmail.com

Respondent:

The Chairman

Life Insurance Corporation of India

Central Office, 'Yogakshema' Jeevan Bima Nigam

Nariman Point, Mumbai – 4000021

Email – chairman@licindia.com

Affected Person: The complainant, a person with 100% cerebral palsy

1. Gist of Complaint:

1.1 Shri Sachin Vadehra, a person with 100% cerebral palsy filed a complaint dated 13.02.2023 and submitted that since his birth, he has lived in Dehradun in a house located in the LIC Village Building. This house was allotted to his father around 1960 by the Life Insurance Corporation of India. After the death of his father and mother, the Complainant lived in that house. The Complainant has no house for stay. The Complainant can neither shift on his own from wheelchair to bed nor from bed to wheelchair without someone's help. His caretaker also stays with him because he also has no place to stay. Now this building has been declared Girasu and efforts are being made to get it vacated by the Life Insurance Corporation of India.

1.2 He prayed that till the state government or the district administration or any local authority make any arrangements for their stay in the same area or around it, he may be accorded

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special permission to stay in the house under the Corporate Social Responsibility of the Corporation.

2. Submissions made by the Respondent:

2.1 LIC filed its reply dated 17.05.2023 and inter-alia submitted that the said building is a Public Premise under Public Premises Act 1971. Father of the complainant i.e., Shri Rajendra Lal (the 'Tenant') was the tenant of the aforesaid premise on monthly rent of Rs. 62.46/- PM. Tenanted premise is a cream commercial area in the Dehradun therefore aforesaid rent was very meager.

2.2 On 25.01.2002, Respondent increased the monthly rent of the said premises to Rs. 2,752/- PM w.e.f. 01.04.2002. The said tenant neither paid the increased rent nor vacated the tenanted premise. Respondent sent the vacation notice of the aforesaid tenanted premise on dated 05.04.2003. Tenant replied to the legal notice on dated 17.04.2003. Respondent instituted a suit on dated 27.01.2004 under the provisions of Public Premises Act bearing Suit No. D-17/2004, LIC vs Rajender Lal before the Hon'ble Estate Officer LIC of India, DO Dehradun under PP Act 1971.

2.3. Hon'ble Estate Officer vide order dated 22.01.2011 was pleased to allow the petition of the Respondent and tenancy of the said tenant had been terminated from 05.05.2003 i.e., after expiry of 30 days of notice dated 05.04.2003 issued to him.

Recovery of rent	From 01.04.2002 to 17.05.2003 @ Rs. 2,752/-
Damages	From 18.05.2003 to 22.01.2011 @Rs. 2752/- PM

2.4 Future damages will also be payable @ Rs. 2752/- PM till the date of vacation and handing over peaceful possession of the premises. The amount so ordered will carry 9% p.a rate of simple interest till realization.

2.5 The Complainant filed appeal in many Courts. However, he

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did not get any relief from anywhere. Nobody is depositing rent from 01.04.2003 of the said tenanted premise and petitioner are in illegal possession after the eviction order. Department of Civil Engineering College of Technology, G B Pant University of Agriculture and Technology conducted the investigation on dated 30.09.2008 of the tenanted premise and building is ruined and in highly dilapidated condition and it is not fit for any occupation.

2.6 On the inspection of the CCTV footage it has come to know that the complainant is not the single occupant of the aforesaid premises as alleged. His sister is also in occupation of the said tenanted premises.

3. Submissions made in Rejoinder:

3.1 The respondent reply was forwarded to the complainant vide email dated 08.06.2023 with a direction to submit his rejoinder. However, no response was received from the complainant.

4. Observations & Recommendations:

4.1 After perusal of submissions made by the Complainant and the Respondent this court concludes that there is no discrimination on the ground of disability. It is pertinent for Complainant to disclose the discrimination on the grounds of disability. Hon'ble Supreme Court laid down the importance of such disclosure in *STATE BANK OF PATIALA v. VINESH KUMAR BHASIN* (2010) 4 SCC 368 whereby it was held in Para 29 as under:

"29. The grievances and complaints of persons with disabilities have to be considered by courts and authorities with compassion, understanding and expedition. They seek a life with dignity. The Disabilities Act seeks to provide them a level playing field, by certain affirmative actions so that they can have adequate opportunities in matters of education and employment. The Act also seeks to ensure non-discrimination of persons with disabilities, by reason of their disabilities. But the provisions of the Disabilities Act cannot be pressed into service to seek any relief or advantage where the complaint or grievance relates to an alleged discrimination, which has nothing to do with the disability of the person. Nor do all grievances of persons with disabilities relate to discrimination based on disability.

Hon'ble Court further illustrated the point in following words:

"Illustration:

Let us assume a case where the age of retirement in an organisation is 58 years for all Class II officers and 60 years for all Class I officers. When a Class II officer, who happens to be a person with disability, raises a dispute that such disparity amounts to discrimination, it has nothing to do with disabilities. Persons with disability as also persons without disability may contend in a court of law that such a provision is discriminatory. But, such a provision, even if it is discriminatory, has nothing to do with the person's disability and there is no question of a person with disability invoking the provisions of the Disabilities Act, to claim relief regarding such discrimination."

4.2 Since there is no discrimination on account of disability nor violation of any provisions of the RPwD Act, 2016. Hence no interference is warranted in the matter by this Court.

4.3 Accordingly, the case is disposed of.

Signed by

Upma Srivastava

Date: 31-07-2023 17:40:16

(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

Dated: 31.07.2023



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(64)

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No.: 13807/1141/2023

Complainant:

Shri Ranveer Singh Chauhan

Email – ranveerchauhan84@gmail.com

142087

Respondent:

The Managing Director

Delhi Metro Rail Corporation (DMRC)

Metro Bhawan, Fire Brigade Lane

Barakhamba Road, New Delhi – 110001

Email – garimasainig@gmail.com

142084

Affected Person: The complainant, a person with 40% locomotor disability**1. Gist of Complaint:**

1.1 Shri Ranveer Singh Chauhan, a person with 40% locomotor disability filed a complaint dated 06.02.2023 and submitted that he went to home town on 04.02.2023 after parking his modified two-wheeler in the parking at Dhaula Kuan Metro Station New Delhi. On 06.02.2023 when he arrived at the parking spot to take his up his two-wheeler the Respondent gave him bill of Rs 130/- for the parking. He has requested this Court to kindly issue a proper guideline to the Respondent establishment regarding the parking problem of Persons with Disabilities.

2. Submissions made by the Respondent:

2.1 Sr. DGM/Legal, DMRC filed reply dated 24.05.2023 of behalf of the Respondent and submitted inter-alia that that the Complainant was charged for parking for his vehicle as per applicable rates of parking two-wheeler vehicle with proper slip.

2.2 That there is no guideline/direction for providing free parking to divyangjans. However, the parking site has special designated space for parking of vehicle by divyangjan, ramp and lift to facilitate step free movement and special assistant to divyagjan for hassle free movement/travel inside Delhi Metro.

3. Submissions made in Rejoinder:

3.1 The respondent reply was forwarded to the complainant vide email dated 07.06.2023 with a direction to submit his rejoinder. However, no response was received from the complainant.

4. Observations & Recommendations:

4.1 The Court is satisfied with reply of the Respondent. The Complainant has failed to point out any issue of discrimination on the basis of disability, nor any violation of extant guidelines has been pointed out by the Complainant. Further intervention of this Court in the present Complaint is not warranted.

4.2 The case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 17:59:37

(Upma Srivastava)
Chief Commissioner of
Persons with Disabilities

Dated: 31.07.2023



सत्यमेव जयते

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No. 13997/1141/2023 & 14081/1141/2023**Complainant:**

Shri Ashok Kumar

Email – sharmarakesh23456@gmail.com

142081

Respondent:

The Chairman,

Life Insurance Corporation of India (LIC)

Central Office, 'Yogakshema' Jeevan Bina Marg

Nariman Point, Mumbai – 400021

Email – chairman@licindia.com

142082

Affected Person: The Complainant, a person with 100 multiple disabilities**1. Gist of Complaint:**

1.1 Shri Ashok Kumar, a person with 100% multiple disabilities filed a complaint dated 18.03.2023 and submitted that his father who died on 12.02.2022, had taken a policy from LIC under Plan for dependent handicapped (Policy No 251323560) on dated 28.11.98 through LIC agent. Agent died after some time on road accident and he did not get the policy bond. He paid next 5 installments on the said policy number.

1.2 He prayed that to provide his father's death claim settlements.

2. Submissions made by the Respondent

The matter was taken up with the respondent notice dated 01.05.2023, followed by reminder dated 13.06.2023. However, no response has been received from the respondent.

3. Additional submissions made by the complainant

The Complainant vide email dated 14.06.2023 informed that he

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got the annuity of said LIC JEEVAN policy number from February 2022 to April 2023 in his account on 12.06.2023 and death claim was credited to his account on 30.05.2023 without interest. Further requested to dispose of the case.

4. Observations & Recommendations:

Though the complaint has been withdrawn as resolved and there appears no reason to intervene in the present matter, it is noted that the Respondent by not responding to the Notice dated 01.05.2023 of this Court for Reply/Comments has displayed disregard for this Court created with a special mandate and powers of a Civil Court under Section 77 of the RPwD Act, 2016. Respondent is advised to be more careful in future to avoid invocation of penal provisions of the Act as contained in Sec 93- Punishment for failure to furnish information, of the Act.

5. Accordingly, the case is disposed of.

Dated: 31.07.2023

Signed by

Upma Srivastava

Date: 31-07-2023 12:41:12

(Upma Srivastava
Chief Commissioner
for Persons with Disabilities

/1035/2023

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No. 13675/1024/2023

Complainant:

Shri Danish Ahmad Ansari,

Email: danish_ahmad147@rediffmail.com

Mobile: 8953989988

1242079

Respondents:

Powergrid Corporation of India Ltd.

New NR-III Head Quarter

Plot No 2A/INS 02, Awadh Vihar Yojna

Amar Shaheed Path, Lucknow -226002(UP)

Email: cmd@powergrid.in

yd@powergrid.in

1242080

1. Gist of Complaint:

1.1 Shri Danish Ahmad Ansari, a person with 40% locomotor disability, filed complaint dated 23.12.2022 regarding his service regularization.

1.2 The Complainant submitted that he was appointed as "Assistant, Finance" under PwD quota in Power Grid Corporation of India Ltd. on 16.10.2017 and posted in Finance Dept. of "Regional Head Quarter Nr-III, Lucknow" after qualifying examination and criteria established by the company. As per the company's rule and regulations he had completed the probation period on 15.10.2018 as per their record, then he asked about his service confirmation in H.R. Dept of RHQ Lucknow NR-III headed by Mr. Ashok Kumar Mishra (Sr. DGM HR Dept.) supported by Mrs. Devi Priyanka Singh (Assist. Manager HR), on which he was orally assured that it is under process and soon it would be officially ordered. He awaited till one year but no response.

1.3 The complainant submitted that he had been successfully serving the company for more than five years and H.R. Dept. has not performed its duties i.e. within stipulated time period of one year for giving service

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confirmation resulting which he is facing by being deprived of other benefits, fetching him financial loss and depression.

1.4 He submitted that he is over aged to apply any where and he was the sole bread earner of his joint family. He requested to issue directions to ascertain his service confirmation from the H.R. Deptt. and further to claim compensation for mental harassment and financial loss.

2. Submissions made by the respondent:

2.1 Sr. DGM (HR), Power Grid Corporation of India Limited, vide their reply dated 20.02.2023 had submitted that Shri Danish Ahmad Ansari joined as Assistant (F&A) grade-IV. The said post is a regular post & Shri Danish is on probation for a period of one year from the date of joining. The confirmation to the said post is subject to completion of satisfactorily Probation period, receipt of verification report from all the concerned authority i.e Character & Antecedent Verification for last 05 years where the employee had resided for more than 01 year in addition to his home town, Education Verification, PwBD Certificate and Experience if applicable etc. However, there is an issue regarding verification of experience certificate of Shri Danish.

2.2 The respondent submitted that Shri Danish Ahmad Ansari was appointed as Assistant Grade-IV (F&A) in Power Grid Corporation of India Limited on 16.10.2017 under PwBD and has been posted at Lucknow, Regional Headquarter-Northern Region-III. A letter dated 19.06.2018 has been sent to M/s Ajmer Enterprise requesting to verify the experience of Shri Danish Ahmad Ansari. The same letter was returned to us due to non-availability of the firm in the address mentioned. The Complainant informed that address of M/s Ajmer Enterprise has been changed.

2.3 On receipt of input from Shri Danish, again a letter was sent to M/s Ajmer Enterprises on new address for verification of said experience at 89/62, Shuturkhana, Maqbool Ganj, GPO Lucknow-2260001 UP. M/s Ajmer Enterprises responded to the letter of the Respondent establishment vide letter dated 21.09.2021 and confirmed the experience details of the Complainant.

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2.4 The Respondent further submitted that the confirmation letter was examined and some more information was sought from Shri Danish in support of his previous employment which is awaited till date. The Respondent assured that on receipt of reply from Shri Danish the above issue of his confirmation to the post shall be dealt accordingly.

2.5 It is further submitted by the respondent that the contention of Shri Danish about the misbehavior by one of his senior officer, it is stated that no formal/informal complaint has been received in this office. However, after learning from his letter, Shri Danish has been requested to provide the details of said incident and based on his reply, appropriate action shall be taken.

3. Rejoinder of the Complainant:

3.1 No rejoinder has been received from the complainant on the reply of the respondent.

4. Observations & Recommendations:

4.1 From the perusal of the documents submitted by the parties, this Court concludes that the issue is administrative in nature and does not have its genesis in rights of persons with disabilities. Before approaching this Court the Complainant could opt cooperate with its employer and submit the requisite information relating to experience and complaint of verbal abuse. Further intervention of this Court in the present Complaint is not warranted.

4.2 The case is disposed of accordingly.

/1035/2023

Signed by

Upma Srivastava

Date: 31-07-2023 13:29:22

(Upma Srivastava)

Chief Commissioner

for Persons with Disabilities

Dated: 31.07.2023

/1030/2023

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No. 13674/1024/2023**Complainant:**

Mrs. Basanti Banerjee
W/o Late Shri K.C Banerjee
W/o Gopla Nagar, Opp. Tapan Majhi,
Shop P.O Kalla (C.H)
Paschim Burdwan, Asansol
West Bengal- 713-340
Email: prasadmanoj274@gmail.com

Respondents:

The General Manager,
Chitraranjan Locomotive Works
Chittaranjan, District Burdwan- 713331
West Bengal

1. Gist of Complaint:

1.1 Mrs. Basanti Banerjee, a person with 50% locomotor disability filed a complaint dated 25.12.2022 regarding retired pension, PPF amount and other allied handicapped facilities.

1.2 The Complainant has submitted that his son Tarun Kumar Banerjee, a person with 100% visual impairment has been deprived of his legitimate rights such as direct piecework/incentive, job card, retired pension, P.P.F. amount, and other allowances. He applied for getting the benefits several time. However, he did not get any positive response. His son has not got any promotion from 2009 to 2022. She prayed for necessary arrangement so that his son may get all type of facilities.

2. Submissions made by the respondent:

2.1 Principal Chief Personnel Officer, Chittaranjan Locomotive Works, vide their reply dated 17.03.2023

/1030/2023

submitted that direct incentive is given to workers who work beyond their normal capacity to save man hours for a job. Shri T. K. Banerjee received direct Piecework/incentive from December 2021 to November 2022. Considering the issue of safety of the Complainant he is engaged to arrange materials in the workshop where there is no risk. Further it is submitted that it is not possible to engage employee with 100% disability in production and as such they can only receive indirect incentives instead of direct incentives as per extant rules. Incentive is only granted against a job card, and Mr. Banerjee was already granted incentive in the past and as such he was issued job card at that point of time. He is not eligible for a retirement pension, as he was appointed on 23.03.2009 and is still working. Since he was appointed after 01.01.2004 under NPS, there is no provisions of PPF in New Pension Scheme. Shri Banerjee has been granted promotions and benefits, including double the rate of transport allowance, as per his normal tenure and extant rules of the organisation.

2.2 No rejoinder filed by the Complainant.

3. Observations & Recommendations:

3.1 The Court is satisfied with the Reply filed by the Respondent. Considering the fact that the Complainant has not filed Rejoinder to oppose the Respondent's submissions despite the opportunity given, this Court decides that further intervention of this Court in the present Complaint is not warranted.

3.2 The case is disposed of accordingly.

/1030/2023

Signed by

Upma Srivastava

Date: 31-07-2023 12:16:46
(Upma Srivastava)

Chief Commissioner

for Persons with Disabilities

Dated: 31.07.2023



COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
भारत सरकार/Government of India

Case No. 13637/1024/2023

Complainant:

Shri V.Konda Naik
Q No. B18-4/1Door No. 155
Gowtami Nagar Colony, Aswapuram Mandal
Badradri Kothagudem Dist. Telangana- 50716

RY2025

Respondent:

The General Manager,
Department of Atomic Energy
Heavy Water Plant (Manuguru)
Gowtami Nagar Post, Aswapuram Mandal
Badradri Kothagudem Dist. Telangana- 507116
apo_legal@man.hwb.gov.in

RY2026

1. Gist of Complaint:

1.1 Shri V Konda Naik, a person with 50% locomotor disability, filed complaint dated 25.10.2022 regarding lower assessment of APAR Grading for 2015-16.

1.2 The Complainant submitted that he was performing his duties in HRD Section, Heavy Water Plant (Manuguru), but concerned officers showing discrimination against him. He was entitled for 'A1' outstanding 'APAR' grade, however, due to filling of RTI application during the period 2015- 2016, "A2" grade was given.

1.3 The Complainant had prayed to direct the General Manager & Dy. GM (Engineer Service), DAE, Heavy Water Plant (Manuguru) to release 'A1' APAR grade to him for the above period 2015-2016 and release the consequential monitory benefits.

/1041/2023

2. Submissions made by the Respondent

2.1 Chief Administrative Officer, Heavy Water Plant, vide their reply dated 20.03.2023 submitted that Shri Konda Naik vide his earlier representation dated 22.12.2017 addressed to Chief Executive, (HWB) and Liaison Officer for SC/ST, DAE stated that, he was discriminated and awarded A2 grading for the year 2015-16 since he belongs to Scheduled Tribe community and was filing RTI applications.

2.2 The Respondent stated that a personal Hearing was held on 24.03.2018 at Heavy Water Plant, Manuguru by Chief Administrative Officer/Liaison Officer. SC/ST Cell, HWP (M) to resolve the above-cited grievance of the applicant. Competent Authority perused the records and found that the grading awarded by applicant's reporting and reviewing authority are in conformity with the work performed by him and the applicant was not discriminated against on the basis of his ST status.

2.3 Further, Competent Authority gave opportunity to the applicant to choose any of the sections where he would be comfortable to work with that section head in case of any grievance with the present reporting officer. However, Shri Konda Naik did not avail the opportunity extended to him.

2.4 DAE vide dated 16.05.2018 disposed the representation of Shri Konda Naik stating that authorities have followed appropriate procedure for assessment of APAR in respect of Shri Naik and found no discrepancy in the same.

2.5 It is further stated that the applicant has been awarded A2 grading (Tending to Outstanding) which is just below A1 (Outstanding). It is clear that the same is a very affirmative grading and not at all an adverse one as aggrieved by the applicant.

2.6 The Respondent stated that the applicant feels victimized and discriminated against for each and every action of the department and positions himself against the department, at the drop of the hat, rather than being part of the system in resolving the issues. This attitude of the applicant only vitiates the working environment at the office thereby creating more mistrust and fear

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amongst the officials.

2.7 He further stated that this office has already re-examined the representations of the applicant and as the grading of A2 awarded to him for the year 2015-16 is in conformity with his work performance, it is categorically stated that no discrimination of any grounds (ST/PWD) has been done against the applicant and this office is of the considered opinion that no further upgradation of his APAR grading is warranted.

3. Submissions made in Rejoinder

3.1 The Complainant filed rejoinder dated 17.03.2023 and refuted the reply of the Respondent as well as reiterated his complaint.

4. Observations & Recommendations

4.1 The Complainant has not filed any evidence on record to prove any procedural lapse in APAR grading process. Further, the Complainant's claim that he should have been awarded grade A1 cannot be decided by this Court because this Court cannot grade the performance of the Complainant. Further intervention of this Court in the present Complaint is not warranted.

4.2 The Case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 17:33:35

(Upma Srivastava)
Chief Commissioner for

/1041/2023

Persons with Disabilities

Dated: 31.07.2023



COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
भारत सरकार/Government of India

Case No.13610/1024/2022

Complainant:

Shri Sukh Lal Budhoo
Q.No. 40 L/3/4, Railway Colony
Ward No. 5, Kasai Mohalla, Nainpur
Distt. Mandla (M.P) - 481776

242073

Respondent:

The General Manager
South East Central Railway
Nagpur Division, Nagpur, Maharashtra
Email: gm@secr.railnet.gov.in

242074

Complainant: A person with 70% Locomotor Disability

1. Gist of Complaint:

1.1 Shri Sukh Lal Budhoo, a person with 70% locomotor disability filed a complaint dated 01.07.2022 stating that he was appointed as Safaiwala on 18.01.1998 at Nagbhir station in the S.E. (now S.E.C) Railway in the Nagpur Division. He met with train accident and his left leg was amputated on 14.04.2003 in the Govt. Medical College and Hospital, Nagpur. He was declared 60% physical Handicapped by the local Medical Board, Nainpur on 06.01.2009 and 70% on 05.10.2011 by the District Invaliding & Medical Board, Mandla (M.P). After de-categorisation to the lowest medical classification in C-2, he was posted as Peon in the Railway Mixed Higher Secondary School. Nainpur. His illness, however, further aggravated. He developed Schizophrenia and was undergoing treatment in Department of Psychiatry. Further the Complainant submitted that he has been not getting salary and any

other financial assistance (S.B.F.) from the department and since there is no lower medical classification other than C-2, it will be expedient to declare him total unfit for any post in the Railway.

2. Submissions made by the Respondent:

2.1 The General Manager, South East Central Railway, reply dated 15.02.2023 stated that the Complainant had joined the Respondent/department as Safaiwala on 18.01.1998 at Nagpur Station in the S.E (Now S.E.C) Railway.

2.2 It is further revealed that behaviour of the Complainant was not found normal and doing some unwanted activities in the school premises to show himself as suffering from some disease.

2.3 The Respondent submitted that the Complainant is on sick leave since 06.01.2023 and that the concerned Principal of the School has sent two letters dated 05.11.2022 and 31.01.2023 to the Respondents departments about the behaviour and conduct of the Complainant/petitioner thereby stating that he is not able to work in the school among the students.

2.4 The Complainant is asking for medical unfit for which involves Railway Medical Board Recommendations in terms of Extant Railway Rules.

2.5 The Respondent further submitted that it was wrong to say that the Complainant/petitioner was not paid salary as only one month salary of July 2022 was not paid. It was further submitted that the Complainant is getting salary as per his leave balance.

3. Submissions made in Rejoinder:

3.1 No rejoinder was filed by the Complainant in response to this office letter of rejoinder dated 28.02.2023.

4. Observations and Recommendations:

4.1 The main issue which deserves contemplation of this Court is whether the Complainant should be given protection under section 20(4) of Rights of Persons with Disabilities Act, 2016 or not. The provision is mentioned below -:

SECTION 20 - NON-DISCRIMINATION IN EMPLOYMENT - (4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

4.2 Subsection 4 of Section 20 is divided into three parts. Part one which is the main provision protects the employment rights of the employees who acquire disability during service. It protects such employees from termination from service or from reduction in rank. Second part is proviso of the subsection. It contemplates a situation when the employee cannot perform the job which he was already performing because of the nature of his disability. Section provides that in such cases also, the employee cannot be terminated and he has to be adjusted against another post, functions of which can be performed by the divyang employee.

4.3 Third part of the provision contemplates such a situation when an employee is precluded from holding any post in the establishment. The section provides that in such a situation, employee cannot be terminated from the services. Respondent shall have to adjust such an employee against supernumerary post.

Respondent's contention that this section is not applicable in cases of those employees who become totally incapacitated is negated by phrase - "*...if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post ...*".

4.4 It is indispensable to mention judgment of Hon'ble Supreme Court delivered in Kunal Singh v. Union of India; 2003 (4) SCC 524. In this case the hon'ble Supreme Court reinstated the services of the divyang employee who acquired disability during service and was considered permanently incapacitated from service. Relevant para of the judgment are reproduced below -

"Merely because under Rule 38 of CCS Pension Rules, 1972, the appellant got invalidity pension is no ground to deny the protection, mandatorily made available to the appellant under Section 47 of the Act. Once it is held that the appellant has acquired disability during his service and if found not suitable for the post he was holding, he could be shifted to some other post with same pay-scale and service benefits; if it was not possible to adjust him against any post, he could be kept on a supernumerary post until a suitable post was available or he attains the age of superannuation, whichever is earlier. It appears no such efforts were made by the respondents. They have proceeded to hold that he was permanently incapacitated to continue in service without considering the effect of other provisions of Section 47 of the Act."

4.5 The Respondent may also refer to another rule of interpretation of statute, known as 'Beneficial Interpretation' for guidance on the issue of interpretation of Rights of Persons with Disabilities Act, 2016 in the present case as well as in cases which may arise in future. In the case of Alembic Chemical Works v Workman; AIR 1961 SC 647, an industrial tribunal awarded more number of paid leaves to the workers than what Section 79(1) of

Factories Act recommended. This was challenged by the appellant. SC held that the enactment being welfare legislation for the workers, it had to be beneficially constructed in the favor of worker and thus, if the words are capable of two meanings, the one that gives benefit to the workers must be used.

4.6 Similarly, in judgment of Kunal Singh (mentioned above), Court held

"In construing a provision of social beneficial enactment that too dealing with disabled persons intended to give them equal opportunities, protection of rights and full participation, the view that advances the object of the Act and serves its purpose must be preferred to the one which obstructs the object and paralyses the purpose of the Act"

4.7 This Court concludes that the Complainant must be given protection of Section 20(4) of Rights of Persons with Disabilities Act, 2016 and recommends the following actions:

a) Conducting a medical examination by a competent board of doctor to find out whether the Complainant is fit for his present job. If yes, the Complainant may be directed to continue with his duty with necessary aids.

b) If not, the Respondent in consultation with the Medical Board should record and forward their finding as to whether the Complainant is fit for any other post in the establishment of the Respondent having the same pay and allowances. If yes, he may be shifted to the alternate suitable post.

c) If however, the Complainant is not suitable for any alternative post or no such post is available in the establishment of the Respondent, he should be adjusted against a supernumerary post in terms of Section 20 (4)

of the Rights of Persons with Disabilities Act, 2016.

5. The case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 14:02:59

(Upma Srivastava)

**Chief Commissioner
for Persons with Disabilities**

Dated: 31.07.2023

/1057/20 23



सत्यमेव जयते

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

भारत सरकार/Government of India

Case No.13957/1024/2023/185794

Complainant:

Shri Vijay Verma
S/o Late Sadhu Prasad
K.T Road, Koiry Mohalla,
PO+PS-Asansol, Dist, Paschim
Bardhaman, (W.B), Pin- 713302
Email: vijayvrma001@gmail.com
Mobile: 6297835375

142270

Respondent:

1. The Chairman,
Railway Board, Ministry of Railways
Rail Bhawan, Rafi Ahmed Kidwai Marg,
Rajpath Road Area, Central Secretariat,
New Delhi, Delhi-110001, India
Email: crb@rb.railnet.gov.in
Phone: 011-23304716

142271

2. Principal Chief Personnel Officer,
Eastern Railway, Fairly Place,
17, N.S Road, Kolkata-700001
email : erapoptg@gmail.com

142272

1. Gist of the Complaint:

1.1 Shri Vijay Verma and Ms. Sangita Verma , a person with 100% Visual Impairment filed a complaint dated 25.01.2023 regarding family pension for their completely impaired son and daughter.

1.2 The Complainant submitted that his father Late Sandhu

/1057/20 3

Prasad obtained voluntary retirement because of his ill health from his service and he expired on the 14th May 2006 and his mother Mrs. Debaki Debi also expired just three months after the demise of their father i.e. on 23rd August 2006. He submitted that after a long fight, the railway authority granted a family pension to the elder brother of the Complainants namely Ajay Prasad (Blind) on and from 21.05.2015 with a small amount which is not sufficient at all for his maintenance. As the amount of pension is too meager, he is not helping them.

1.3 The Complainant submitted that they are getting Rs. 1000/- each every month from the Government of West Bengal as handicapped allowance and because the Government is now sanctioned free rationing, the complainants are somehow passing their days with tremendous hardship.

1.4 He had submitted the following prayer:

- a) To direct the railway authority to pay the family pension to all the complainants along with their elder brothers with effect from 23.09.2006 together with interest at the rate of 18% per annum following the Principles pronounced by the Hon'ble Supreme Court for delayed payment.
- b) To issue direction upon all the respondents to grant any financial help every month so that the complainants may survive.

2. Submissions made by the Respondent:

2.1 Director/E(Rep), Railway Board, filed their reply dated 21.04.2023 submitted that the matter should be examined in terms of the extant rules and Eastern Railway are advised to correspond with Court of Chief Commissioner for Persons with Disabilities of their letter dated 05.04.2023.



/1057/2023

2.2 Asstt. Personnel Officer (PS &RP), Principal Chief Personnel Officer, filed their reply dated 08.05.2023 submitted that family pension in r/o Shri Ajay Prasad Verma, Disabled son of late Shri Sadhu Prasad, Ex-MV Driver has already been granted for life w.e.f. 21.05.2015 on being declared by the Medical Board that he is not capable of earning livelihood. The Respondent submitted that as per rule 75, sub-rule 8(i) of Railway Service (Pension) Rules, 1993- the family pension shall not be payable to more than one member of the family at the same time.

2.3 As per rule 75, sub-rule 9 of Railway Service (Pension) Rules, 1993- the eldest child shall be entitled to the family pension for the period mentioned as per clause (b) or clause (c) of sub- rule 6 as the case may be and after the expiry of that period, the next child shall become eligible for the grant of family pension.

3. Submissions made in Rejoinder:

3.1 The complainant filed rejoinder dated 23.05.2023 and reiterated his complaint.

4. Observations & Recommendations:

4.1 This Court perused the documents submitted by both the parties. This Court is satisfied with the Reply of the Respondent. In the present Complaint, the Complainant has not proved any case of discrimination on the basis of disability. Further intervention of this Court in the present Complaint is not warranted.

4.2 Accordingly, the case is disposed of.

/1057/2023

Signed by

Upma Srivastava

Date: 31-07-2023 17:57:50

(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

Dated : 31st July, 2023



COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
भारत सरकार/Government of India

Case No. 13638/1024/2023/155840

Complainant:

Shri M. Naga Prasad

Email: vptdea2020@gmail.com

155840

Respondents:

The Secretary

Visakhapatnam Port Trust (VPT)

Port Area, Visakhapatnam- 530035

155840

1. Gist of Complaint:

1.1 The Complaint is filed by Shri M Naga Prasad on behalf of Shri P.Raju Bahu, a person with 40% locomotor disability, who was not exempted from attending duties during COVID-19 and deducted 46 of LWP from his salary.

1.2 The aggrieved person is working in Traffic Department, Visakhapatnam Port Authority, as a Peon in the respondent organisation. It is alleged that his 46 days leave were marked as without pay for the COVID-19 period from 11.05.2021- 23.06.2023 even non-availability of Departmental Hospital of VPT (GJH) and submission of Private Medical Certificate by the PwD employee. The PwD employee of Shri P.Raju Babu was sent by Visakhapatnam Port Authority for Medical Board so as to take disciplinary action as per the Visakhapatnam Port Authority extant Rules if it will prove a false medical sick certificate.

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1.3 The complainant had submitted the representation for exemption from attending to duties during COVID-19 Pandemic situation as being PwD Employee dated 18.05.2021. The complainant association had also made several representations to the Port Management for exemption of PwDs from attending duties in connection with preventive measures to contain the spread of Novel Corona virus, but the same was denied by the Port Management.

1.4 The victim had also suffered from fever during that period for which he had taken treatment at an outside private hospital which was nearest to his home.

1.5 The Complainant association further submitted that the Port of Visakhapatnam neither exempt PwD employees nor credit back all leaves/absents in their accounts.

2. Submissions made by the respondent:

2.1 Secretary, Visakhapatnam Port Trust (VPT), filed their reply dated 10.03.2023 and submitted that the Shri P Raju Bahu, Peon (Class-IV) of Traffic department has absented to duty w.e.f. 11.05.2021 and submitted a representation vide letter dated 18.05.2021 with a request that he may be exempted from attending to office and that he shall continue to work from home being a PwD employee as per the DoP&T OMs dated 19.04.2021 and 06.05.2021 for exemption to duty as a Person with Disability.

2.2 The Respondent has submitted that the DoP&T O.Ms dated 19.04.2021 and 06.05.2021 have been issued in respect of Ministries/Departments/Offices of the Central Government and also informed that the said OMs are not pertaining to autonomous

bodies and the Ministry has not issued any instructions for compliance of these OMs by the Major Port Trusts.

2.3 It is submitted that the applicant has not complied with the said DoPT OMs also. Accordingly, the private sick leave submitted by the said Shri P.Raju Bahu, Peon Emp. No. 15183 from the period from 11.05.2021 to 25.05.2021, 01.06.2021 to 16.06.2021 and from 17.06.2021 to 23.06.2021 i.e. 38 days was only treated as LWP, Port sick leave i.e. for 7 days from 24.06.2021 to 30.06.2021 was granted.

2.4 The Respondent submitted that the Visakhapatnam Port Authority has taken up a special drive on large scale to provide Medical facilities to its employees and their family members during the Pandemic period of COVID-19 wave 1,2 &3. The complainant said that there are no medical faculties available at Departmental Hospital(GJH) during COVID-19 period is far away from the truth and the department has provided all the medical facilities to the employees of VPA during the pandemic period without any hindrance.

2.5 The Respondent further stated that the said DoP&T OMs and the appointing and disciplinary authority would like to give one more reasonable opportunity to prove the genuinely of the claim of the employee i.e. Shri P. Raju Bahu, Peon. Hence, the employee's request to grant the leave for 38 days will be considered subject to the confirmation of his claim by the Medical Board/ Visakhapatnam Port Authority.

3. Submissions made in Rejoinder:

3 . 1 The complainant filed rejoinder dated 25.03.2023 and

✓1040/2023

reiterating his complaint inter-alia submitted that the curfew was also imposed in Andhra Pradesh from 5th May 2021, which further exempts PWD employees from attending duties. Despite this, VPA forced PWD employees to attend duties, including Shri P. Raju Bahu, causing insignificant difficulties during the pandemic and lockdown period. It is submitted that VPA discriminated against PwD employees by not exempting them from attending duties and not allowing them to stay at home during the pandemic and lockdown period.

4. Observations & Recommendations:

4.1 The issue relating to exemption of PwBD employees from attending office during Covid can be decided as per the rules of DoPT. The guidelines issued by DoPT. vide O.M. No. 11013/9/2014, dated 27.03.2020 exempted divyang employees of the government from attending office. Subsequent to this O.M. DoPT continued to exempt divyang employees from attending office till 13.02.2021. DoPT by OM dated 13.02.2021 issued instruction that attendance of all the employees is imperative, without any exemption to any category of employees. Further by O.M. dated 19.04.2021, DoPT again exempted divyang employees from attending office. O.M. dated 19.04.2021 is further extended by latest O.M. dated 14.06.2021 and remained in force till 30.06.2021. Later the attendance of employees with disabilities was again exempted w.e.f. 03.01.2022 vide O.M. No. 11014/9/2014-Estt-A-III issued by DoP&T. This O.M. remained in force till 06.02.2022. Thereafter the presence of all employees irrespective of disability was made compulsory.

4.2 The Respondent has also submitted in its Reply that the establishment intends to give another chance to the Complainant to present his case before the concerned officers. This Court recommends that the Respondent shall review the case of the Complainant in view of the guidelines issued by DoPT, as mentioned in preceding paragraphs and decide the case subject to

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the production of valid documents by the Complainant.

4.3 The Case is disposed of accordingly.

Signed by

Upma Srivastava

Date: 31-07-2023 17:31:43

(Upma Srivastava)
Chief Commissioner
for Persons with Disabilities

Dated: 31.07.2023