

श्रीमती पी. नूरजहाँ, Smt. P. Noorjahan, H.No.9-6-90/1, अन्जैया नगर, Anjaiah Nagar, पुराना बावनपल्ली, सेक्टर 09, Old Bowanpally, Sector-09, मनोविकासनगर, सिकन्दराबाद (तेलंगाना) Manovikasnagar, Secunderabad-500009 (Telangana)

.... शिकायतकर्ता

बनाम

राष्ट्रीय बौद्धिक दिव्यांगजन सशक्तिकरण संस्थान (एनआईडीपीआईडी), [द्वारा - निदेशक], मनोविकास नगर, सिकन्दराबाद-500009 (तेलंगाना)

.... प्रतिवादी

सुनवाई की तिथि - 14.08.2019

उपस्थित -

- 1- श्रीमती पी. नूरजहाँ, शिकायतकर्ता अपने पीड़ित पुत्र श्री तबरेज शाही और पति श्री महबूब पठान खान के साथ
- 2- प्रतिवादी पक्ष की ओर से कोई भी नहीं

### आदेश

शिकायतकर्ता, श्रीमती पी. नूरजहाँ ने दिव्यांगजन अधिकार अधिनियम, 2016, जिसे यहाँ इसके आगे 'अधिनियम' कहा जाएगा, के अन्तर्गत अभ्यावेदन दिनांक 12.06.2018 और 09.08.2018 इस न्यायालय में प्रस्तुत किया। शिकायतकर्ता का पुत्र श्री तबरेज शाही, उम्र लगभग 16 वर्ष, 90% मानसिक दिव्यांग छात्र है जो राष्ट्रीय बौद्धिक दिव्यांगजन सशक्तिकरण संस्थान में सन् 2008 से अध्ययनरत /उपचार पर है। शिकायतकर्ता ने आरोप लगाया कि संस्थान के प्रौढ़ स्वजीवन यापन विभाग की कनिष्ठ विशेष शिक्षिका, श्रीमती एम. नागलक्ष्मी का मानसिक विकलांग बच्चों के प्रति व्यवहार अशिष्ट एवं निर्दयी है। मानसिक दिव्यांग बच्चों एवं उनके अभिभावकों को गंदी गालियाँ देती हैं, बच्चों को मारती हैं, धकेल कर नीचे गिरा देती हैं और इस प्रकार उत्पीड़न करती हैं। उक्त अध्यापिका अभिभावकों / माता-पिता को मानसिक विकलांग बच्चे को जन्म देने के लिए गंदी-गंदी गालियाँ देती हैं व अनुसूचित जाति की होने की आड़ में धमकी भी देती है कि पुलिस में अनुसूचित जाति की शिकायत करेगी। अपने शिकायत की पुष्टि में शिकायतकर्ता ने प्रतिवादी संस्थान के अन्य मानसिक विकलांग बच्चों के अभिभावकों द्वारा हस्ताक्षरित अभ्यावेदन भी प्रस्तुत किया। शिकायतकर्ता ने स्थानीय थाना बावनपल्ली, हैदराबाद में उक्त अध्यापिका के विरुद्ध प्रथम सूचना रिपोर्ट संख्या 135/2018 दिनांक 28.04.2018 भी दायर करवाया है। अनुसूचित जाति की आड़ में उक्त शिक्षिका संस्थान के कर्मचारियों का भी उत्पीड़न कर रही हैं जिससे संस्थान के कर्मचारी डरे और सहमें हुए रहते हैं। शिकायतकर्ता ने यह भी आरोप लगाया कि उक्त अध्यापिका ने भारतीय पुनर्वास परिषद द्वारा मान्यता प्राप्त विशेष शिक्षा में अहर्ता प्राप्त नहीं किया है। शिकायतकर्ता/अभिभावकों ने उक्त अध्यापिका से बच्चों को बचाने एवं न्याय दिलाने का निवेदन किया।

2. अध्यक्ष, राष्ट्रीय बाल अधिकार संरक्षण आयोग ने भी अपने पत्र दिनांक 27.08.2019 और 12.09.2018 के द्वारा इस प्रकरण से सम्बन्धित क्रमशः शिकायतकर्ता, श्रीमती पी. नूरजहाँ का अभ्यावेदन दिनांक 10.08.2018 और अन्य अभिभावकों का अभ्यावेदन दिनांक 07.09.2018 इस न्यायालय में भेजा और उनकी जाँच कराकर उचित कार्यवाही करने का आग्रह किया।

3. शिकायतकर्ता द्वारा लगाए गए आरोपों को ध्यान में रखते हुए प्रतिवादी से इस प्रकरण में टिप्पणी माँगी गई। संस्थान के प्रभारी निदेशक ने उत्तर दिनांक 22.01.2019 प्रस्तुत कर सूचित किया कि आरोपी शिक्षिका श्रीमती एम. नागलक्ष्मी को वर्ष 1992 में कनिष्ठ शिक्षिका के पद पर संस्थान के विशेष सेवा केन्द्र में नियुक्त किया गया था। उस समय प्रवेश के लिए योग्यता एस.एस.सी. थी। आरोपी शिक्षिका के विरुद्ध प्राप्त शिकायतों के बाद, वर्ष 2007 में प्रौढ़ स्वजीवन यापन विभाग में स्थानान्तरण कर दिया गया, परन्तु यहाँ भी अनुचित व्यवहार कर रही थी, जो प्राप्त शिकायतों से स्पष्ट है। अप्रैल 2018 में संस्थान के सामने अभिभावकों ने धरना दिया और आरोपी शिक्षिका से सुरक्षा की माँग की। आरोपी शिक्षिका ने स्थानीय पुलिस में संस्थान के प्राधिकरण एवं बौद्धिक दिव्यांगजन के अभिभावकों के विरुद्ध अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम, 1989 के अन्तर्गत शिकायत कर दिया और अपना अनुचित व्यवहार जारी रखा। इस तरह आरोपी शिक्षिका ने संस्थान के परिसर में प्रतिकूल वातावरण बनाकर रखी हुई है। उन शिकायतों और आरोपी शिक्षिका की अनियमितताओं के आधार पर आरोपी शिक्षिका के विरुद्ध विभागीय कार्यवाही की गई और सी.सी.एस. (सीसीए) नियम 1965 के नियम 10(1) के अनुसार दिनांक 16.05.2018 को निलम्बित कर दिया गया और दिनांक 09.08.2018 को आरोप पत्र जारी कर जाँच के लिए जाँच अधिकारी की नियुक्ति की गई। निलम्बन के विरुद्ध आरोपी शिक्षिका ने माननीय उच्च न्यायालय के समक्ष याचिका दायर की जो माननीय न्यायालय द्वारा स्वीकार नहीं की गई। आरोपी शिक्षिका ने विभागीय कार्यवाही में बाधा डालने के लिए आरोप पत्र संस्थान के लौटा दिया। प्रतिवादी ने यह भी सुनिश्चित किया कि आरोपी शिक्षिका भारतीय पुनर्वास परिषद के साथ पंजीकृत व्यक्ति/अध्यापिका नहीं है जिसके लिए संस्थान ने उन्हें दो बार अवसर दिया कि वे भारतीय पुनर्वास परिषद अधिनियम, 1992 के अनुसार अपनी योग्यता बढ़ा ले, परन्तु आरोपी शिक्षिका ने उसका उपयोग नहीं किया। बौद्धिक दिव्यांग बच्चों के शिक्षण में आरोपी शिक्षिका की क्षमता/योग्यता भारतीय पुनर्वास परिषद अधिनियम, 1992 की संख्या 34 की धारा 13(3) के अनुरूप नहीं है। परन्तु भारतीय पुनर्वास परिषद के नियमों के अनुसार आरोपी शिक्षिका केवल कनिष्ठ विशेष शिक्षिका के रूप में कार्य कर सकती हैं।

4. प्रतिवादी के उपरोक्त उत्तर पर शिकायतकर्ता / अभिभावकों ने प्रत्युत्तर दिनांक 22.04.2019 प्रस्तुत किया और अन्य बातों के साथ प्रतिवादी संस्थान के निदेशक पर आरोप लगाया कि वे संस्थान के बौद्धिक दिव्यांग बच्चों एवं उनको अभिभावकों की हालत समझने में असमर्थ हैं इसलिए आरोपी शिक्षिका को पूरी तरह से समर्थन दे रही हैं। संस्थान के विशेष शिक्षा केन्द्र के विभागाध्यक्ष, श्रीमती निवेदिता पटनायक भी आरोपी शिक्षिका का समर्थन कर रही हैं क्योंकि वे कभी भी अभिभावकों को बैठकों में सम्मिलित नहीं करतीं। शिकायतकर्ता ने आरोपी शिक्षिका को हटाकर भारतीय पुनर्वास परिषद द्वारा मान्यता प्राप्त किसी विशेष शिक्षक की नियुक्ति कर मानसिक दिव्यांग बच्चों की जान बचाने का अनुरोध किया।

5. प्रतिवादी से प्राप्त उत्तर एवं शिकायतकर्ता से प्राप्त प्रत्युत्तर पर विचारोपरान्त इस प्रकरण में दिनांक 14.08.2019 को व्यक्तिगत सुनवाई का निर्णय लिया गया। सुनवाई की सूचना दिनांक 05.07.2019 दोनों पक्षों को जारी की गई।

6. दिनांक 14.08.2019 को सुनवाई के दौरान प्रतिवादी पक्ष से कोई भी उपस्थित नहीं हुए और न ही सुनवाई में अनुपस्थित रहने के सम्बन्ध में उनकी ओर से कोई सूचना प्राप्त हुई। शिकायतकर्ता अपने मानसिक दिव्यांग पुत्र और पति के साथ उपस्थित थी, अपनी शिकायत दुहराते हुए आँसुओं से रो पड़ी और बिलख कर निवेदन किया कि उस आरोपी शिक्षिका को हटाकर भारतीय पुनर्वास परिषद द्वारा मान्यता प्राप्त किसी विशेष शिक्षक की नियुक्ति की जाए ताकि संस्थान के उन सभी मानसिक दिव्यांग बच्चों को आरोपी शिक्षिका के अत्याचारों से मुक्ति मिल सके।

7. उपरोक्त तथ्यों और फाइल पर उपलब्ध अभिलेखों के आलोक में, प्रतिवादी को यह अवगत किया जाता है कि दिव्यांग छात्र/छात्राओं के प्रति जाति, प्रजाति और रंग के आधार पर कोई भी बुरा/अभद्र व्यवहार या दुर्व्यवहार किया जाना दिव्यांगजन अधिकार अधिनियम की धारा 92 के अन्तर्गत दण्डनीय अपराध है। संस्थान यह सुनिश्चित करने के लिए उत्तरदायी है कि दिव्यांग छात्रों / बच्चों को अन्य व्यक्तियों के समान, समता, गरिमा के साथ जीवन के लिए सम्मान के अधिकार का उपभोग करे। प्रतिवादी संस्थान को सलाह दी जाती है कि आरोपी शिक्षिका द्वारा मानसिक रूप से दिव्यांग बच्चों के प्रति किए गए क्रूर और अमानवीय व्यवहार के लिए उसके विरुद्ध विभागीय/अनुशासनात्मक कार्यवाही के अतिरिक्त अधिनियम की धारा 7(1) के अन्तर्गत भी कार्यवाही करे।

8. तदनुसार इस मामले का निपटारा किया जाता है।

(शकुन्तला डी. गामलीन)  
मुख्य आयुक्त, दिव्यांगजन

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Case No: 9567/1022/2018

Dated : 28.08.2019

Dispatch No. ....

In the matter of :

Shri Gautam Kumar,  
Room No.5,  
RSSJN Hostel,  
NALCO Nagar,  
Angul,  
Odisha – 759 145

.....Complainant

Versus

National Aluminium Company Limited (NALCO),  
(Thru Chairman cum Managing Director)  
NALCO Bhawan,  
P/1, Nayapalli,  
Bhubaneswar,  
Odisha – 751 013

.....Respondent

Date of Hearing : 07.08.2019

Present :

1. Shri Gautam Kumar, the complainant.
2. Shri Samir Narayan Mishra,DGM (Law) and Shri H.S. Pradhan, AGM (HRD)- On behalf of Respondent.

### ORDER

The above named complainant, a person with 60% locomotor disability has filed a complaint dated 17.03.2018 under the Rights of Persons with Disabilities Act, 2016 regarding his transfer to some other department of NALCO and posting to Kolkata, which is near to his home town i.e. Bhagalpur, Bihar.

2. Shri Gautam Kumar, the complainant, submitted that he is presently working in the Operation Department of NALCO (National Aluminium Company Limited). He joined NALCO as Graduate Engineer Trainee on PH quota on 11.07.2016. He is posted in the Operation Dept and is operating the Boiler without possessing a BOE (Boiler Operation Engineer) Certificate. Due to his disability, he is finding difficult to operate the Boiler. Any mishandling of the machine will put his life in danger. As per the directive of BOE Rule 2011 issued by Deptt. of Industrial Policy & Promotion, a PH person will not get a BOE certificate to operate the Boiler. He submitted that in recent past, a number of Boiler accidents took place. At that time of his appointment, he was told

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that he will be shifted from this Deptt. to some other department within 3 months, but he was not relocated to some other department as promised by the management. He further submitted that since he needs frequent medical help, he prefers his posting at Kolkata which is near his hometown, i.e. Bhagalpur, Bihar.

3. The matter was taken up under Section 75(1) of the Rights of Persons with Disabilities Act, 2016 vide letter dated 04.05.2018.

4. The Asst. General Manager(HRD), NALCO vide his letter no. CHRD/RR/E09744/1351/2018 dated 23.05.2018 has submitted that NALCO is posting the complainant to the Planning Cell of Captive Power Plant, Angul taking into account his disability and optimal utilization factors as well as manpower requirement of the company. The complainant was selected as a Graduate Engineer Trainee in Mechanical Engineering branch against the manpower recruitment for Captive Power Plant, Angul. There is no requirement of an executive with his experience and background in the marketing office of NALCO at Kolkata. Hence, the Respondent submitted that it will not be possible to accede to the request of the complainant for his placement at Kolkata. The complainant is placed in planning Cell of Captive Power Plant, Angul.

5. The complainant vide his rejoinder dated 25.01.2019 has submitted that he has been transferred to other departments, i.e. Planning Cell of CPP, Angul but not to Kolkata which is near his hometown, Bhagalpur, Bihar. He submitted that recently several transfer orders were issued in which employees from technical background who joined NALCO as Graduate Engineer Trainees like him are posted at Delhi, Kolkata and at various other cities for Marketing Office.

6. After considering Respondent's reply dated 23.05.2018 and complainant's rejoinder dated 25.01.2019, a personal hearing has been scheduled on 07.08.2019.

7. The complainant reiterated that he is presently posted in the Operation Deptt. He has been given the task of operating the Boiler, but he does not possess a BOE (Boiler Operation Engineer) Certificate, which is essential to operate Boiler machine. As per the directive of BOE Rule 2011 issued by Deptt. of Industrial Policy & Promotion, a PH person is not entitled to get a BOE certificate to operate the Boiler. He is finding difficult to operate the Boiler due to his disability. He is afraid that any mishandling of the machine which may put his life in danger. He submitted that in recent past, a number of Boiler accidents occurred. He was not relocated to some other department as promised by the management. He has requested for his posting at Kolkata which is near his hometown, i.e. Bhagalpur, Bihar so that he can take care of his medical needs.

8. The representatives of Respondent vide a written submission dated 07.08.2019 has submitted that the transfer request of the complainant was duly considered by the competent authority of the company and he was placed in their Captive Power Plant at Angul taking into consideration his disability and optimal utilization factor. The Respondent submitted that NALCO is having a small Office at Kolkata for coordination of their Marketing activities and other related liaison activities in the Eastern Zone. The work being done in the said office does not require any specific knowledge of Mechanical Engineering stream, as such, in their Kolkata Office, there is no specific vacancy for the employees having qualification in Mechanical discipline. The company is of the view that as Shri Gautam Kumar is a well qualified Mechanical Engineer having B. Tech in Mechanical Engineering, his present posting will not help the company as his knowledge in the specialized field will be better utilized in the said post, but also, as he is having a career of 37 years of service, working in his specialized field will provide him with better career prospects and opportunities as he will have experience in his core area and thereby can enhance his skills. NALCO makes all efforts to ensure that the statutory requirement of employing the required number of persons with disabilities are fulfilled and all other requirements provided in the said act are complied. In its efforts in this direction, NALCO has already in its roll 92 numbers of employees with disabilities. The Respondent submitted that it is not possible to accede to the request of the complainant for his posting at Kolkata due to the operational requirements of the company as well as the administrative constraints as brought out above.

9. The Court after hearing both the complainant and the respondent, observed that the Respondent has already taken care of the transfer of the complainant by posting him to their Captive Power Plant at Angul as there is no specific vacancy for the complainant suitable to his qualification at Kolkata Office.

10. The case is disposed of.

(Shakuntala Doley Gamlin)  
Chief Commissioner  
for Persons with Disabilities

Case No: 5635/1022/2016

Dated : 30.08.2019

Dispatch No. ....

In the matter of :

Smt. Ranju Kumari,  
H.No.1-11-214,  
Sri Vasavi Shiva Nagar,  
PO-ECIL,  
Hyderabad – 500 062

.....Complainant

Versus

Deptt. of Atomic Energy,  
(Thru Chairman)  
Anushakti Bhavan,  
Chatrapathi Shivaji Maharaj Marg,  
Mumbai – 400 001

.....Respondent

Date of Hearing : 16.08.2019

Present :

1. Complainant – Absent.
2. Shri Y. Nagarjuna Prasad, Admn. Officer-III, Shri Rama Krishna, Asst. Personnel Officer and Smt. Shakunthala Chandrasekharan, Asst. Personnel Officer, representatives of Respondent.

#### ORDER

The above named complainant, has filed a complaint dated 31.12.2015 under Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 regarding cancellation of transfer order of her husband Shri Shishir Kumar, Scientific Officer-H from Nuclear Fuel Complex, Hyderabad to Nuclear Recycle Board, Tarapur in order to look after his 28 year old son suffering from 100% mental retardation.

2. Smt. Ranju Kumari, the complainant, submitted that her husband Shri Shishir Kumar who has been working as Scientific Officer-H in Nuclear Fuel Complex under Dept. of Atomic Energy in Hyderabad has been transferred to NRB, Tarapur. They have a 28 year old son suffering from 100% Intellectual disability. All his day to day work has been looked after by her husband. Her son gets violent fits frequently due to which her husband's presence is required. The family cannot join her husband at Tarapur due to the disability of her son. She has requested this Court to get the transfer order of her husband cancelled on humanitarian & medical ground of their son.

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3. The matter was taken up under Section 59 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 vide letter dated 29.01.2016.

4. The Under Secretary (I&M), Deptt. of Atomic Energy vide letter no. 13/6(5)/2015-I&M(NFC)/15846 dated 29.11.2016 has submitted that Shri Shishir Kumar initially joined Heavy Water Plant (Manuguru) on 01.08.1987. He was transferred from HWP, Manuguru to Nuclear Fuel Complex, Hyderabad on 06.07.1998 on humanitarian grounds. He reported for duty at NFC, Hyderabad on 10.07.1998. The services of Shri Shishir Kumar who has long term experience in handling Steam and Electrical Systems is needed at the Nuclear Recycle Board, Tarapur, in public interest, and, accordingly he has been transferred from NFC, Hyderabad to Nuclear Recycle Board, Tarapur vide Office Order No. NFC/PAR-I/06/02/2286 dated 10.10.2015. The complainant requested for three months leave to arrange a caretaker for his son and simultaneously filed an OA No.1363 of 2015 in Hon'ble CAT, Hyderabad Bench. The Hon'ble CAT dismissed the O.A. No.1363 of 2015 vide their Order dated 17.12.2015. Accordingly, he has been relieved of his duties in NFC, Hyderabad w.e.f. 17.12.2015 vide Memo dated 17.12.2015.

5. The complainant then approached the Hon'ble High Court of Judicature, Hyderabad and filed a Writ Petition No. 41828 of 2015 for cancellation of transfer order. Hon'ble High Court at Hyderabad disposed of the case by upholding the judgement of Hon'ble CAT, Hyderabad. The complainant then approached Hon'ble Supreme Court of India. His SLP has been dismissed by the Supreme Court on 18.04.2016. He then reported for duty at NRB, Tarapur on 25.04.2016. The Respondent submitted that as per the Psychological report dated 06.01.2016 of the National Institute for the Mentally Handicapped, complainant's son takes food by himself with spoon, can comprehend hunger and cold related experiences, can undertake play activities on his own. He can walk upstairs and downstairs unassisted, can remove his shirt if unbuttoned, can signal to go to toilet, toilet control is absent, has certain involuntary conditions in matters of his own to avoid simple hazards. Thus the Respondent submitted that the contention of Shri Shishir Kumar and Smt Ranju Kumari are contradictory to the Psychological report dated 06.01.2016. He submitted that nowhere in the certificate of his son it is mentioned that he is suffering from Autism. Further, the Respondent submitted that a 70 bedded hospital is available at Tarapur and further Super Specialty services are available at BARC Hospital, Mumbai which is 120 Kms away from Tarapur. He submitted that as far as linguistic zone is concerned, the mother tongue of Shri Shishir Kumar is Hindi and since Tarapur has many employees of different units of DAE from many states are staying in the Tarapur township of the Deptt. with all infrastructure facilities such as school, Hospitals, the Tarapore posting cannot be said to be a difficult posting, whereas Hyderabad is a Telugu speaking city and located in Telengana State and Hindi is rarely spoken compared to DAE Township at Tarapur. .

6. The complainant vide her rejoinder dated 15.05.2019 has submitted that her husband Shri Shishir Kumar had been transferred from NFC, Hyderabad to NRB, Tarapur and relieved on 17.12.2015 and he joined his new workplace on 25.04.2016 and since then they have been suffering which cannot be explained in words. She submitted that her son named Shri Ravi Kumar, aged 32 years (eldest child) is 100% mentally retarded person and requires full support to lead his life. Her daughter is married and she is left alone to take care of her son. Once or twice her husband comes to help her in looking after their son, but that is not adequate. Occasionally their son gets violent which cannot be handled alone by her. She has requested for transfer of her husband to Hyderabad in any units of Deptt. of Atomic Energy.

7. And whereas, after considering Respondent's reply dated 29.11.2016 and complainant's rejoinder dated 15.05.2019, a personal hearing in the matter had been scheduled on 16.08.2019.

8. The complainant did not attend the personal hearing. She vide her letter dated 25.07.2019 has expressed her inability to attend the personal hearing in this Court as her son requires continuous supervision and he cannot be kept alone in the house. However, she vide her written submission submitted that under point no. #7 of the reply of Respondent, it is admitted that Super Specialty services are available at BARC Hospital, Mumbai which is 120 Km away from Tarapur. Their son is not in a position to travel since the year 2007 as he gets violent due to change in surroundings and this fact can be verified through service records of her husband that they have never availed LTC for their son as well as they never travelled together as family for LTC. She submitted that her son aged 32 years is a person with 100% Intellectual disability and is fully dependent on them for everything to lead his life. He does not speak and often gets violent and hurts himself. He suffered twice severe head injury and once he had to be operated by Neuro Surgeon to save his life at Hyderabad. In this condition it is next to impossible to manage her son without her husband. Not only is his life in danger but also there is risk of her life too, as there is no male member available in their house at Hyderabad. Therefore, it is a grave situation for her and the main care-giver who is her husband being posted at Tarapur, has caused grave inconvenience to her and her son. Her husband had already served for more than three years at Tarapur and deserves to be considered for a posting back to Hyderabad on the above grounds.

9. The representatives of Respondent submitted that Shri Shishir Kumar is a well trained and experienced officer in the Steam and Electrical Systems and his services are needed at the Nuclear Recycle Board, Tarapur, in public interest. Shri Shishir Kumar has filed an OA No.1363 of 2015 in Hon'ble CAT, Hyderabad Bench regarding his transfer and the same has been dismissed by the CAT, Hyderabad. Dissatisfied with the dismissal of O.A. No.1363/2015 filed by him, Shri Shishir

Kumar filed a Writ Petition No. 41828 of 2015 for cancellation of his Transfer Order with the Hon'ble High Court of Judicature, Hyderabad. Hon'ble High Court at Hyderabad disposed of the case by upholding the judgement of Hon'ble CAT, Hyderabad. The Respondent submitted that as per the Psychological report dated 06.01.2016 from the National Institute for the Mentally Handicapped, her son takes food by himself with spoon, can comprehend hunger and cold related experiences. He can walk upstairs and downstairs without assistance, can remove his shirt if unbuttoned, signal to go to toilet but has involuntary habits in matters toilet behavior/ablutions. Thus the contention of the complainant and her husband Shri Shishir Kumar are contradictory in nature when compared with the Psychological report dated 06.01.2016.

10. After hearing the respondent and complainant's submissions available on record and keeping in view the disability of the complainant's son, the Court advised the respondent to help mitigate the complainant's condition and minimise their sufferings by accommodating her husband Shri Shishir Kumar, Scientific Officer-H to the extent possible. Certain support systems such as care giver / attendant can be arranged for the family.

(Shakuntala Doley Gamlin)  
Chief Commissioner  
for Persons with Disabilities

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"Shri Anuj Kumar Singh has joined in the 'A' division on 25.06.2013 after getting transferred from Patna RMS. The aforesaid official has not awarded financial upgradation due to incomplete service record. CR dossier proceeding to the period 25.06.2013 is still wanting from 'PT' Division Patna. Correspondence regarding same has been done vide office letter of even no. dated 08.02.2017, 25.05.2017, 22.03.2018 and 12.09.2018.

The case regarding handicapped travelling allowance is under process."

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DISABILITY PENSION UNDER CCS(COP) RULES

In addition to invalid pension the Govt. servant is also entitled for disability pension as provided in CCS(EOP) rules under following condition:-

- a) Disease should be one of those listed in schedule 1-A of CCS(EOP) rules reproduced as appx-3 CCS(Pen) rules Swamy's compilation
- b) Injuries resulting in permanent total/partial disablement should be as mentioned in schedule 1.
- c) Disablement should have been due to would, injury or disease, which is (i) attributable to Government service, or (ii) existed before or arose during Government Service and has been and remains aggravated there by.
- d) There should have been a casual connection between disablement and Government service. It is essential for the administrative officer as well as Audit Officer concerned (PAO) to satisfy themselves that the disability is in fact attributable to or aggravated by the Government service and certify the nexus and casual connection between disablement and Government service.
- e) Injury should not have been sustained more than 5 years before the date of application.
- f) Cases where disease did not actually lead to Government servant discharge from service but arose within 7 years thereafter may be recognized as attributable to service if it can be established medically that disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge and that if the disability had been manifest at the time of discharge, the individual would have been invalid out of service on this account.
- g) Injuries sustained when the man is 'on duty' will be deemed to have arisen in, or resulted from Govt. service.
- h) In cases of self-inflicted injuries while on duty, attributability will not be conceded unless it is established that service factors were responsible for such action.

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dñnh; fpdfRI ky; /kuckn ea inLFkki uk fn0; kax 0; fDr ds fy, mi ; Dr Fkk] fQj Hkh Jh fcuksn dèkj fl Ugk }kjk dk; Z fojfer djus ds mijkar Hkh ogka dk; Z ; ksnku ugha fn; k x; k , oa mlghaus dks yk Hkou eq; ky; ea gh inLFkki u dk vkn'sk fuxr djus dk vuqkkl fd; k x; k A muds vkonu ij l dkjkrEd fopkj djrs gq dk; kzy; vkn'sk l &chl hl h, y@ih, &5@eq; ky; @inLFkki uk@2018@2239&2252 fnukad 01-02-2019 ds }kjk mudh inLFkkuk dks yk Hkou eq; ky; ea gh Hkary fLFkr l ek/kku dñnz tks , d fn0; kax in xM ij gh dh x; h gA

Jh fcuksn dèkj fl Ugk l ek/kku dñnz ea Hkh dk; Z xg.k ugha fd; s , oa vui fLFkr gkrs jgA i =kad&chl hl h, y@ih, &5@Jh fcuksn dèkj fl Ugk@2019 @3866&3870 fnukad 22-02-2019 ds ek/; e l s mudks i u% l ykg nh x; h fd mudk LFkkukarj.k dñnh; fpdfRI ky; /kuckn l s ifjofr dj eq; ky; ea gh l ek/kku dñnz VsyQku cfk ij dj fn; k x; k gš vr% os egki zalkd@i Hkkjh] l ek/kku dñnz dks vi us dk; Z grqfji kVZ dja rfd mlga fdl h idkj dh vkfFKZ {kfr@uqI ku u gks fdUrq izaku ds vkn'sk dk mYyaku djrs gq vHkh rd os vi us dk; Z ij ; ksnku ugha fn; s gA

Tkgard Jh fcuksn dèkj fl Ugk dh i kbufr dk ekeyk gš fnukad 17-09-2014 dks mudh i kbufr ojh; VsyQku vkWjVj rd0 , oa lk; D xM&ch ds in ij dh tk pph gA dāuh ds i ko/kkukud kj l rg ij dke djus okys detz ; fn oržku xM@dS/xjh ea 08 o'kz dk dk; Zky ijk dj yrs gS rks mlga mij ds xM@dS/xjh ea , l , yih nus dk i ko/kku gA Jh fcuksn dèkj fl Ugk fnukad 16-05-2008 l s rd0 , oa lk; D xM&l h ea Fks , oa fnukad 17-09-2014 dks mudh i kbufr rd0 , oa lk; D xM&ch ea gks x; h A vr% os u rks rd0 , oa i ; D xM&l h ea vKj u rd0 , oa i ; D xM&ch ea 08 o'kz dk dk; Zky ijk fd; s gš vr% os , l , yih ds fy, gdnkj ugha gA bl ds i wZ fnukad 01-01-2007 dks i ko/kkukud kj mudks , l , yih fn; k x; k gš , oa fu; ekuq kj Hkqrku Hkh fd; k x; k gA tkp ds Øe ea ik; k x; k gSfd Jh fcuksn dèkj fl Ugk , oa vl; dbz

dfež ka dks vf/kd oru Hkkarku gks jgk gA , d dfeVh }kjk bl dh foLrr tkp dj; h x; h , oa ik; k x; k fd Jh fcukn dekj fl Ugk dks : 0 79]179-00 vf/kd Hkkarku gA ftl dh dVkrh muds oru l s dh x; h gS A deþkj; ka dh i kbufr mi yC/k fjDr; ka ds vk/kkj ij foHkkxh; i kbufr l febr dh vuqka k ds vk/kkj ij dh tkrh g\$ vr% o'kz 2011 l s gh i kbufr dh ekax djus dk dkbZ vk/kkj ; k vkfPR; ugha gA

; gka ; g mYys[k djuk rd] ær gksk fd Jh fl Ugk viuh fn0; kærk dk nq lk; kx djrs gq ml dh fcukg ij viusfu; æ.k inkf/kdkjh rFkk l gdfež ka ds fo: ) vl a nh; Hkk'kk dk iz kx djrs gq vuxy vkjki yxk jgs gS rFkk l Hkh dks HkzVkpjh crk jgs gA ; gka rd fd egki ckd%dk0 , oa vkD l 0% rFkk funs'kd%dkfebl% ds l e>kus ds ckotm muds funs'kka dk vuqkyu ugha dj jgs gA egki ckd%fo0 , oa ; k0% , oa Jh rkkj fl g] foHkkxk/; {k%bD , .M Vh0% dh i kbufr tkp fj i kZ/ rFkk deþkj fVli .kh Lo 0; k[; kRed gA Jh fl Ugk fd l h dh Hkh ckr l qus dks r\$ kj ugha gS rFkk Lo; a dks gh mfpr Bgjkrs irhr gkrs gA blgkaus vius 0; ogkj ds dkj .k vius l gdfež ka dks Hkh vius fo: ) dj fy; k gSA

Jh fcukn dekj fl Ugk }kjk bl ds i dZ fnuad 28-01-2019 dks vk; Ør] fn0; kætuj >kj [k.M l jdkj dks Hkh f"kd; r i = fn; k x; k Fkk ftl l cdk ea oLrqLFkr i = fnuad 01-03-2019 }kjk jkT; fu%kDrrk vk; Ør] >kj [k.M l jdkj ds ikl Hksth tk pph gA

Jh fcukn dekj fl Ugk vdkj.k vius dk; Z l s vuqLFkr jg jgs gA i = fnuad 28-03-2019 ds ek/; e l s i q% mlga l fpr fd; k x; k fd i ko/kkukud kj fn0; kax dfež ka dks nh tkus okyh l fpo/kkva dks /; ku ea j [krs gq mudk LFkkukarj.k chl hl h, y eq; ky; ] dks yk Hkou ds l ek/kku dñnz ea fd; k x; k gS ftl dk dk; ky; l rg ij fLFkr gS tks fn0; kax 0; fDr ds fy, l fpo/kktud , oa l qe LFky gA mul s vuqk%k fd; k x; k gS fd os vius dk; Z l s vuqLFkr ugha jgs , oa LFkkukarj.k vkn's'k ds vuq kj egki ckd% ; @th0@l kbZMax% i Hkkj h] l ek/kku dñnz ds ikl vius dk; Z graq fj i kZ/ dja rkd mlga fd l h rjg dh vkfFkd {kfr u gk\$ fdUrq vHkh rd mlgkaus vius dk; Z ij ; kxnku ugha fn; k gA

4- oknh us vius fjTokbMj fnuad 15-04-2019 ea fuEu mYys[kr fd; k g\$&

- i. Egki ckd nekjk Hksts x, i = ds nñ js i \$kxkQ ea ; g mYys[k gS fd muds foHkkx ds deþkj; ka usmuds ckjs ea vkonu ds ek/; e l s fnuad 15-02-2018 , oa fnuad 07-03-2018 dks f"kd; r dh] fdog deþkj; ka ij \_\_.kRed i Hkko i ñk dj jgk gA ftlotg l s mudk LFkkukarj.k gA og bl i = ds l kFk og i = l ayXu dj jgs gA ftl ij deþkj; ka ds glrk[kj ekst m gA tks muds f[kykQ gA
- ii. Lkl sigys i = ea ; g "kkfey gS fdog l puk ds vf/kdkj vf/kfu; e ds rgr] i kbufr dh l æBukRed i f0; k ds ckjs es i Nrkn dj jgg\$ vk\$ mlga yxrk gS fd ; s dk; Z foHkkx ds l kFk&l kFk muds l æBu ds fy, Hkh Qynk; h ugha gA ; gk ij muds Åij yxk; k x; k] nkski wkZ : i l s xyr gSD; kfd l puk ds vf/kdkj vf/kfu; e dks bl h mnas; l s

cuk; k x; k gS ftl ek/; e l s ylx fdl h idkj dh tkudkjh gkfl y dj l ds A vxj l puk ds vf/kdkj vf/kfu; e ds rgr vkonu nsuk Qynk; h ughark l puk ds vf/kdkj vf/kfu; e gkus dk D; k Qk; nk vksj dā uh dh fu; e dkuu tkuuk fdl h ek; us ea upl ku nk; d ughagA

iii. ni jh ckr ; g gS fd ftu i=ka ds ckjs ea Jh jktiky ; kno us mu ij >Bk bYtke yxk; k gS muij deþkfj; ka us vius ethz l s gLrk{kj ugha fd; k gA deþkfj; ka ds vuq kj Jh rqqj fl g] Jh fd"kkj deþkj pksj Jh y[ku ukfu; k vksj Jh fou; deþkj us vkonu ij gLrk{kj djus ds fy, Mjk; k /kedk; k Fkk A Jh fd"kkj deþkj pksj Jh fou; deþkj] vksj Jh y[ku ukfu; k ds vykok dbz Hkh deþkj vkonu ij gLrk{kj ugha djuk pgrk Fkk A yfdu Jh rqqj fl g us fn, x, deþkfj; ka ds l kFk feydj vU; deþkfj; ka dks gLrk{kj djus ds fy, /kedh nh A ; g rhu 0; fDr Jh rqqj fl g l s T; knk utnd gS ftl otg l s ; s ylx dHkh dHkh dk; ky; vkdj vVMd cuk dj b/kj m/kj ?kers gS vksj dbz ckj vVMd cukdj ftyk l s ckj Hkh pys tk; k djrs Fks A bl rjg l s Qthz vkonu ij gLrk{kj djok dj Jh rqqj fl g o fn, x, rhu dehz dk mnas; l Hkh dfez ka dks vki l ea eu&e/ko] nreuh dk c<kok nsuk] o fga k i shk djuk Fkk A mlgkaus fnukad 07-02-2018 dks v/; {k ,oa izakd funskd] chl hl h, y ifrfyfi eq; l rdzk vf/kdkjh] chl hl h, y dks viuh inkufir ds fy, vugksk fd; k l g Jh fl g nekjk fn0; ka ds l kFk HknHkoj vieku] vkfkd upl ku] /kedh l efi/kr dkuu dk vieku bR; kfn ds l e{k ea vugksk vkonu fn; k] ftl ea eq; l rdzk vf/kdkjh nekjk tkp grq Jh vke izdk" k mi k/; k; egki zkd/fo/kr , oa ; ka=d½ i Hkh dks vkonu vxj j fd; k x; k A bl ds ckn Jh vke izdk" k mi k/; k; nekjk Jh l R; anz deþkj R; kxh] egki zkd/fo/kr , oa ; ka=d½ dks tkp ds fy, vkonu vxj l r fd; k x; k ftl ds mijkr Jh rqqj fl g dks tkudkjh feyk vksj Jh rqqj fl g us viuh cpko ds fy, 'kM; a jp dj viuk "kfrj fnekx yxkrs gq vxstH Hkk'kk dh iz, kx djrs gq mDr of. kR fnukad 15-02-2018 , oa fnukad 07-03-2018 ds ek/; e l s Jh rqqj fl g us bD, UMO Vh0 foHkx ds dehz Jh fd"kkj pksj Jh y[ku ukfu; k] , oa Jh fou; deþkj ds l g; kx l s nco] /kedh] bR; kfn ndj Louke&y[ku nLr[kr djok; k x; k A

iv. fcnq 3 ds l k{; e] deþkj vksj og muds fuokl ij tkrk gA ; g tkudj fd] Jh rqqj fl g muij >Bk bYtke yxk l drs gS og fdl h rjg vius vkokl ea , d fofM; ka fjdkMx fl lVe LFkfir djus ea dke; kc jgk vksj mlgkaus fofM; ka fjdkMx fd; k vksj fofM; ks ea ftl rjg l s Jh rqqj fl g vksj fn, x, rhu dehz fey dj /kedh , oa nco ns dj gLrk{kj djok, gS og deþkj nekjk [kq gh Lohdkj tk pdk gA fofM; ks og vyx l s bEay nekjk fl QZ bl U; k; ky; dks Hkstæk D; kfd tc dN deþkfj; ka us muds vugksk ij mlga fyf[kr vkonu fn; k fd muykska us fnukad 15-02-2018 , oa fnukad 07-03-2018 i= ij gLrk{kj vius ethz l s ugha /kedh nsus , oa Mj dh otg l s fd; k gS rks yxHkx l Hkh deþkj rS kj gks x, vksj dN ykska us mlga fyf[kr vkonu Hkh ns fn; k A bl if0; k dh tkudkjh fdl h ek/; e l s Jh rqqj fl g dks py xbz ftl ds ckn Jh rqqj

fl og , oa Jh fd"kkj dækj pkcs us l kjs deþkj h dks bl rjg l e>k fn; k fd i= nus l s oks ykx dkfeð funs'kd ds utj ea fxj tk; æs vksj muyksx ij mPp djokbz Hkh gks l drh gA mlgkaus ; g Hkh dgk fd ; g ifØ; k og ughj dkfeð funs'kd djok jgs gA bruk gh ugha ftl l e; Jh rðkj fl og o fn, x, rhu dehl deþkfj; ka l s gLrk{kj djok jgs Fls ml l e; dbz ykxka us vk{kj fd; k Fkk ftl is Jh rðkj fl og us muykska dks vius dk; kÿ; ea cykdj MKV QVdkj yxkbz A bl l s vPNh rjg l e> l drs gS fd fofM; ks os i= ftl ea deþkfj; ka nekjk ; s Lohdkjk x; k gS fd mul s gLrk{kj Mjk /kedk dj djk; k x; k gS vxj Jh jktiky ; kno dks og Hkstrk gS rks og bl s Jh rðkj fl og dks Hkh fn[kk nxaftl ds ckn mu deþkfj; ka dks cøtg mu ij dkjðkbz dh tk; xh A

v. 4 os i §kxtQ ea Jh jktiky ; kno us mYys[k fd; k gS fd bæsy ds ek/; e l s cyðesy dj jgk gA og bl ds l kFk&l kFk bæsy Hkh l ayXu dj jgk gA o ftudks bæsy mlgkaus l hl h ea yxk; k gS og Hkh l ayXu dj jgk gA bæsy ea mlgkaus ml h esy dks , l i h /kuckn l rdzrk vksj vll; mPp vf/kdkfj; ka dks Hkh Hkst k gA mlga 3 eghus l s mudk oru ugha fey jgk gS tks muds cPpka ds l kFk&l kFk muds dfj; j dks Hkh u'V dj jgk gA bl ekeys eij vxj mlga vius vf/kdkj ugha feyrs gS rks og HkzV vf/kdkjh dh okLrfodr k dks ; wðk ij i kL V djus ds ck/; gks tk, xk l kFk gh bl ckr dk izek.k Hkh nsxk vksj ; g Hkh mYys[k djæk dh mPp vf/kdkjh us Hkh HkzV vf/kdkjh dk gh l eFkZu fd; k A bl ds vykok vkf/kdkfjd bæsy vkbMh ij cyðesyak ugha dh tkrh gA

vi. 6 oa i §kxtQ ea ; g mYys[k fd; k x; k gS fd mlga l ek/kku dðnz ea rðkr fd; k x; k gS A ogka "kkfey gkus ea l eL; k ; g gS fd mlga tks dke djuk gS og muds foHkx l s l æf/kr gS gh ugha vksj 26 o'kz l s nij Hkk'k foHkx dk vuðko i ktr djus dk D; k Qk; nk gS tc mlga dkbz vksj dk; l djuk i Ms tks muds i nuke l s tMk gqvk gh ugha gA bl ds vykok viuh dāuh l s vuøfr ysus ds ckn mlga byðVksuDI , M dE; fuds'ku bāt fu; fjæk dh i Vkbz djuk "kq fd; k vksj og bat hf u; fjæk ds vñre o'kz ea gA muds foHkx dks cnyus l s fuLl ing mudk Hkfo'; cckh gks tk, xk mudhl kjh egur cdkj pyh tk, xh vksj mudh i <kbz l æf/kr Kku l s oñpr gks tk, xk A

vii. 6oa i §kxtQ ea ; g Hkh mYys[k fd; k x; k gS fd mlga l ek/kku dðnz ea rðkr fd; k x; k gS D; kñd ; g Hkury ea l Fkr gS vksj ; g fodykax 0; fDr ds fy, vkjkenk; d gksk A bl l æzk eij og ; g dguk pkgrk gS fd muds dk; kÿ; ea 2 fyQV gS vksj ; gka rd fd <yku okyh l hf<+ ka Hkh gA bruk gh ugha mudk dk; kÿ; i Fke eñty ij gh gA bl fy, pñd og viuh i <kbz dfj; j ½ l s oñpr u jga vksj mlga vius foHkx rd i gpus ea dkbz l eL; k ugha gS bl fy, og pkgrk gS nij l økj foHkx] dks yk Hkou /kuckn ea okfi l mlga rðkr fd; k tk, aA

viii. og ; g Hkh dguk pkgrk gS fd døy , d fn0; kæt u dks gh D; ka Hkxruk i Mfæ gS A og 2011 ea dks yk Hkou ea rðkr gqvk vksj rc l s fd l h Hkh 0; fDr dk LFkukarj .k ugha gqvk gA ; gkrd fd Jh rðkj fl og 20 o'kz l s T; knk l s VsyhdKk foHkx] dks yk Hkou ea rðkr

gS ij mudk LFkkurj.k u gkdj , d fn0; kx dk gh LFkkurj.k fd; k x; k A eq; dkj.k ; g gSfd Jh rkkj fl g doy mu ykxka dks inkbufr nus ea l eFku djrs gS tks mudh pEpkfxjh djrs gS A bl fy, l e; ij inkbufr ikr djus ds fy, mlga vius l xBu ea inkbufr ds fu; eka ds ckjs ea tkuus ds fy, vkj VhvkBz ds ek/; e l s vkonu fn; k vksj ; g mudk vf/kdkj Hkh gA if0; kvka dks tkuus ds ckn] Jh rkkj fl g mlga l e; ij inkbufr nus ds fy, ck/; gks tkrs Fks vksj bl l s cpus ds fy, mlgkaus dePKfj; ka dks /kedh ndj vkonuka ij gLrk{kj djus dh , d h xrfof/k; k; dh A vxj dePKfj; ka l s f"kd; r gsrh rks ftl ij Jh rkkj fl g us mul s tcjTLrh gLrk{kj djok; k gS ml i= ij yxk, x, nksk fcydy xyr gS vksj fdl h ek; us ea ; g l kfer ugha dj jgk gSfd og fdl h idkj dh xyr dk; Zdj jgk gA

5- ifronh ds tokc fnukad 30-03-2019 , oa oknh ds fjTokbMj fnukad 15-04-2019 , oa 18-05-2019 ds voykdu mijkar~ekeys ea fnukad 07-08-2019 dks , d 0; fDrxr l ukobz fu/kkZjr dh x; h A

6- oknh us l ukobz ds nksj ku dgk fd mul s fnu ea mi l Fkfr yxokdj jkr dks M; wh yh tkrh gS A mul s dfu'B dePKjh ftudh f"kk{kk Hkh mul s de gS mul s igys inkbufr dj fn; k x; k A mlga LkHkh oxkz ea inkbufr nj l snh xbZ A

7- ifronh us Hkh l ukobz ds nksj ku dgk fd foHkxk/; {k dks oknh ds f[kykQ cgr T; knk f"kd; ra feyrh jgrh gS ftl l s dk; k; y; dk okrkoj.k [kjkc gsrk gA bl ds vykok oknh dk doy , d fdeh dh ifj/kh ea LFkkurj.k fd; k Fkk tgka ij oknh us vktrd dk; Bkkj xg.k ugha fd; k gA rrrk"pkr oknh dks dks yk Hkou ea l ek/kku dlnz ea fu; q; r fd; k x; k tgka ij Hkh mlgkaus 19 Lej.k i= nus ds cktm vktrd dk; Bkkj xg.k ugha fd; k gA ifronh us ; g Hkh vkjksi yxk; k fd oknh l k'sky fefM; k ij vius mPpkf/kdkfj; ka dh cjkBz djrk jgrk gA

8- mDr ekeys ea nksuka i {kka dks l qus ds ckn oknh dks l ykg nh tkrh gSfdog l cl s igys vius u, fu; q; r LFky ij dk; Bkkj xg.k dja rkfd mlga fdl h idkj dh vkfFkZd , oa l ok l Ecl/kh {kfr u gks A ; fn oknh dks vius inkbufr l s l a; /kr dkbZ f"kd; r gS nksj og i Fkd f"kd; r ntZ dj l drs gA

9- ekeys ea fn0; kx tu vf/kdkj vf/kfu; e] 2016 ds fdl h iko/kku dk dkbZ mYyaku irhr ugha gsrk gS rnkud kj ekeys dks ckn fd; k tkrk gS nksuka i {k voxr gksa A

¼ kd@ryk Mh- xkefyu½  
eq; vk; q; r fn0; kx tu

df l 0 9557@1023@2018

fnukad% 28-08-2019

ds ekeys e&&

Jh v: .k fl akoh  
fn U; w bñM; k , " ; kjd dā uh fyfeVM  
114&115] fMfLVfdV "kfi x I BVj  
I jLorh uxj] ckl uh  
tkki g &342005

&oknh

cuke

fn U; w bñM; k , " ; kjd dā uh fyfeVM  
½}kjk %ofj'B eMy i zdkd½  
vHk; pñcl j tkykjh xñ  
tkki g &342001

&ifroknh

I quokbz dh frffk% 07-08-2019

mi fLFkr& Jh v: .k fl akoh&oknh  
Jh euh'k I kuh] I gk; d i zdkd&ifroknh dhs vki I s

vkns'k

Jh v: .k fl akoh] 53 ifr"kr vLFkfn0; kx us "kk[kk i zdkd Jhefr deyk pñku }kjk  
i j's'kku fd, tkus l s l ññ/kr f"kd; r fnukad 14-03-2018fn0; kx tu vf/kdkj vf/kfu; e] 2016 ds  
vrñr bl U; k; ky; eank; j dh A

2- ekeys dks vf/kfu; e dh /kkjk 75 ds vrñr U; k; ky; ds i = fnukad 09-04-2018 }kjk  
ifroknh ds l kfk mBk; k x; k A lk; kñr l e; 0; rhr gkaus ds mijkñr Hkh tc ifroknh dh rjQ l s  
dkbz tokc i kñr ugha gñk rks mudks Lej .k i = fnukad 24-04-2019 Hkh if'kr fd; k x; k A

3- mi egki zdkd] fn U; w bñM; k , " ; kjd dā uh fyfeVM us i = fnukad 24-07-2018 }kjk  
ofj'B eMy i zdkd dks ekeys ea xki uh; fji kñ/ i f'kr dh gñ ftl ea mYys[k gsfed ml gkaus "kk[kk ea  
dk; j r foñkñu de pñfj; ka l s eykdñr dh] i = ks ds ek; e l s c; ku fy,] Jh v: .k fl akoh rFkk  
"kk[kk i Hkkjh Jhefr deyk pñku l s Hkh muds LVVeñ fy, x, A rF; kRed tkudkjh fuEu i zdkj  
l s g&&

Jh v: .k fl akoh i z'kkl fud vf/kdkj hññ ½ ds i ñl ea ekbØks bñktz jgrs gñ tks ifjyñk  
gkfl y Fks os ifjyñk ekbØks dk; kñy; ds "kk[kk dk; kñy; ea vi xñ gkaus ds l kfk i z'kku dk; kñy;  
ds ifji = Øekad ekdñvd vkbz chññ% Mfeñ% pññ2017@705@407 fnukad 12-05-2017 ea  
mfYyf[kr gñ vññ Lor% Li'V gñ rFkk chek ; @Mcyw l zdkh vkjñi tks fd "kk[kk i Hkkjh ij vi us  
f"kd; r i = ea yxk, os vk/kkjghu i k; s x, A bl h Øe ea mudk LFkkñr j .k Hkh Vhi h gc 330500  
ea yhxy foñkñx ea dj fn; k x; k] vr% Hkfo'; ds ifjyñk Hkka l s oñpr jgus ds vkjñi Hkh vk/kkjghu

ik; s x, A Jh v: .k fl ækoh }kjk rch; r [kjk gkus ds dkj .k fnukad 14-03-2018] 15-03-2018 dks esMdy yho ij gkus l ædkh l þuk nusuk crk; k x; k] bl dk dkbz iæk.k i Lrqr ugha fd; k x; k] rFkk 01-04-2018 l s l æQ l fol @, pvkj, e, l fyad ds Cykkad gkus dh otg l s "kk[kk i Hkkjh dks etcj gkdj l h, y Hkjuh i Mh] tcf d Jh fl ækoh fnukad 16-03-018 dks dk; kzy; ea mi fLFkr Fkþ muds }kjk fl LVe ea yho ugha Mkyh x; h] tcf d fu; ekuq kj Nþ/Vh dh l þuk u nus dh NW fl QZ 1 fnu gþ tcf d muds }kjk 14-15-03-2018 dh 2 fnuka dh NþVV; ka yh x; h rFkk os Hkh fnukad 04-05-2018 dks HkukZ Lohdkj fd; k x; k] tcf d os fnukad 16-03-2018 dks dk; kzy; e mi fLFkr Fks o NþVV; ka dks fl LVe ea Hkj l drs Fks vkjki fujk/kkj gA bl h Øe ea fnukad 03-05-2018 dks 1 fnu ds esMdy yho ij jgus o bl l æak ea fQVud fn; s tkus ds o "kk[kk i Hkkjh }kjk u fn; s tkus ds vkjki @iR; kjki ea fQVud dh MþlydV l fvQdV l R; kfir ifr i Lrqr dj fuiVk; k tk l drk Fkk A bafLVxVj l s tkp dkjokbz tk l drh gA "kk[kk i Hkkjh }kjk Jh v: .k fl ækoh dks vkofVr iz'kkl fud dkedkt dks fuiVkus dh l æwk ftEenkjh Jh v: .k fl ækoh th] tks fd , d vf/kdkjh in ij dk; }r gþ dh FkhA Jh fnu s k plnz l gk; d] Jh l g's k tñ; k] l gk; d muds v/khuLFk depkj "kk[kk ea dk; }r gA vuq'kkl ughurk ds l æak ea i Fke prkouh i = esy ds ek/; e l s fnukad 02-05-2018 dks Jh fl ækoh dks mudh dk; kzy; hu esy ij tkjh fd; k x; k Fkk A Jhefr deyk pkþku] "kk[kk i Hkkjh] "kk[kk&330507 }kjk , tã h LFkkukarj .k l ædkh vkjki bl izdkj cd bu bl"kgã o esMDye i ksyfl ; ka dks fcuk "kk[kk i Hkkjh dh Lohdfr ds ; @Mcyw djuk ik; k x; k] mfpr ik; s x, A Jh v: .k fl ækoh }kjk i = }kjk crk; k x; k fd os ofj'B emy izdkd ds vkn's'kkud kj "kk[kk dk; kzy; l s l e; i wZ i LFku djus dks Lora= Fkþ i j r q bl l æak ea muds }kjk dkbz , s vkn's'k dh ifr i Lrqr ugha dh x; h rFkk "kk[kk i Hkkjh dh vuqfr ds fcuk "kk[kk dk; kzy; l s l e; i wZ i LFku vuq'kkl ughurk dh Jskh ea vkrk gSA "kk[kk i Hkkjh }kjk tkfr l pd vkjki ks ds l æak ea Jh fnu s k plnz l gk; d oru Øekad 29733] o Jh l g's k tñ; k] l gk; d] oru Øekad 33430] "kk[kk dk; kzy; 330507 ds LVVevl -fji kV ds l kFk l ayXu fd, gA T.P. CHEQUES ACCEPT, SHORT/EXCESS PREMIUM, PENDING NCBDR; kfn ekeykr l rdzrk , oa vMMV foHkkxka ea fopkj/khu gA

4- ifroknh ds mijkDr tokc dh ifr i = fnukad 08-02-2019 }kjk oknh dks muds fjTokbMj gsrq i f'kr dh x; h A

5- oknh us vius bÿsy fnukad 03-05-2019 }kjk U; k; ky; l s vugj'sk fd; k fd mlga viuk i R; qkj nus ds fy, foHkkx l s dN nLrkost pkfg, Fks tks mlga foHkkx ds tokc ds l kFk i ktr ugha gq gS vkþ u gh l þuk ds vf/kdkj ds rgr foHkkx }kjk inku fd, x, gþ vr% mlga mDr nLrkostka dh ifr; ka mi yC/k djokbz tk, a r kfd og viuk fjTokbMj U; k; ky; dks i Lrqr dj l dA

6- ifroknh ds tokc fnukad 25-07-2018 , oa oknh ds i R; qkj fnukad 03-05-2019 ds voykdu mijkDr ds ekeys ea , d 0; fDrxr l þokbz fu/kkZjr dh x; h A

7- I þokbzl ds nkšku oknh us dgk fd foHkkx ds vf/kdkfj; ka }kjk mlga i R; d dk; kzy; hu ekeys ea ijs'kku fd; k tkrk g\$ vf/kdkfj; ka }kjk mudh fn0; kark dk migkl dj tkfrl pd "kCnka dk iz, kx fd; k tkrk g\$ A muij : i; s 50 yk[k ds xcu dk >Bk vkjki yxk; k x; k g\$ vkš ekeys ea dh x; h tkp fjikl/ Hkh mlkdks mi yC/k ugha djok; h xbz gA

8- i froknh ds i fruf/k us I þokbzl ds nkšku dgk fd rhl js i {k ds : i ea l febr xBr dj , d Fact & Findingfji k/ r\$ kj dh x; h , oa mDr fjikl/ dks ofj 'B eMyh; dk; kzy; dks Hkst us ds mijklr oknh dk Lfkukarj .k fd; k x; k A

9- oknh us I þokbzl ds nkšku , d i = i Lrr fd; k ftl ea mlgkaus mYys[k fd; k g\$fd fnukad 28-02-2014 dks da uh }kjk ekbØks dk; kzy; [kkyk x; k ftl ea fl QZ , d deþkjh dk; Z djrk g\$ mlgkaus dk; kzy; ea fuEu i hfe; e vftir fd; k %&

28-02-2014 I s 3-03-2014	4-83 yk[k
01-04-2014 I s 31-03-2015	66-44 yk[k
01-04-2015 I s 31-03-2016	1-25 yk[k
01-04-2016 I s 31-03-2017	1-43 yk[k
01-04-2017 I s 31-03-2018	1-62 yk[k

, d fn0; kax deþkjh gkaus ds cktm bruk i hfe; e djus ij l e; & l e; ij mPp vf/kdkfj; ka }kjk iz'ka k dh xB A I u- 2015&16 ea muds ekbØks vktQI dks jktLFkku ea VKW 10 ea LFkku feyk] muds }kjk vf/kd i hfe; e fd; s tkus ds dkj .k da uh us mDr ekbØks vktQI dks vi xM dj "kk[kk dk; kzy; ea rCnhd dj fn; k A

fnukad 30-08-2017 dks Jherh deyk pksjku dks "kk[kk izl/kd ds rks ij fu; Dr fd; k A i Fke fnu 30-08-2017 I s "kk[kk izl/kd us mlga ijs'kku djus yxh] bl dkj .k mlgkaus fnukad 02-09-2017 dks vfkkr~pksks fnu vi us mPpkf/kdkfj; ka dks buds ijs'kku djus ds dkj .k Lfkukarj .k grq vkonu dj fn; k A fnukad 30-08-2017 o 31-08-2018 dks mudh i e-h ds vLirky ea Hkhrz gkaus ds cktm mlga vLirky tkus dh vufr ugha nh A bl dkj .k mlga cgr ekuf d ijs'kkuh gpz A fnukad 31-05-2017 dks dk; kzy; ea gkaus ds cktm mudh vk/kh Np/Vh yxk nh x; h A mlgkaus tc I s bl U; k; ky; dks f"kd; r nh] bl vof/k ds nkšku Jherh pksjku }kjk cgr ekuf d : i I s i r k f M r fd; k x; k A muds }kjk eMdy Np/Vh ysus ds cktm blgkaus Lo; a fl LVe ea vkdfLed Mky fn; k rkfd og vkdfLed vodk" k I s ofpr gks tk, A fl LVe ea vodk" k 30 fnu ds Hkhrj deþkjh dks Lo; a ntZ djuk gsrk g\$ 30 fnu ds Hkhrj fl LVe ea deþkjh vodk" k u Mkys rks "kk[kk izl/kd fl LVe ea vodk" k Mkyrk gA ij Urq blgkaus i v k z L r gkaus ds dkj .k vodk" k muds }kjk ntZ djus I s igys blgkaus fl LVe ea mudk vkdfLed vodk" k ntZ dj fn; k A bl nkšku mlgkaus vi us mPpkf/kdkfj; ka dks 0; fDrxr rks ij rFkk Qksu ij buds }kjk i r k f M r fd; s tkus dh f"kd; r djrk jgk A blgkaus muds ijs'kku djus dh fu; r I s dk; kzy; vkns'k }kjk fnukad 09-12-2017 dks , d esy fn; k ftl ea mlga dbz dk; Z fn; s x; A ; g dk; Z l keU; r; k 3 0; fDr; ka ds gksrs gA fnukad 19-02-2018 dks i p % dk; Z fu/klj .k fd; k tkfd , d I s vf/kd 0; fDr ds dk; Z gA

ekpZ 2018 dks blgkaus mudh fn0; kark dks ysdj vi "kCn dgs rc mlgkaus fnukad 16-03-2018 dks Lfkkukarj.k gsrq i q% vkonu fd; k rFkk ml ea mlgkaus Li 'V : i l s mYys[k fd; k fd ; s i n k k Lr gkaus ds dkj.k dN Hkh dk; Bkgh dj l drh gA blgkaus muds Lfkkukarj.k : dokus dk cgr iz Ru fd; k ij bl U; k; ky; ea dd ntZ gkaus ds dkj.k mudk Lfkkukarj.k gks ik; k A Jherh deyk pksjku us muds }kjk fyf[krea l Hkh dk; Bkgh djus ds ckn [kq ds cpko ea i n k k Lr gkdj tkfrl pd "kCnka ds iz kx dk vkjki yxk; k rFkk vl; de p k j ; ka }kjk NqvkNq ds vkjki yxok; A Jh l j s k t f n ; k o Jh f n u s k p l n z i n z es l c & L V k n d ds in ij dk Qh l kyka l s ; k f u y x H k x 15 l ky l s muds l k Fk j g s g s rc mlgkaus d H k h N q v k N q dh f " k d k ; r u g h a dh A v c os l g k ; d D y d z ds in ij g s r F k k v c mudk d k e l c & L V k n d dk u g h a g A v c b u n k s u k a u s J h e r h p k s j k u d s n c k o e a v k d j v k j k i y x k ; s g A J h e r h d e y k p k s j k u d k L f k k u k a r j . k x y k c i j k j k t - 1 / 2 l s t k k i j g y k g A x y k c i j k e a H k h b l g k a u s L V k n d d k s i j s k k u f d ; k F k k o g k a H k h b u d h f " k d k ; r g k s p p h i g A b l l s i n z J h e r h p k s j k u t g k a H k h j g h g s f M l i f V M j g h g A b l d s c k n b l U ; k ; k y ; d s n c k o g k a u s d s d k j . k m u d k L f k k u k a r j . k e M y d k ; k y ; e a d j f n ; k x ; k A m u d k L f k k u k a r j . k g k a u s d s c k n H k h b l g k a u s m u d s f [ k y k Q t k f r l p d " k C n r F k k N q v k N q d s v k j k i y x k u s d s d k j . k , d t k p d e v h x f B r d j o k n h r F k k b l g r q J h v j f o l n e g r k m i i z l / k d d k s f u ; p r f d ; k A J h v j f o l n e g r k b u d s i f j f p r g s b l d k j . k b l g k a u s t k p e a t k f r l p d " k C n k a r F k k N q v k N q d s v k j k i d h t k p g h u g h a d h r F k k v l ; f o ' k ; k a i j t k p d h A o f j ' B e M y i z l / k d u s f n u k a d 25-07-2018 d k s b l U ; k ; k y ; d k s J h v j f o l n e g r k d h t k p f j i k v z i f ' k r d h f t l e a m l g k a u s J h e r h p k s j k u J h l j s k t f n ; k J h f n u s k p l n z d s L V s e b V l a y x u d j u s d k f y [ k g A i j U r q o s L V s e b V l ~ b l U ; k ; k y ; d k s u g h a f n ; s A b l d s c k n m u d k s v k j i j s k k u d j u s d h u h ; r l s n i j h c k j t k p d e v h x f B r d j o k n h A m l g k a u s t c d e v h l s v k j k i i = k a d h i f r e k a c h r k s m l g k a u s n a s l s b a t k j d j f n ; k A m l g k a u s v k j - V h - v k b z d s v l u r x i r v k j k i i = k a d h i f r e k a c h r k m P p k f / k d k f j ; k a } k j k n a s l s e u k d j f n ; k A r c m l g k a u s v k j - V h - v k b z d s v l u r x i r v i h y d h r c H k h t k u d k j h n a s l s e u k d j f n ; k x ; k A m l g a i r k f M r f d ; s t k u s d s d k j . k m l g k a u s L o f P N d l o k f u o f r g r q v k o n u f d ; k j f Q j H k h m l s L o h d k j u g h a f d ; k r k s m l g k a u s j k t L F k k u m P p U ; k ; k y ; e a l o k f u o f r u n a s d s d k j . k d s f d ; k r k s y x H k x 10 & 11 e g h u s d s c k n H k h d a u h u s t o k c u g h a f n ; k A d a u h d s i f j i = d s v u d k j e k b O k s d k ; k y ; d k s " k k [ k k e a v i x M d j u s i j i F k e o ' k z i s / k s y 0 ; ; ] e k c k b z y 0 ; ; : i ; s 4750 i f r e g v F k k i r ~ 55000 o k f ' k z d f n ; s t k ; a s A m l d s c k n v x y s n k s l k y i Q k j e b l d s v k / k j i j ; g v y k m l d f n ; s t k ; a s A i F k e o ' k z ; g v y k m l d d k H k q r k u m l g a d j f n ; k x ; k A J h e r h d e y k p k s j k u u s m l g a ; g d k ; Z u g h a d j u s f n ; k f t l l s m l g a : i ; s 110000 d h g k f u g k s x ; h A J h e r h d e y k p k s j k u u s v i u h i g p p d s d k j . k m l g a c g r i r k f M r f d ; k g s r F k k v c t k p f j i k v z : d o k d j m l g a e k u f l d r u k o e a y k f n ; k g s r F k k m l g a v k " k a d k g s f d t c m u d k Q j o j h 2020 e a l o k f u o f r g l a x h r c ; s m l l e ; H k h 0 ; o / k k u m R i U u d j s x h A

10- nksuka i {kka dks l qus ds mijkUr bl ekeys ea fn0; kaxtu vf/kdkj vf/kfu; e] 2016 ds fdl h i ko/kku dk dkbz mYyaku i rhr ugha gsrk gsrFkk ifroknh }kjk rrrh; i {k }kjk fu'i {k tkp Hkh djok; h x; h g s v r % e k e y s e a v k x s b l U ; k ; k y ; } k j k d k b z d k ; B k g h v i f { k r u g h a g A

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11- ifroknh dks ;g l ykg nh tkrh gS fd fn0; kxtu ds ifr l 0nu"kh y jga , oa ; g  
l quf"pr dja fd dkbz Hkh fn0; kxtu vius l 0skkfud vf/kdkjka l s ofr u jga , oa fdl h izkj  
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12- ifroknh dks vknf"kr fd; k tkrk gS fd ifroknh ds }kj oknh ds l Ecl/k ea dh xbZ l Hkh  
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Jh vatqyrk&ifroknh dh vksj l s

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l cfr f"kd; r fnukad jfgrfn0; kax tu vf/kdkj vf/kfu; e] 2016 ds varxr bl U; k; ky; ea  
nk; j dh A

2- ekeys dks vf/kfu; e dh /kkjk 75 ds varxr U; k; ky; ds i = fnukad 21-12-2018 }kj k  
ifroknh ds l kfk mBk; k x; k A lk; kr l e; 0; rhr gkus ds mijkr Hkhtc ifroknh dh rjQ l s  
dkbz tokc ikr ugha gqk rks mudks Lej.k i = fnukad 24-04-2019 Hkh if'kr fd; k x; k A

3- pfd Lej.k i = Hkstud ds cktm ifroknh dh rjQ l s dkbz tokc ikr ugha gkus ds  
ennatj ekeys eafnukad 17-06-2019 dks 0; fDrxr l ukobz fu/kkZjr dh x; h A

4- I ukobz ds nks ku oknh us mYyf[kr fd; k fd mlga foHkxh; inkdufr ijh{kk ea vkj{k.k dk  
yHk inku ugha fd; k x; k tcf d foKki u ea vkj{k.k dk i ko/kku of. kr Fkk A

5- ifroknh ds ifrfuf/k; ka us U; k; ky; dks crk; k fd foHkxh; inkdufr ijh{kk ea vkj{k.k dk  
dkbz i ko/kku ugha Fkk vksj u gh oknh us mDr ijh{kk mRrh.kZ dh gA

6- mijkr dks l pus ds ckn i Fke n"V; k i rhr gsrk gS fd ekeys ea fn0; kax tu vf/kdkj  
vf/kfu; e] 2016 ds fd l h i ko/kku dk dkbz mYyaku ugha gS vksj u gh oknh ds l kfk mudh

fn0; kærk ds vk/kkj ij dkbZ HksnHkko fd; k x; k gA bl U; k; ky; }kjk ekeys ea vixs dk; bkgb  
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7- vr%ekeys dks ; gha cln fd; k tkrk gA rnkud kj nksuka i {k voxr gkda A

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Cash No. 8627/1083/2017

Dated: 28.08.2019

In the matter of:

Shri Chander Mohan  
E-3/73, Paradise Apartment  
Sector-18, Rohini, Delhi-110089

Complainant

Versus

Ansal Properties and Infrastructure Ltd.  
(through: the Chief Executive Officer)  
Head Office  
115, Ansal Bhawan  
16 KG Marg, New Delhi

Respondent

Date of Hearing : 14/08/2019

Present: Sh. Chander Mohan - Complainant  
Sh. S. Kashyap, Adv. - on behalf of Respondent

O R D E R

The above named complainant filed a complaint dated 04.12.2017 under the Rights of Persons with Disabilities Act, 2016 in this Court regarding denial to give possession of his plot/land (Unit No. 0501-0-c/9/0006, Ansal's Sushant Golf City, Lucknow by the Ansal Properties and Infrastructure Ltd., New Delhi.

2. The matter was taken up with the Respondent vide letter dated 04.12.2017 under Section 75 of the RPwD Act, 2016.

3. No reply received from the Respondent so far, therefore, the case was listed for personal hearing on 14.08.2019.

4. Sh. Chander Mohan, Complainant during the hearing has submitted that since 13 years he has not been given possession of his plot/land by the respondent company despite deposited the requisite amount of money.

5. The Counsel of Respondent has submitted during the hearing that there was dispute with Lucknow Authority in the matter and now it is resolved, therefore they assured the Court to give possession of the plot to Complainant within a year or Complainant may take back the full amount alongwith the reasonable interest.

6. Consequently the Complainant has expressed his personal views that he wants to get the possession of his plot. Accordingly Court directed the respondent to give possession of the plot to Complainant as soon as possible and inform the Court.

7. The Case is accordingly disposed off.

(Shakuntala D. Gamlin)  
Chief Commissioner  
for Persons with Disabilities

Case No. 10736/1024/2018

Dated: 14.08.2019

In the matter of:

Smt. Minati Boxi  
Jharboni, Fatesingpur  
Garhbeta, Paschim Medinipur  
West Bengal-721121

Complainant

Versus

South Eastern Railway  
(through: the Divisional Railway Manager)  
Kharagpur Division, West Bengal

Respondent No. 01

South Eastern Railway  
(through: the Sr. DPO)  
Kharagpur Division, West Bengal

Respondent No. 02

Date of Hearing : 29/07/2019

Present: Smt. Minati Boxi – Complainant  
Sh. Vidur Sikka, Advocate – on behalf of Respondent

ORDER

The above named complainant submitted a complaint dated nil in this Court regarding TA, MACP, Pension and Tax deduction under the Rights of Persons with Disabilities Act, 2016.

2. The matter was taken up with the Respondent vide letter dated 10.01.2019 under Section 75 of the Act.

3. In response to above letter, Sr. Divl. Personnel Officer, South Eastern Railway, Office of the DRM(P)/KGP vide letter No. SER/P-KGP/PB/1/1/DPO/Bill/Minati Boxi dated 20.02.2019 submitted as under:-

- i. As sought by Smt. Minati Boxi, Ex. OS, Personnel Department regarding non receipt of double transport allowance according to Estt.Sr/41/2014 RBE No. 28/2014 dated 04.04.2014. Deaf employee are eligible for drawal of double transport allowance with immediate effect, subject to the condition that the Head of ENT Department of a Railway recommended for the same. Accordingly Smt. Boxi was sent to CMS/KGP for recommendation of the ENT Department of Railway while in service but Smt. Boxi was not reported to CMS/KGP for her examination & certification. As such double transport allowance was not drawn in favour of Smt. Boxi.

- ii. Regarding grant of MACP to the applicant, it is stated that the grant of MACP to an individual employee is not automatic, rather it is subject to fulfilling certain criteria. Since the APAR and other criteria of Smt. Boxi was not upto the mark, therefore MACP Committee had not granted MACP to her.
  - iii. Pension fixation has been done as per existing rules. If the applicant has any doubt regard fixation of Pension, she may submit her appeal for such fixation with relevant rules and examples and in the event of on any error being noticed from establishment side, it should be rectified immediately.
  - iv. Regarding excess recovery towards Income Tax, the applicant may claim refund before Income Tax Department by submitting Income Tax Return and other documents as required by the Income Tax Department.
  - v. Regarding excess recovery of P/Tax of Rs. 260/- she may submit her claim before concerned Department of the State Government. In case of such application/Claim if any, the Railway Administration will forward the same to concerned Department of the State Government.
4. Smt. Minati Boxi, Complainant, vide her rejoinder dated 01.03.2019 stated that when Mrs. Boxi was not given double Transport Allowance, she made an application to Sr. DPO, which was not accepted by the office, as it was ot submitted through proper channel.
- She further submitted that her plea was continuously rejected by the Principal by denying her certificate of disability on which basis, she got the job under disability quota.
- So far as attending the CMS for medical check up for approval of double Transport Allowance, she denied having received any such notice.
- She further stated in her rejoinder that she was given Show Cause Notice by the Principal without any fault of her.
5. Upon considering Respondent's reply dated 20.02.2019 and Complainant's rejoinder dated 01.03.2019, a personal hearing was scheduled on 29.07.2019.
6. During the hearing the Complainant's husband has reiterated the issues raised in original complaint as well as in rejoinder.
7. The Counsel of Respondent during the hearing has also reiterated the reply filed by Respondent vide letter dated 20.02.2019 in this Court.

8. After hearing both parties, it is directed that the Complainant may approach the Railway Administration with all relevant documents. Subsequently the Respondent may give convenient date and time to her for medical examination and certification. Other issues may also be looked into as per extant rules.
9. Action Taken Report may be submitted to this Court within 45 days from the receipt of this Order.
10. The case is accordingly disposed of.

(Shakuntala D. Gamlin)  
Chief Commissioner  
for Persons with Disabilities

Cash No. 9976/1024/2018

Dated: 07.08.2019

In the matter of:

Shri Hemanta Kumar Deb  
O/o the ED(IT) NEEPCO Ltd.  
Brookand Compound  
Lower New Colony, Shillong-793003  
Meghalaya

Complainant

Versus

The Comptroller & Auditor General of India  
Pocket -9, Deen Dayal Upadhaya Marg  
New Delhi-110124

Date of Hearing : 29/07/2019

Present: Sh. Hemanta Kumar Deb – Complainant  
Sh. Kajal Kanti Dhar – on behalf of Complainant  
Advocate Ms. Priya Barua, CAG – on behalf of Respondent

ORDER

The above named complainant submitted a complaint dated 21.06.2018 in this Court regarding denial of Family Pension to his elder brother, a person with 50% Mental Retardation under the Rights of Persons with Disabilities Act, 2016.

2. The matter was taken up with the Respondent vide letter dated 31.07.2018 under Section 75 of the Act.

3. In response, Senior Administrative Officer, O/o the Comptroller & Auditor General of India vide letter No. 959&LVkQ gd&2@03&2017@ th, pvkb dated 05.09.2018 informed that in the Indian Audit & Accounts Department, the cadres are localized and the cadre control is with the Accountants General of the respective States. The case regarding denial of family pension of Shri Harish Chandra Dey s/o late Haripada Dey, Sr. A.O.(Retd.) pertains to O/o Accountant General(A&E), Assam, as all related documents are available with that office, the case history alongwith the reasons for denial of family pension has been called for. Necessary action taken will be intimated to the Court by 31.10.2018.

4. Asstt. Comptroller & Auditor General(N), O/o the Comptroller & Auditor General of India vide letter No. 04&LVkQ gd&2@03&2017@ th, pvkb dated 10.01.2019 stated that Shri Haripada Dey has mentioned Smt. Nandita Dey as his wife in the office records and name of Smt. Chhaya Dey as 1<sup>st</sup> wife does not exist anywhere in office records. Merely on the basis of representation of Shri Hemant

Kumar Deb, it cannot be ascertained that Smt. Chhaya Dey was the 1<sup>st</sup> wife of Shiri Haripada Dey. As per sub-rule(8), family pension shall not be payable to more than one member of the family at the same time except as provided in sub-rule(7). If deceased Government servant or pensioner leaves behind a widow or widower, the family pension shall become payable to widow/widower, failing which to the eligible child.

5. Sh. Hemanta Kumar Deb, Complainant in his rejoinder dated 21.03.2019 submitted as under:-

- i. The point for consideration in the case is admissibility of payment of the share of Family Pension to the mentally retarded son of deceased pensioner from his first wife Smt. Chaya Dey who died on 12.03.1984 in addition to the surviving widow Smt. Nandita Dey who was married to the Pensioner after the death of his first wife. The claim for the Family Pension to the said son in the given situation is squarely covered by Rule 54(7)(b) of CCS(Pension) Rules, 1972. As regards the duration of the Family Pension payable to him the Provision (i) below Rule 54(6) is the sole guiding factor. The Respondent omitted to examine and discuss the above Rules. Instead, they cite Rule 54(8) to create a wrong impression that the Family Pension shall not be payable to more than one member of the family and further tagged it with Rule 54(8)(ii) to emphasize that after the widow, the Family Pension will be payable to eligible child while doing so, the Respondent Authority conveniently ignored that fact that the Rule 54(8)(i) begin with the words "Except as provided in sub-rule(7)". Therefore, Rule 54(8) do not over-ride Rule 54(7) rather confirms the sub-rle 54(7) which provides for more than one Family Pension in the given situation. It becomes abundantly clear that the Respondent Authority erred in application of appropriate rules in the instant case.
- ii. It is an accepted normal and routine practice to point out any omission/mistake occurring in any order to the disadvantage of a person contrary to rules. It is indeed the duty of the affected person to point out the mistake through a representation for remedial action. The officer making the order or the authority, to which it is subordinate, is expected to consider the points raised and re-examine the case in the light of the materials furnished and arguments advanced. It is incumbent on that authority to pass order rectifying the mistake or to pass a reasoned and self-explanatory order containing the reason why the request make cannot be accepted even after considering the materials contained in the representation. This is the indispensable part of the grievance redressal mechanism. Even the Hon'ble Tribunal and Court of Law refuse to admit a case until the departmental remedy stands exhausted. Contrary to above, the Respondent Authority, in the present case seems to trivialize the Representation/Petition as reflected by the words "Merely on the basis of representation of

Shri Hemanta Kumar Deb, it cannot be ascertained that Smt. Chhaya Dey was the 1<sup>st</sup> wife of Shri Haripada Dey". It amounts to summary dismissal of the claim without taking pain to discuss the points to justify the conclusion.

- iii. The Respondent Authority has asserted that the name of Smt. Chhaya Dey does not exist anywhere in office records but does not specify the records consulted and relied upon. The said Smt. Chhaya Dey lived as the legally married wife of Lt. Haripada Dey and mother of his two sons from their marriage in 1971 till her death on 12<sup>th</sup> March 1984 while undergoing indoor treatment at CMC Vellore. In the Death Certificate No. 57 issued by the Death Register of Shillong Municipality on 15.06.1984. It is clearly mentioned that Sri Haripada Dey is the husband of Smt. Chhaya Dey. After the death of Smt. Chhaya Dey, the deceased Pensioner entered into his second marriage with Smt. Nandita Dey on 06<sup>th</sup> February 1985 and a daughter named Tuli Dey was born on 17.10.1987. At the time of his death the deceased Pensioner left behind the surviving widow, 2(two) sons from his first wife and a daughter from the second marriage.
- iv. The above incidents in chronological order of 1<sup>st</sup> marriage with Smt. Chhaya Dey, birth of Two sons, death of 1<sup>st</sup> wife in 1984, second marriage with Smt. Nandita Dey in 1985 and birth of a daughter, all happening during the period from 1971 to 1987 while Shri Haripada Dey was still in service. Since these are important incident occurring in the personnel life of an employee having impact on perquisite, benefits, concession and terminal benefits. These happenings cannot remain unreported and essentially recorded in Service Book based on which medical claims, LTC CEA etc. have been settled at the relevant time.
- v. Service Book is the most authentic official document of an employee which invariably contains records of all important events occurring during the service life which affect salary, all allowances, perks and perquisite, facility, benefit, concession and terminal benefits. A bare perusal of the Service Book shall elicit among other things the family status evolving from time to time. The Pension Sanctioning Authority(PSA) had a duty to examine the Service Book to find out the eligible family members before sanctioning the Family Pension. It was utterly wrong to sanction the Family Pension singularly to the widow ignoring the right of the mentally retarded son of the deceased pensioner from his first wife who had died on 12.03.1984.
- vi. The impugned PPO No. 70703-02-0012-6 vide letter no. PAO/GHY/PEN/Audit/84/47/2015-16 dated 17.11.2015 issued by PAO, Office of the AG(A&E) Assam, Guwahati-29 contains the name of Shri Harish Chandra Dey as the elder son of Lt. Haripada Dey and it is also admitted that Shri Harish Chandra Dey is mentally retarded from birth and unable to earn his livelihood. According to the said authority Shri Harish Chandra Dey shall be paid lifelong Family Pension

after the present pensioner ceased to be eligible. That makes it amply clear that Shri Harish Chandra Dey is being treated as the son of Lt. Haripada Dey and the surviving window. This is factually wrong because he is actually the son of Lt. Haripada Dey and his first wife Lt. Chhaya Dey who died on 12.03.1984. The wrong equation draw by the PSA has resulted in denial of the share of Family Pension, which is 50% in the present case, in violation of Rule 54(b).

vii. The small point of dispute/disagreement could be easily sorted out if the entries in the Service Book during the relevant period from 1971 to 1987 was examined and taken care of. The Petitioner has been making repeated requests to examine the entries in the Service Book but the PSA has remained silent on the point and instead referring to some unspecific records. It is not unusual that records created post 1987 may not have trace of Lt. Chhaya Dey as she had left the world by that time. It defy the norm and logic to ignore the relevant entry in the Service Book and look for unrelated and unspecific records to decline the mentally retarded son from his due share of Family Pension.

6. Upon considering Respondent's letter dated 10.01.2019 and Complainant's rejoinder dated 21.03.2019, a personal Hearing was scheduled in the matter on 29.07.2019.

7. The Complainant during the hearing has prayed that 50% Pension should be granted to his elder brother Sh. Harish Chandra Dey, the Mentally Retarded elder son of deceased pensioner Late Shri Haripada Dey from his 1<sup>st</sup> wife Smt. Chhaya Dey as admissible under rule 54(7) and 54(6) of CCS Pension Rule.

8. During the hearing Counsel of Respondent has stated that there is no mention of the name of Smt. Chhaya as wife of Government Servent/Pensioner and relevant documents have also not been produced by the Complainant in this regard.

9. After hearing the matter, it is advised to the Complainant that as per Respondent's requirement he may submit all the relevant documents and after that the Respondent shall grant 50% share of Family Pension to Sh. Harish Chandra Dey as per extant rules.

10. The case is accordingly disposed of.

(Shakuntala D. Gamlin)  
Chief Commissioner  
for Persons with Disabilities.

Case No. 8830/1014/2017

Dated: 22.08.2019

In the matter of:-

Dr. Nitesh Kumar Tripathi

Complainant

H.No. B – 241, B Block

Sant Nagar Burari, Delhi – 110084

<niteshtripathi85@gmail.com>

Versus

Indian Institute of Technology, Roorkee

Through the Director

Respondent

Roorkee-Haridwar Highway, Taluk Haridwar

Dist. – Dehradun, Roorkee, Uttarakhand – 247667

Date of Hearing: 02.08.2019

Present:

1. Complainant - absent
2. Shri Lokesh Verma, Assistant Registrar and Shri N.K. Verma, Project Officer (Admn) on behalf of respondent

### ORDER

The above named complainant Dr. Nitesh Kumar Tripathi, a person with 65% locomotor disability filed an e-mail dated 02.10.2017 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the RPwD Act, 2016 regarding non implementation of provisions of Rights of Persons with Disabilities Act, 2016 by Indian Institute of Technology, Roorkee;

2. The complainant in his complaint has inter-alia submitted that there was a single one vacancy of General Duty Medical Officer reserved for PwD category in IIT, Roorkee and he was only one applicant with disabilities who appeared in the Interview on 26.08.2017 but he did not get selected by IIT, Roorkee despite his satisfactory performance in the interview. He requested for disabled friendly venue during examination and interview but all went in vain; he has more than 04 years of experience in service. He further submitted that he has not been given a fair chance so respondent be directed to hold computer based test (CBT) in the future as only interview is not a fair way to recruit. He further submitted that his TA bill for attending has not been reimbursed.

3. The matter was taken up with the respondent vide letter dated 13.12.2017 under Section 59 of the RPwD Act, 2016.

4. In response, Registrar, Indian Institute of Technology, Roorkee vide letter dated 09.01.2018 has inter-alia submitted that Dr. Nitesh Kumar Tripathi applied for the position of General Duty Medical Officer against the said advertisement and only online applications were invited by the Institute. However, Dr. Tripathi submitted his offline application and the same was accepted by the Institute being only single application for PD category. The selections were made through an Interview by the duly approved Selection Committee under the Chairmanship of the Director of the Institute including two Board nominees from the Government Hospital and others. The Chief Medical Officer of the Institute Hospital was also a member of the Selection Committee who takes care of the disabled persons. The Selection Committee did not adjudge him a suitable candidate for the post of General Duty Medical Officer in the PD category and the post has been re-advertised vide notification dated 10.11.2017. Respondent further submitted that on the request of Dr. Tripathi on the day of Interview disabled friendly accommodation had been provided to him in the Khosla International House of the Institute. The Institute does not provide rent free accommodation to the candidates. Accordingly, it was clearly mentioned in the interview call letter. Regarding the reimbursement of T.A. Bill, Dr. Tripathi performed his journey by private taxi and submitted the TA claim bill for Rs. 46,350.00. He claimed Taxi charges @ Rs. 17/- per km. + GST + 4 night halt + parking + taxes etc. Since the journey had been performed by private taxi, the issue was placed before the Director for approval. As approved, by the Director, the reimbursement of taxi fare was made as per approved rate of AC taxi in the Institute i.e. Rs. 9.94 per km for 2210 kms. Further, claim on account of GST+Toll+Parking was reimbursed to him after internal audit.

5. Complainant vide rejoinder dated 03.02.2018 has inter-alia submitted that respondent must update the identified posts for PwD as there is very poor representation of PwDs, as per the statistics available.

6. After considering the respondent's letter dated 09.01.2018 and complainant's e-mail dated 03.02.2019, it was decided to hold a personal hearing in the matter; therefore, the case was listed for personal hearing on 02.08.2019.

7. During personal hearing complainant was absent and representative of the respondents reiterated their written submission and informed that the Institute always encourages appointment of differently abled persons and has provided necessary infrastructural support such as ramps, railing, lifts etc to differently abled staff/students/candidates/visitors in the Institute campus for their easy access and barrier free movement. Separate toilet accessible for PwD candidates with connected ramps and railing are also available in the administrative block. The Institute follows all procedure and norms for effecting reservations for Persons with Disabilities.

8. In the light of the above and material available on record, reply of the respondent found satisfactory.

9. The Case is accordingly disposed of.

(Shakuntala D. Gamlin)  
Chief Commissioner for  
Persons with Disabilities

Case No: 8225/1011/2017

Dated: 22.08.2019

In the matter of:-

Shri Pratik Hanmant Nikam  
C5, Premraj Residency  
Anand Nagar, Old Sangvi  
Pune, Maharashtra – 411027

Complainant

Versus

Employees Provident Fund Organization  
Through the Regional P.F. Commissioner – II  
Ministry of Labour & Employment  
Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place  
New Delhi – 110066

Respondent

Date of Hearing: 02.08.2019

Present:

1. Complainant - absent
2. Shri Sanjay Bisht, RPFC-I, Shri S.C. Sharma & Shri Uma Kant on behalf of respondent

### ORDER

The above named complainant Shri Pratik Hanmant Nikam filed a complaint under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the RPwD Act, 2016 regarding not reserving vacancies for Blind/Low vision in recruitment of Assistant Provident Fund Commissioner;

2. The complainant in his complaint inter-alia submitted that he was not allowed to apply for the post of Enforcement Officer/Accounts Officer in EPFO as he is a visually impaired person. He further submitted that as per CCPD order in Case No. 4904/1011/2015 dated 04.10.2016, EPFO was directed to identify and reserve the post of Assistant Provident Fund Commissioner for Low vision in future examination.

3. The matter was taken up with the respondent vide letter dated 30.10.2017 under Section 75 of the RPwD Act, 2016.

4. In response, Regional P.F. Commissioner-I (HRM), EPFO, New Delhi vide letter dated 30.05.2018 has submitted that Shri Pratik Hanmant Nikam has also raised the same issues in his earlier complaint with CCPD Office in Case No. 4904/1011/2015 dated 04.10.2016 and EPFO was directed to identify and reserve the post of Assistant Provident Fund Commissioner for Low Vision. The complainant has sought similar directions from the Court of Chief Commissioner for Persons with Disabilities for the post of Enforcement Officer/Accounts Officer. He further submitted that Shri Pratik Hanmant Nikam has earlier raised the point for allowing Low vision Candidates for appointment to the post of Assistant Provident Fund Commissioner under direct recruitment quota. As per the extant provision, in accordance with circular letter No. HRM-VII/59 (4)2011/MTA Vol. III/12002 dated 15.09.2011, categories of disabled meant for the post of Assistant Provident Fund Commissioner is OL (One Leg), BL (Both Legs), OA (One Arm), HH (Hearing Handicapped). Hence, the post of Assistant Provident Fund Commissioner is not suitable for Low Vision/Blind candidates. On the similar ground the post of Enforcement Officer/Accounts Officer is not suitable for low vision/Blind candidates as per the extant provisions. They further added that as per the directions, the matter of identification of the posts and suitability of Physical requirement for various posts including APFC and EO/AO in EPFO is under review in accordance with Ministry of Social Justice and Empowerment Notification dated 27.07.2013 and as per the Orders of Chief Commissioner for Persons with Disabilities. On completion of the process, the stand taken by EPFO will be intimated separately.

5. Complainant in his rejoinder dated 07.09.2018 has inter-alia submitted that respondent is reluctant to accept the order of CCPD in Case No. 4904/1011/2015 and the nature of duties of APFC and Enforcement Officer/Accounts Officer are exactly similar and identified as is evident in advertisement issued by UPSC for recruitment of Enforcement Officer/Accounts Officer.

6. After considering the respondent's letter dated 30.05.2019 and complainant's e-mail dated 07.09.2019, it was decided to hold a personal hearing in the matter therefore, the case was listed for personal hearing on 02.08.2019.

7. On the date of hearing, complainant was absent and representatives of the respondent reiterated with their written submission. After perusal of the material available on record, response of the respondent is found satisfactory.

9. Case is disposed off accordingly.

(Shakuntala D. Gamlin)  
Chief Commissioner for  
Persons with Disabilities

Case No. 8824/1014/2017

Dated: 22.08.2019

In the matter of:-

Dr. Nitesh Kumar Tripathi  
H.No. B – 241, B Block  
Sant Nagar Burari, Delhi – 110084

Complainant

<niteshtripathi85@gmail.com>

Versus

Union Public Service Commission  
Through the Secretary  
Dholpur House, Shahjahan Road  
New Delhi – 110003

Respondent

Date of Hearing: 02.08.2019

Present:

1. Complainant - absent
2. Shri T.K. Das, Under Secretary & Shri Ranjit Singh, ASO on behalf of respondent

### ORDER

The above named complainant Dr. Nitesh Kumar Tripathi filed an e-mail dated 30.09.2017 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the RPwD Act, 2016 regarding removal of name from the eligible candidates list for Interview of CMSE 2017;

2. The complainant in his complaint has inter-alia submitted that he appeared in UPSC, CMSE Examination 2017 under category of PwD and was declared successful in the Computer Based Test (CBT) and he filled and submitted DAF successfully online as per instructions mentioned in the list of successful candidates for interview. He further submitted that interview schedule had been published and his roll number was not in the list while he had filled up DAF successfully and cleared CBT.

3. The matter was taken up with the respondent vide letter dated 17.01.2018 under Section 59 of the RPwD Act, 2016.

4. In response, Under Secretary, UPSC vide letter dated 15.02.2018 had informed that Dr. Nitesh Kumar Tripathi had already been allowed to appear in Personality Test for the said examination.
5. Complainant vide rejoinder dated 19.05.2018 has inter-alia submitted that respondent had not answered as per the grievances raised in the case; and respondent must strictly follow the provisions of RPwD Act, 2016 in true spirit. He had requested to hold a personal hearing in the matter.
6. After considering the respondent's letter dated 15.02.2018 and complainant's e-mail dated 19.05.2018, it was decided to hold a personal hearing in the matter. Therefore, the case was listed for hearing on 02.08.2019.
7. During the personal hearing complainant was absent and representatives of the respondent informed that Dr. Nitesh Kumar Tripathi had also filed similar case before the Hon'ble High Court and the said Writ Petition was transferred to Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi. They further submitted that Hon'ble Central Administrative Tribunal, New Delhi vide its order dated 12.12.2017 had directed UPSC to issue admit card to the applicant for participation in the interview, accordingly, he had been allowed.
8. In the light of the above and material evidence available on record, reply of the respondent has been found satisfactory.
9. The Case is accordingly disposed of.

(Shakuntala D. Gamlin)  
Chief Commissioner for  
Persons with Disabilities

Case No: 9494/1014/2018

Dated: 22.08.2019

In the matter of:-

Ms. Basanti Panda

<bpandasocialactivist@gmail.com>

Complainant

Versus

Kendriya Vidyalaya Sangathan

(Through the Commissioner)

18, Institutional Area, Shaheed Jeet Singh Marg

New Delhi – 110016

Respondent

Date of Hearing: 16.08.2019

Present:

1. Complainant - absent
2. Smt. V. Vijaya Lakshmi, Joint Commissioner (Admin) & Shri J.S. Bisht, ASO  
on behalf of respondent

### ORDER

The above named complainant Ms. Basanti Panda filed a complaint dated 11.02.2018 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the RPwD Act, 2016 regarding relaxation upto 5% in the qualifying marks in the minimum qualifying examination for PGT Exam in Kendriya Vidyalaya Sangathan (KVS).

2. The complainant in her complaint submitted that KVS is not providing relaxation in minimum qualifying marks for reserved categories in PGT Exam but there is relaxation of 5% marks in TGT Exam, CTET Exam, UGC, NET, CSIR, JAM.

3. The matter has been taken up with the respondent vide letter dated 16.05.2018 under Section 75 of the RPwD Act, 2016.

4. In response, Joint Commissioner (Admn.), KVS vide letter dated 08.06.2018 has inter-alia submitted that Kendriya Vidyalaya Sangathan is an Autonomous body and has its own Recruitment Rules duly approved by the Board of Governors of KVS which is an executive body of KVS. As per recruitment rules of PGT in KVS, candidates should have master degree from recognized University with at least 50% marks in aggregate in the concerned subject. Further KVS gives 5% relaxation in the CTET marks which is teacher eligibility test, conducted by CBSE to the candidates belonging to OBC/SC/ST/PH for the post of TGT and PRT only. UGC, NET, CSIR & JAM conduct the eligibility test for Lecturer/Fellowship etc while KVS conducted the written examination for appointment of teachers in KVS. However, KVS gives the relaxation to the candidates pertaining to OBC/SC/ST/PH category in the age relaxation and cut off marks at the time of interview.

5. Complainant in her rejoinder dated 16.09.2018 has submitted that in the official website of the KVS, the required percentage of minimum qualifying marks for the post of Assistant Commissioner and Principal is 45%. But for the post of PGT in KVS, the percentage of minimum qualifying marks for all categories is 50% as per old Rules and no relaxation of 5% has been considered by KVS to the candidates of reserved categories such as PwD (Divyangjan), SC, ST etc which is a great injustice to the PGT candidates. She further submitted that KVS gives 5% relaxation to TGT and PRT candidates only. Old Rules framed by KVS of not giving 5% relaxation for the post of PGT (in case of Divyangjan, SC, ST etc) seems to be illegal.

6. After considering the respondent letter dated 08.06.2019 and complainant's rejoinder dated 16.09.2018, it was decided to hold a personal hearing in the matter on 14.08.2019.

7. During personal hearing complainant was absent and representative of the respondent reiterated his written submission and informed that KVS is not providing relaxation to SC/ST/PH category candidates in educational qualification. However, PH candidate has been given relaxation in cut off marks before the interview and also in selection.

8. In the light of the above and material available on record, reply of the respondent found satisfactory.

9. The case is accordingly disposed of.

(Shakuntala D. Gamlin)  
Chief Commissioner for  
Persons with Disabilities

Case No: 8196/1011/2017

Dated: 22.08.2019

In the matter of:-

Shri Sushil Kumar

Complainant

A – 2/703, Samarth Enclave, VIP Road  
Near GAIL Colony, Vesu, Surat – 395007 (Gujrat)

Versus

Chennai Petroleum Corporation Ltd

Through the Company Secretary

Respondent

No. 536, Anna Salai, Teynampet, Chennai – 600018

Date of Hearing: 02.08.2019

Present:

1. Complainant - absent
2. Shri Devaraj Harish, Law Officer and Shri B. Pradeep, Sr. Manager (HR) on behalf of respondent

### ORDER

The above named complainant Shri Sushil Kumar filed a complaint under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the RPwD Act, 2016 regarding non implementation of Rights of Persons with Disabilities Act, 2016;

2. The complainant in his complaint has submitted that the advertisement 2017 published by the Chennai Petroleum Corporation Ltd Chennai is not taking any cognizance of the Rights of Persons with Disabilities Act, 2016 while it has been enacted by Govt. of India on 19.04.2017.

3. The matter was taken up with the respondent vide letter dated 16.11.2017 under Section 75 of the RPwD Act, 2016.

4. In response, General Manager (HR & Legal), Chennai Petroleum Corporation Ltd, Chennai vide letter dated 07.12.2017 has inter-alia submitted that they are maintaining separate 100 point Reservation Roster since 1996 and earmarking the posts reserved for PwDs in case of Direct recruitment to Group 'A', 'B', 'C' & 'D' as required under para 15 of the OM dated 29.12.2005. Further, they are also clearly specifying in all their employment notifications, the posts which are not reserved but are identified suitable for the category of the Persons with Disabilities who are eligible to apply for such posts; and, they are earmarking the posts for Pwds from the list of identified suitable posts published by MSJ&E vide Notification No. 16 – 15/2010 – DD III dated 29.07.2013.

5. Complainant in his rejoinder dated 03.06.2018 has inter-alia submitted that statement submitted by M/s Chennai Petroleum Corporation Ltd (CPCL) is not tenable as none of the disabilities which have been listed in RPwD Act, 2016 have been considered in their advertisement; and entire recruitment process initiated by M/s CPCL for Persons with Disabilities has been totally in contravention of the RPwD Act, 2016 that requires directions in the matter for implementation of RPwD Act, 2016 by declaring the outcome of the said recruitment illegal in the matter of PwDs.

6. After considering the respondent's letter dated 07.12.2017 and complainant's letter dated 03.06.2018, it was decided to hold a personal hearing in the matter; therefore, the case had been listed for personal hearing on 02.08.2019.

7. On the date of hearing on 02.08.2019 complainant has absented from appearing and representatives of the respondent reiterated their written submissions.

8. In the light of the above, the case is disposed of with direction to the respondent to provide reservation to persons with disabilities in future as per provisions under section 34 of Rights of Persons with Disabilities Act, 2016. The Court also directed the respondent to calculate the backlog reserved vacancies as per DOP&T's instructions in all Groups and maintain reservation roster for persons with disabilities according to the DOP&T's instructions.

9. The Case is accordingly disposed of.

(Shakuntala D. Gamlin)  
Chief Commissioner for  
Persons with Disabilities

In the matter of:-

Ms. Anupam  
D/o Shri Ramesh Chand  
R/o H.No. 37/9, Bhagwahan Mohalla  
Mandi Town, District Mandi, Himachal Pradesh  
<anupam81289@gmail.com>

Complainant

Versus

Kendriya Vidyalaya Sangathan  
Through the Commissioner  
18, Institutional Area, Shaheed Jeet Singh Marg  
New Delhi – 110016

Respondent

Date of Hearing: 14.08.2019

Present:

1. Shri Kamlesh Kumar Maurya, Advocate on behalf of complainant
2. Shri V. Vijaya Lakshmi, Joint Commissioner (Admn) on behalf of respondent

### ORDER

The complainant Ms. Anupam, a person with 40% visually impaired person filed a complaint dated 27.07.2018 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the RPwD Act, 2016 regarding non-receipt of interview letter for the post of TGT (English).

2. Complainant in his complaint inter-alia submitted that she had applied online for the post of TGT (English) in KVS under Gen. (VH) category and got admit card and appeared in written test on 17.12.2017. Thereafter, she continuously checked the KVS website to know the result of written test but after the lapse of more than six months neither she found the result nor got the date of interview. She further submitted that on 10<sup>th</sup> July, 2018, she came to know that the result of test has been declared, then immediately she opened the KVS website and surprised to see her name appeared at Sr. No. 541; she obtained 83 marks out of 150; she immediately sent a representation dated 13.07.2018 to the Commissioner, KVS through e-mail regarding non receipt of any SMS or E-mail or by post information for interview and consider her candidature for interview as a special case but no response had been received, so far.

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3. The matter has been taken up with the respondent vide letter dated 30.10.2018 under Section 75 of the RPwD Act, 2016.

4. In response, Joint Commissioner (Admn.), KVS vide letter dated 25.11.2018 has submitted that Kendriya Vidyalaya Sangathan issued short advertisement No. 12 in the prominent newspapers PAN India on 30.09.2017 and detailed advertisement was uploaded on the website of KVS on 27.09.2017 for information of the candidates. In detailed advertisement, under column (g) it has been clearly mentioned that based on the performance in written examination and also keeping in view the number of vacancies the candidates are called for interview and intimation to this effect are uploaded on the KVS website. Candidates are required to check the KVS website from time to time. Vide notice dated 05.03.2018, the list of candidates shortlisted for interview, venue, date of interview and cut off marks of shortlisted candidates are uploaded on the website of KVS. In the ibid notice it was clearly mentioned that shortlisted candidates may download their letter of interview and other relevant documents from KVS website i.e. [www.kvsangathan.nic.in](http://www.kvsangathan.nic.in) under Employment Notice/Interview Notice. The information regarding downloading the admit card had not been sent to the candidates through SMS/or E-mail or by post. The interview for the post of TGT (English) conducted on 26.03.2018 at Kolkata centre. The list of candidates shortlisted for interview, date, venue of interview and cut-off marks are already uploaded on KVS website on 05.03.2018 i.e. well before the date of interview. It seems that the applicant did not check the KVS website regularly. KVS acted as per steps mentioned in advertisement and it is the responsibility of the candidate to check website regularly. The request of the applicant that re-conducting of the interview for the post of TGT (English) reserved category (VI) cannot be considered as the select panel of TGT (English) is already operated.

5. Complainant vide rejoinder dated 31.01.2019 has inter-alia submitted that being visually impaired candidate that no communication had been communicated despite clear instructions from Govt. from time to time and further, KVS has not paid any due attention to inform the candidate despite having given intimation regarding Mobile No., SMS, Email, Permanent Home Address, or Postal Address considering genuineness of disabled candidates. She requested to consider her appointment for the post of TGT (Eng) in KVS

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6. After considering the respondent letter dated 25.11.2018 and complainant's rejoinder dated 31.01.2019, it has been decided to hold a personal hearing in the matter therefore, the case has been listed for personal hearing on 14.08.2019.

7. During personal hearing counsel for the complainant reiterated her complaint and representative of the respondent has also reiterated his written submission and informed that KVS acted as per steps mentioned in advertisement and it is the responsibility of the candidate to check the website regularly. The request of the applicant for re-conducting the interview for the post of TGT (English) reserved category (VI) cannot be considered as the select panel of TGT (English) is already operated.

8. In the light of the above and material available on record, response of the respondent found satisfactory.

9. The Case is accordingly disposed of.

(Shakuntala D. Gamlin)  
Chief Commissioner for  
Persons with Disabilities

Case No: 9904/1014/2018

Dated: 29.08.2019

In the matter of:-

Shri Naveen Rangi

Complainant

H.No. 224, Ward No. 24, East Bhatia

Sahid Bhagat Singh Marg, Ballabgarh, Haryana - 121004

Versus

O/o Senior Superintendent of Post Offices

Through the Sr. Supdt. of Posts Offices

Respondent

Naraina I.E. Head Post Office, New Delhi - 110028

Date of Hearing: 02.08.2019

Present:

1. Shri Naveen Rangi - complainant
2. Shri Alim Hussain, Asstt. Supdt., Shri Vinay Gaur & Shri Surya Kumar, Counsel on behalf of respondent

### ORDER

The above named complainant Shri Naveen Rangi filed a complaint under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the RPwD Act, 2016 regarding appointment to the post of Postman;

2. The complainant in his complaint has submitted that he was offered provisional appointment letter for the post of Postman by Department of Posts but his case was refused by Civil Surgeon, Dr. RML Hospital, New Delhi who have found unfit in handicapped category.

3. The matter was taken up with the respondent vide letter dated 24.09.2018 under Section 75 of the RPwD Act, 2016.

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4. In response, Sr. Supdt. of Post Offices, New Delhi vide letter dated 20.10.2018 submitted that Shri Naveen Rangji was selected for the post of postman under PwD (OH) category on the basis of disability certificate produced by the candidate showing disability upto 40% and as per appointment terms the candidate was referred to CMO, Dr. RML Hospital to examine medical fitness suitability for the post of postman vide letter dated 06.03.2018. In response, the form of medical certificate issued on 02.05.2018 under signature of Dr. Niruta Sharma, MD (MED), CMO, Dr. RML Hospital was received in their office, hence on the basis of report, the candidature of the Shri Naveen Rangji for the post of postman was cancelled on 23.05.2018.

5. Complainant vide rejoinder dated 30.10.2018 has inter-alia submitted that he was found fit in handicapped category as on 09.08.2006 as well as on 20.05.2013 as per the two certificates/documents issued by Civil Surgeon, Govt. of Haryana on the basis of which he may be allowed to join the post of postman and he requested to provide the copy of Medical Certificate under the signatures of Dr. Niruta Sharma, RML, Hospital, New Delhi.

6. After considering the respondent's letter dated 20.10.2018 and complainant's letter dated 30.10.2018, it was decided to hold a personal hearing in the matter. Therefore, the case was listed for personal hearing on 06.12.2018 and further hearing scheduled for 17.01.2019.

7. On the date of hearing on 17.01.2019, the complainant reiterated his written complaint and informed that he has also appeared before the Medical Board of Civil Surgeon Office, Sonapat and get new medical disability certificate with 44% percentage on 20.05.2018 and representative of the respondent has informed that the candidate was selected for the post of postman under PwD (OH) category on the basis of disability certificate reproduced by the candidate showing disability up to 40% and as a pre appointment formality the candidate was referred to CMD, Dr. RML Hospital to examine medical fitness suitability for the post of postman. In continuation thereof copy of medical examination report issued on 14.03.2018 under signature of Dr. Nitura Sharma, MD (MED), CMO (SAG), Dr. RML Hospital, New Delhi wherein the said candidate was declared unfit in handicap category due to PPRP (L) Lower Limb with 26% disability.

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8. After hearing the matter, the Senior Superintendent of Post Offices was directed to get examined the disability percentage of the complainant from AIIMS, New Delhi and submit the Medical Report.
  
9. Sr. Supdt. of Post Offices, Department of Posts, New Delhi vide letter dated 18.03.2019 has submitted that the medical examination report of Shri Naveen Rangji has been received from Medical Superintendent, AIIMS vide letter dated 12.03.2019 wherein Shri Naveen Rangji has been reflected is a case of Post Polio Residual Paralysis Left Lower Extremity with 44% permanent physical impairment in relation to his left lower extremity.
  
10. Upon considering the above reply, the hearing scheduled on 02.08.2019. After hearing and material available on record, respondent is directed to issue an appointment letter to Shri Naveen Rangji and submit the compliance report within 60 days from the receipt of this Order.
  
12. The Case is accordingly disposed of.

(Shakuntala D. Gamlin)  
Chief Commissioner for  
Persons with Disabilities

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4- In response, Under Secretary (NR), SSC vide letter dated 08.08.2018 has submitted that the applicant Shri Yogesh Aggarwal a candidate of CGLE, 2016 has remained absent in online Document Verification (DV) of candidates of CGLE-2016 conducted from 15.04.2017 to 20.05.2017. The final result of CGLE-2016 has been declared on 05.08.2017 but the applicant neither appeared for DV during the period of documents verification conducted for a period more than a month nor he requested for his DV before declaration of final result of said exam on 05.08.2017. Therefore, his request for inclusion of his name in the selected list of said Exam cannot be considered after declaration of final result.

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