

Secy. (ICMR) Office
FTS No : 3989.357
Date : 9-12-24

सं. /No 36-01/2023-DD-III
भारत सरकार / Government of India
सामाजिक न्याय और अधिकारिता मंत्रालय/ Ministry of Social Justice & Empowerment)
दिव्यांगजन सशक्तिकरण विभाग
Department of Empowerment of Persons with Disabilities (Divyangjan)
पॉचवा तल, बी विंग, पंडित दीनदयाल अंत्योदय भवन, सी जी ओ कॉम्प्लेक्स, लोधी रोड, नई दिल्ली -110003
5th Floor, B Wing, Pt. Deendayal Antyodaya Bhawan, CGO Complex, Lodhi Road New Delhi-110003

दिनांक/Date : 09.12.2024

OFFICE MEMORANDUM

Sub: Grievance pertains to non implementation of the provisions of RPwD Act, 2016/guidelines of DoPT/order of CCPD by various Ministries/Departments of Central Government-reg.

The undersigned is directed to refer to a grievance submitted by Shri P Mathew, a PwBD activist in Madhya Pradesh (enclosed) on the subject mentioned above raising the issue of alleged non-implementation of the provisions of RPwD Act, 2016/guidelines of DoPT/order of CCPD regarding 'Equal Opportunity Policy' and 'Appointment of Grievance Redressal Officer' by various Ministries/Departments of Central Government.

2. Relevant Sections of the RPwD Act, 2016 are reproduced as under:

- Section 21: Equal opportunity policy.—(1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.
(2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.
- Section 23: Appointment of Grievance Redressal Officer.—(1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.
(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.
(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.
(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

3. All Ministries/Departments are advised to ensure compliance with the above provisions of the RPwD Act, 2016.
Encl: as above

ADG(A) - RS

Is(RK)/Sr. DDA (Admin)

Deba 7/12/24
(Debala Bhattachajee)
Under Secretary to the Government of India
Tel: 011-2436-6027

To,
All Ministries/Departments of Govt. of India

Copy to ,

Shri P Mathew
PwBD Activist Vill & PO Gulathi, Dist. Satna, Madhya Pradesh

SR.DDG(A) OFFICE, ICMR

DIARY NO. 237

DATE 23/12/24

Mr. Sumit

S.No-1031

for Admin-11
26/12

Details for registration number : DARPG/D/2023/0001515

Name	P Mathew
Date of receipt	13/04/2023
Address	PwBD Activist Vill & PO Gulathi, Dist. Satna
District name	Not Provided
State name	Madhya Pradesh
Mobile no	Not Provided
Email Id	Not Provided
Grievance description	
Please View The Scanned Document	
Name of organisation(s) where grievance is pending	1. Policy Section
Type of receipt	Transferred

13/04/2023

13/04/2023

Please leave an OM to
Sd/- Mr. Min / Dept. for
action on EOP 2 GRO

12.11.24

SR.DDG(A) OFFICE, ICMR
DIARY NO.....
DATE.....

17/11/2023

Action history of registration number DARPG/D/2023/0001515

Sn	Action Taken	Date Of Action	From	To	Remarks	Action Taken by	#
1	RECEIVED THE GRIEVANCE	13/04/2023	Directorate of Public Grievances (Cabinet Secretariat) - (DPG)	Department of Administrative Reforms and Public Grievances - Nodal Agency - (DARPG)	DPG/Z/2023/91514		
2	TRANSFERRED TO SUBORDINATE ORGANISATION	12/07/2023	Department of Administrative Reforms and Public Grievances - Nodal Agency - (DARPG)	Ministry of Housing and Urban Affairs - (DOURD)			
3	NOT PERTAINING TO THIS ORGANISATION	19/07/2023	Ministry of Housing and Urban Affairs - (DOURD)	Department of Administrative Reforms and Public Grievances - Nodal Agency - (DARPG)	Does not pertain to this Ministry	Smt. Sneh Lata (DS)	
4	REDIRECTED TO OTHER ORGANISATION	17/01/2024	Department of Administrative Reforms and Public Grievances - Nodal Agency - (DARPG)	Department of Personnel and Training - (DOPAT)			
5	NOT PERTAINING TO THIS ORGANISATION	29/10/2024	Department of Personnel and Training - (DOPAT)	Department of Administrative Reforms and Public Grievances - Nodal Agency - (DARPG)	Please forward to the concerned Ministry/ Department for further necessary action	Ms. D.S. Nagalakshmi (Deputy Secretary)	
6	REDIRECTED TO OTHER ORGANISATION	05/11/2024	Department of Administrative Reforms and Public Grievances - Nodal Agency - (DARPG)	Department of Empowerment of Persons with Disabilities - (DODAF)			
7	TRANSFERRED TO SUBORDINATE ORGANISATION	06/11/2024	Department of Empowerment of Persons with Disabilities - (DODAF)	Policy Section - (DIPLY)		Shri Arun Kumar Mandal (Deputy Secretary)	

To,
Public Grievances Officer,
Directorate of Public Grievances,
Cabinet Secretariat, GoI,
First Floor, Jeevan Vihar, Sansad Marg,
New Delhi - 110001.

Respected sir,

In this regard, it is humbly submitted that Ministries/Departments of Central Government have repeatedly violated guidelines of DoPT /Provisions of PwD Act,1995 and RPwD Act, 2016/Non implementation of order of CCPD as issued by the DoP&T from time to time due to which eligible PwDBs employees of the Ministries/Departments of Central Government have been deprived from their rights for which they are legally entitled and Ministries/Departments of Central Government are neither ready to accept their mistake nor taking any action to rectify mistake committed which is not in order in view of proviso of PwD Act, 1995 effective from 07.02.1996 & Rights with PwD Act, 2016 effective from 19.04.2017 on the plea that they have no directions from their HQ not only for the implementation of "Reservation in Promotion" from 20.11.1989 on promotion to Group-D, Group-C and within-C posts but also, subsequent provisions in connection with 'Reservation in Promotion' and they are unable/will not implement the provision of these acts until & unless directions from the Ministries/Departments of Central Government is received for the implementation of mandatory provisions under the relevant legal acts. The Ministries/Departments are also saying that they have not directions from the DoPT in this regard which is not correct at all as DoP&T has already issued crystal clear guidelines in this and onus for implementation these directions of DoP&T lies with Ministries/Departments only.

Details of violations as committed by the Ministries/Departments of Central Government so far are as under for your kind perusal:

S.N	Nature of violation	Details of Provision violated	Details of DoP&T OM/PwD Act,1995/RPwD Act, 2016	Remedial Action which can be taken at present also
1	Non framing policies for posting and transfer of PwBD officials	Sub Section-5 of 20	RPwD Act, 2016	Policy be framed
2	Non publishing the 'Equal Opportunity Policy [EOP]' for the employees with benchmark disabilities	Section-21	RPwD Act, 2016	Policy be issued
3	Non Registration of the 'Equal Opportunity Policy [EOP]' of the Department with CCPD, New Delhi/State Commissioner as the case may be.	Section-21	RPwD Act, 2016	Policy be registered
4	Non maintenance of separate 100 point reservation roster for "Reservation in Promotion" for PwBDs in accordance with Group wise viz. Group-C and Group-D and also Cadre wise viz from the date from which 'Reservation in Promotion' is applicable i.e. 20.11.1989 as maintained in the case of 'Direct Recruitment' in view of Point No-15 (a) of DOPT OM dated 29.12.2005 and 26.04.2006.	DOPT OM DOPT OM	OM dated 29.12.2005 OM dated 26.04.2006	Roster be maintained from 20.11.1989
5	Non maintenance of separate Gradation List of PwBDs (Separately for each type Disability Categories) in accordance with group wise i.e. Group-D and Group-C as well as Cadre wise.	DOPT OM	OM dated 29.12.2005 and also other OMs as issued from time to time.	Gradation List be maintained
6	Non appointment of 'Liaison Officer' for PwBDs'.	DOPT OM	OM dated 04.01.2013 OM dated 08.12.2022 Para No-17.1 of OM dated 17.05.2022	Liaison Officer be appointed
7	Non Appointment of "Grievances Redressal Officer- GRO".	Section-23 Para No-17.1	RPwD Act, 2016 OM dated 17.05.2022	Grievances Redressal Officer be appointed
8	Non circulation of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and the Rights of Persons with Disabilities Act, 2016 Ministries/Departments of Central Government to the Appointing Authorities for information and necessary implementation at their end, resultantly, they have not implemented the provisions of these act in the fields on the plea that they have not received any direction from the Ministries/Departments of Central Government.			

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DPPT/HR/2023/00054

9.	<p>Non-compliance of the direction of the Hon'ble Supreme Court dated 26.03.2014 as circulated by the Hon'ble Chief Commissioner Persons with Disabilities, Ministry of Social Justice and Empowerment vide D.O. letter No 4-1/CCD/2009 (Vol-II)/R4540 dated 27.06.2014 in connection with the implementation of each & every provision of "<u>The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995</u>" including "Reservation in Promotion" under Section-33 by the end of 2014 in Writ Petition (Civil) No.116 of 1998-Justice Sunanda Bhandare Foundation Vs. Union of India & Ors. No "Reservation in promotion" is not implanted by Ministries/Departments of Central Government since 20.11.1989.</p> <p><i>"A little concern for this class who are differently abled can do wonder in their life and help them stand on their own and not remain mercy of others. A welfare state, that India is, must accord its best and special attention to a section our society which comprises differently abled citizens. This is true Equality and effective conferment of Equal Opportunity'- Hon'ble Justice R.M. Lodha Ji, Chief Justice of India [WP-116/1998 dated 26.03.2014].</i></p>
10.	<p>Non providing of "Reservation in promotion" on promotion of PwBDs official to the post of Group-D, Group-C and within Group-C @ 3% for the period 20.11.1989 to 18.04.2017 in terms of DoIT OM dated 20.11.1989 & 29.12.2005 r/w PwD Act, 1995 and @4% for the period 19.04.2017 to 31.12.2022 in view of DoIT OM dated 15.01.2018 r/w PwD Act, 2016.</p>

Non implementation of above provisions are crystal clear violations of PwD Act, 1995 and Rights PwD Act, 2016 which is not permissible by any Departments/Ministries but still they are doing not only since 1995 but also from 2016 to till date which a matter great concern and also painful since Government of India has mandate to provide the relief to PwBDs and India was first a signatory to the United Nations Convention on Rights of Persons with Disabilities held in 2007.

B. RESPONSIBILITIES OF THE LIAISON OFFICERS: The Liaison Officer is responsible for:

- i. Ensuring due compliance by the Ministry/ Department and subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of the category for which, he/she is a liaison officer i.e. Scheduled Castes, Scheduled Tribes, Persons with Disabilities, Other Backward Classes, Economically Weaker Sections and Ex-servicemen. In addition, he/she shall also ensure that other benefit admissible to them are made available to them.
- vi. Conducting annual inspection of the reservation registers/rosters maintained in the Ministry/Department/Offices under the control of the Ministry/Department with a view to ensuring proper implementation of the reservation orders.

D. PRIVILEGES OF THE LIAISON OFFICER:

Cases of negligence or lapse in the matter of following the reservation and other orders relating to SC, ST, OBCs, PwDs, EWS and Ex-servicemen coming to the light through the inspections carried out by the Liaison Officer, or otherwise shall be reported/submitted by him direct to the Secretary/Additional Secretary to the Government of India in the respective Ministry/ Department or to the Head of the Department in respect of offices under the Heads of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department shall pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned.

F. SPECIAL RESPONSIBILITIES OF THE LIAISON OFFICERS OF THE MINISTRIES/DEPARTMENTS TOWARDS IMPLEMENTATION OF RESERVATION POLICIES IN THE ESTABLISHMENTS UNDER THE GOVERNMENT:

"The Liaison Officer of a Ministry/Department has to act as Liaison Officer in respect of the matters relating to the representation SCs/STs/PwDs, OBCs, Ex-servicemen and EWS in all establishments and services under the administrative control of the Ministry/Department. The appointment of Liaison Officers separately by the Organizations under the Government of India such as Public Sector Undertakings, Statutory and Semi Government Bodies, Autonomous Bodies/ Institutions, including Municipal Corporations, Co-operative Institutions, Universities, Voluntary Agencies receiving grants in aid from the Government etc. does not, however, dilute or alter or curtail the responsibilities of the Liaison Officers of the administrative Ministry/ Department with regard to implementation of reservation policy in such organizations. Liaison Officers of the Ministries/ Departments have special responsibility to monitor implementation of reservation policies in these organizations. In order to ensure due compliance of the reservation orders of the Government, the Liaison Officers may periodically visit/ inspect the offices/organizations under them.

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They should ensure that reservation rosters for these categories have been maintained properly without any gap in the entries made in the rosters. Liaison Officers shall carry out their duties in relation to reservation by calling for records from them and convening meetings with the officers of such organizations as are responsible for ensuring reservation policies in their respective organizations. If Liaison Officers of Ministries/Departments notice that reservation instructions are not being followed by any officers or complaint against any officer for harassment or deliberate manipulation of orders/instructions to harm the interests of the above-mentioned categories, are received they should feel free to report such lapses to the Secretary/ Additional Secretary of the Ministry/Department concerned without fear & hesitation of hierarchical disobedience".

It is also submitted that that recently a PIL was decided by the Hon'ble High Court vide their Judgment on 06.03.2023 vide WF [C] 8455/2017 in the matter of National Federation of the Blind- Petitioner-Shri S K Rungta, Senior Advocate Vs GOVT. OF NCT OF DELHI from which it was emerged that :


S.No.	Details of Reservation from 1996 to 2017			
	Reservation already provided		Reservation will be provided as "Total Backlog of Vacancies" as emerged from this exercise	
	Direct Recruitment	Reservation in Promotion	Direct Recruitment	Reservation in Promotion
1.				
2.	1281	1192	1351 [including 356 vacancies for Visually Impaired persons]	842 [including 149 vacancies for Visually Impaired persons]
3.	2473		2193	

In the nutshell, with the efforts of Shri R K Rungta, Senior Advocate, 2193 have been emerged in which "Reservation in Direct Recruitment-1351 Posts" and "Reservation in Promotion-842 Posts" will be provided to PwBD officials in "Government of Delhi" through DPC/DSSSB/UPSC as the case may be within next two months. The Hon'ble High Court of Delhi has also appreciates the genuine and sincere efforts as taken by Shri.S.K. Rungta, Senior Advocate, who has selflessly taken up the case of protecting the interests of Specially Aabled Persons. On the same pattern, if this exercise is taken in each Ministries/Departments, I am sure that so many vacancies can be emerged for PwBDs from 20.11.1989 to 2022 which belongs to Group-C and Group-D not only under "Direct Recruitment" but also under "Promotion Quota" as "Backlog Vacancies" for PwBDs Officials.

In view of above facts, it is humbly requested that necessary may kindly be taken into the case for the settlement for the above grievances and strict implementations of all relevant provisions of DOPT OMs/PwD Act,1995/RPwD Act, 2016 including "Reservation in Promotion" on promotion to Group-D and Group-C in which percentage of Direct Recruitment does not exceed 75% as noted above, since for the implementation of legal provisions of either DOPT OMs or PwD Act, 1995 or RPwD Act, 2016, any kind of decision making is not required by the Ministries/Departments of Central Government since the decision has already been taken by the DOPT as well as by the Hon'ble legislature by passing the PwD Act, 1995 & RPwD Act,2016 except to take the decision how to implementation the provisions in the Departments/Ministries especially "Reservation in Promotion" on promotion of PwBDs official to the post of Group-D, Group-C and within Group-C @ 3% for the period 20.11.1989 to 18.04.2017 In terms of DOPT OM dated 20.11.1989 & 29.12.2005 r/w PwD Act, 1995 and @4% for the period 19.04.2017 to 31.12.2022 in view of DoPT OM dated 15.01.2018 r/w RPwD Act, 2016 retrospectively along with the consequential benefit of "Deemed date of Promotion" from the date on which PwBDs is supposed to promote under "Reservation in Promotion" as per their eligibility as recently implemented by the Haryana Government in the year-2022. An appropriate with concrete result is requested and solicited.

With warm regards,

Yours Sincerely,

[P M. Chaw] 
PwBD- Activist
Vill. and PO Gulathi,
District Satna, MP

2/