

F.No.21/1/2022-CS.I(S)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

2nd Floor, A Wing, Lok Nayak Bhawan, Khan Market
New Delhi, the 26th December, 2022

OFFICE MEMORANDUM

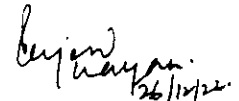
Subject: Recommendations received from the Hon'ble Court of Chief Commissioner for Persons with Disabilities on the representation dated 24.05.2022 of Shri Vishnu S. Nair, Section Officer, CSS requesting for posting to native place i.e. Ernakulam Distt., Kerala.

The undersigned is directed to say that Shri Vishnu Nair (PwBD with 85% hearing disability in both ears), a regular Section Officer of the Central Secretariat Service and presently posted in the Ministry of Micro, Small and Medium Enterprises (MSME) had requested for posting in his native place i.e. Ernakulam Distt., Kerala due to his hearing disability. As there is no CSS cadre post in Ernakulam district, this Department is unable to post him near his hometown.

2. He had also approached Commission for Persons with Disabilities (CCPD) for its intervention to arrange for his posting in any Govt. organisation near his home district.

3. In this connection, the Hon'ble Chief Commissioner for Persons with Disabilities (CCPD) in her Order dated 30.11.2022 has recommended that this Department would write to all Central Government establishments situated in Kerala in order to explore the possibility of his transfer to Kerala where hometown of the complainant is situated.

4. Accordingly, all the Ministries/Departments of Government of India are requested kindly to explore possibilities of posting of Shri Vishnu Nair in any of the attached/regional offices/autonomous bodies under their administrative/cadre control located in the state of Kerala in general and in Ernakulam district in particular within the existing rules of the organisation so as to help Sh. Nair, Section Officer work near his hometown and stay with his family.



(Rajeev Nayan)

Under Secretary to the Govt. of India
Ph:24624046

Encl: As above.

To

All the Ministries/Departments of Government of India
(As per list attached)



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

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

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

भारत सरकार / Government of India

Case No: 13274/1022/2022

Complainant :

Shri Vishnu S. Nair
878, Sector-8, R. K. Puram
New Delhi-110022
Phone No: 09968093695
Email: vishnunair16@gmail.com

Vs

Respondent:

The Secretary
Department of Personnel & Training
112, North Block, New Delhi-110001
Email: secv_mop@nic.in

GIST OF COMPLAINT

The complainant, a person with 85% Hearing impairment, working as Assistant Section Officer (ASO) has filed a complaint dated 24.05.2022 requesting for the following relief(s):

- (i) He may be posted to Central Government Office in Ernakulam District such as in CAT Ernakulam, which is an office under D/oP&T or in other offices such as Regional Passport Office, Cochin, or Debt Recovery Tribunal, Ernakulam. The aforesaid offices have posts at ASO/SO level;
- (ii) He may be posted in Kendriya Bhawan, Kochi, which has Central Government attached/regional offices under CPWD, DGFT, Ministry of Commerce among other Ministries/Departments in similar level post even at ASO/Assistant which is near to his native place in Ernakulam District; and
- (iii) His aforesaid request may sympathetically be considered for posting even at the post of ASO/Assistant or on ex-cadre basis to overcome the various familial, social and medical challenges which he has been facing living alone with Hearing Impairment away from his family and native place.

2. The complainant has submitted that he had joined as Assistant Section Officer (ASO) in CSS Cadre, Govt. of India which has All India service liability in Ministry/departments and its various Attached/Regional Offices. The cadre controlling authority is the Department of Personnel and Training. He was promoted as Section Officer on ad-hoc basis in December 2020 and presently posted in the Ministry of MSME in Delhi. The complainant is living alone in Delhi and it is tough for him to hear, communicate and manage various day to day needs, due to hearing difficulties and among challenges in familial, social and medical factors which he has been facing, living alone with Hearing Impairment. The complainant further stated that he is living away from his native place and family, and unable to comprehend on the phone as well as created a barrier for him in familial and social factors of life, besides

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

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

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

or his medical care as he is also a Kidney transplant recipient on immunity-suppressing medicines and periodic follow-up. The complainant also submitted that it is very difficult for him to manage and also for his family members/relative to reach out and communicate as they are in his native place in Ernakulam Distt, Kerala where they are residing. His parents are senior citizens with orthopaedic health problems living in his native place in Ernakulam Distt, Kerala. It is tough for him to give adequate medical care to them also and communicate with them living so far away.

3. The complainant had submitted a representation to the Department of Personnel & Training (DoP&T) through proper channel which was forwarded by his Department on 06.12.2021 for posting him to his native place in any other Ministry/Department or its attached offices in Ernakulam Distt., which has offices such as the Central Administrative Tribunal (CAT) Ernakulam, Passport Office Cochin, DRT Ernakulam or at Kendriya Bhawan, Kochi, which has Central Govt. attached/regional offices under CPWD, DGFT, Ministry of Commerce, among others but no reply was received. He had also sent reminders dated 07.02.2022, 15.03.2022 and 20.04.2022 but of no use.

4. The matter was taken up with the Respondent vide letter dated 03.06.2022 under Section 75 of the RPwD Act, 2016. The respondent did not file the comments followed by reminders dated 21.06.2022 and 18.07.2022.

5. **Hearing:** The case was heard via Video Conferencing by Commissioner for Persons with Disabilities on **20.09.2022**. The following were present:

- i) Shri Vishu S. Nair : **Complainant**
- ii) Shri Bairagi Sahu, Deputy Secretary, DOPT : **Respondent**

Observations /Recommendations:

6. Complainant submits that he is Divyangjan with hearing disability (85%). He submits that he joined as Assistant Section Officer in CSS Cadre. The cadre controlling authority is DoPT. He was promoted in December 2020 to the post of Section Officer and then he was transferred to Ministry of MSME in New Delhi. He submits that his native place is Ernakulam District in Kerala. He claims that his family lives in his native place and in New Delhi he lives alone. Because of his disability he finds it difficult to connect with society.

7. Further, he submits that he is also a kidney transplant recipient and requires regular medical care. He submits that because of his disability and ailment, it is difficult for him to live alone in New Delhi and hence wants to be transferred to native place in Ernakulam, Kerala. He has mentioned various offices which are situated in Kerala where he can be transferred, for instance Central Administrative Tribunal, Ernakulam; Passport Office, Kochin; DRT, Ernakulam; Kendriya Bhawan Kochi.

8. He submits that he filed various representatives regarding transfer to Ernakulam, however, no action has been taken yet by the respondent. He further, submits that he is even willing to forgo his transfer to the post of Section Officer.

9. During online hearing, Respondent submitted that the Respondent establishment is trying and is willing to transfer the Complainant to Kerala, however there is no cadre post of Section Officer in Kerala. Respondent further submitted that the establishment will not have any objection if the Complainant will be willing to apply for deputation. Respondent also submitted that the Respondent establishment is willing to write to all the Central Government Establishments situated in Kerala and explore the opportunity to transfer the Complainant to Kerala on the ground of disability.



10. This Court is inclined to conclude that there is no issue which needs deliberation of this Court. Complainant wants to be transferred to Kerela and the Respondent is willing to transfer him to Kerela, however, because of absence of any cadre post Respondent cannot transfer the Complainant. This Court accepts the submissions made by the Respondent and further recommends that the Respondent shall write to all Central Government Establishments situated in Kerela in order to explore the opportunity to transfer the Complainant to Kerela where hometown of the Complainant is situated. Respondent also promised to do the same.

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

12. This case is disposed off.


(UPMA SRIVASTAVA)
Chief Commissioner for
Persons with Disabilities

Dated: 30.11.2022