



न्यायालय मुख्य आयुक्त निःशक्तजन  
Court of Chief Commissioner for Persons with Disabilities  
सामाजिक न्याय एवं अधिकारिता मंत्रालय  
Ministry of Social Justice & Empowerment  
निःशक्तता कार्य विभाग / Department of Disability Affairs

**Case No.7/1022/13-14**

**Dated:-15.09.2014**

**In the matter of:**

Shri Sikander Pal,  
H. No. 708, Sector – 3,  
Urban Estate,  
Kurukshetra,  
Haryana – 136 118.

..... Complainant

Versus

Punjab National Bank,  
(Thru Chairman & Managing Director),  
Head Office : 7, Bhikhaji Cama Place,  
New Delhi – 110 607.

.... Respondent

**Date of hearing 16.07.2014**

**Present :**

1. Shri Sikander Pal, Complainant.
2. Shri K. R. Srinivas, AGM-HRD, on behalf of Respondent.

**O R D E R**

The above named complainant, a person with 55% locomotor disability filed a complaint dated 23.05.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding his transfer.

2. The complainant submitted that he was working in Punjab National Bank in Kurukshetra Circle as MMG Scale-III. He was declared successful in selection for promotion from MMG Scale-III to SMG Scale-IV recently. In the merit channel, his name was cited at sr. no. 94. He had earlier represented for his posting at his native place on the ground of his disability but he was not posted at ZOA, Faridabad and his request was not considered as per Government guidelines.

3. As per Ministry of Finance, Department of Economics Affairs (Banking Division) letter No.302/33/2/07-SCT(II) dated 15.02.1988, subject to the administrative exigencies, the physically handicapped persons employed in public sector banks in all cadres should normally be exempted from the routine periodic transfers. Such persons should not normally be transferred even on promotion if a vacancy exists in the same branch/office/town/city. If the transfer of a physically handicapped

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employee becomes inevitable on promotion to a place other than his original place of appointment due to non-availability of vacancy, it should be ensured that such employees are kept nearest to their original place of posting and in any case are not transferred to far off/remote places.

4. The matter was taken up with the respondent vide this Court's letter dated 10.06.2013.

5. The respondent vide his letter No. HRD:SMR:74180:3673 dated 14.06.2013 submitted that the guidelines of Ministry of Finance as quoted under para 3 of this Court's letter dated 10.06.2013 and other aspects are in vogue at present.

6. The complainant vide his rejoinder letter dated 27.07.2013 submitted that he was appointed in the clerical cadre under 'PH' category and not in general category as mentioned by the respondent in its reply dated 14.06.2013. After joining PNB, the complainant was asked by PNB to submit the Medical Certificate at different intervals of time which he did. He further admitted that he was given promotions from Clerical Cadre to JMG Scale-I in Officer Cadre, from JMGS-I to MMGS-II in Officer cadre and from MMGS-II to MMGS-III in Officer cadre with posting in Kurukshetra region/circle because of his being a person with disability. Besides this, he is also being given all the benefits as available to PH employees as per Government guidelines and as per Bank's own circular instructions. The complainant has mentioned in his representation dated 23.05.2013 about the case of three officers of PNB who were given the local postings on promotion to SMGS-IV which is contrary to the contention raised by GM of PNB. He also stated that Shri K.C. Gupta posted as Chief Manager in Scale IV at BO: Sector 17, Chandigarh was promoted as Assistant General Manager in Scale V and allowed to continue in the same branch on promotion because of his disability. The complainant has also enclosed a copy of 'Executive Profile' submitted by him online to PNB where he mentioned 'PH' under the column category.

7. A copy of complainant's rejoinder letter dated 27.07.2013 was sent to the CMD, PNB for his comments. The General Manager vide letter no. HRD:SMR:74180:3673 dated 26.06.2013 submitted that the complainant was posted within the same geographical area and was posted as an Auditor and was allocated nearby Zonal Audit Office at Faridabad. At present he is posted as Concurrent Auditor in Delhi. The bank has never questioned his disability and is still drawing his conveyance allowance as admissible to PwDs. He was given three promotions over a period of time i.e. to Scale I, II and III and was allowed to continue in Kurukshetra Circle/Region. They stated that no officer on promotion from Scale III to Scale IV was allowed to continue in the same place of posting this year. The complainant's statement that the bank had given local posting to officers on promotion is wrong as per the respondent.

8. The complainant vide his reply dated 07.02.2014 submitted that bank vide its letter dated 14.06.2013 challenged his appointment in Bank's service under reserved quota for PH persons stating that he was appointed in 'General Category' which, as per the complainant is absolutely incorrect. On promotion to the post of SMG Scale-IV, the complainant submitted that he should have been given his posting at nearest ZAO situated at Panchkula instead of Faridabad. He further submitted that the bank was not following the government guidelines with regard to promotion and transfer of PwDs.

9. After considering respondent's letters dated 14.06.2013, 26.06.2013 and complainant's rejoinders dated 27.07.2013 and 07.02.2014, a hearing was scheduled on 16.07.2014.

10. During the hearing on 16.07.2014, the representative of the respondent submitted that the Bank has transferred the complainant to Kurukshetra Circle. Appropriate Orders have already been issued directing the complainant to report FGMO, Chandigarh for further posting. Therefore, the issue stands resolved.

11. The complainant reiterating his written submissions stated that he has not received the copy of the transfer orders and also stated that had such a decision been taken at the time of his promotion, the inconvenience could have been avoided.

12. In the light of the fact that a positive decision has been taken by the Bank, the matter is disposed off.

**Sd/-**

**( P. K. Pincha )**  
Chief Commissioner  
for Persons with Disabilities