



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. 20/1028/08-09

Dated: 07-03-2014

In the matter of:

Shri Dushyant Singh Bhatti,
434B, Yamunapuram, Phase-II,
Bulandshahr – 203001.
(Uttar Pradesh).

.... Complainant

Versus

Canara Bank,
(The General Manager),
Industrial Relations Section,
Human Resource Wing,
Head Office,
No112, J.C. Road,
Bangalore – 560 002.

.... Respondent

Date of Hearing – 04.03.2013

Present :

1. Shri D.V. Chhabra, Manager on behalf of the respondent .
2. D.S. Bhatti, Complainant.

O R D E R

The above named complainant, a person with 100% locomotor disability, filed a complaint dated 11.01.2009 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding discrimination against the handicapped in schemes of Staff Welfare Measures in Canara Bank and contempt of orders passed by this Court in Case No. 5032/2008.

2. He submitted that he is a wheel chair user employee of Canara Bank, presently serving with their Bulandshahr Branch. This Bank has been having a scheme of Staff Welfare Measures since 1991 which inter-alia provides for reimbursement of expenses incurred by the handicapped employees on purchase of crutches and other physical aids of their use upto Rs.3,000/- per year. The maximum expenses eligible for reimbursement on other measures incorporated in the above scheme have been gradually increased since 1991 with the rise in the price index, but the same has remained unchanged in relation to scheme for the handicapped. Chief Commissioner for Persons with Disabilities had advised the opposite parties to arrange for a suitable wheel chair for

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the complainant to be used in office premises but the same has not been followed in spite of registered notices to them dated 15.08.2008. He has further submitted that the Bank Officers have been holding personal prejudice against him and have refused to reimburse the eligible amount to him by telling lies everywhere. The complainant has prayed as under:-

- (a) The Canara Bank Head Office be directed to increase the limit of reimbursement upto Rs.9,000/- per year for the handicapped under staff welfare scheme with effect from the financial year 2008-09.
- (b) The respondent No.1 and 2 be ordered for arranging for a suitable wheel chair to be used by the complainant in office premises and enforcement of order dated 13.06.2008 in full without any delay.
- (c) The Bank officers responsible for contempt of court orders be penalized and due relief be given to the affected as per law.
- (d) The officers responsible for denying dues of the complainant be penalized on the prototype of section 69 of PWD Act including the officers guilty of bluffing the Court by submitting incorrect statements.
- (e) The respondent no.2 be ordered to pay all the dues with interest @ 15% p.a. compounded monthly from due date to the date of actual payment.
- (f) Any other order that is found fit in faovur of justice may be passed.

4. The matter was taken up with the respondent vide this Court's letter dated 16.02.2009 for their comments.

5. The respondent vide its letter No.IRSCFDLC1803130MVK2009 dated 16.07.2009 submitted that the statement of the complainant that the Bank ought to have provided a wheel chair for his use in the premises of the Bank is totally incorrect as the order of this Court in case No. 5032/08 does not contain any such instructions. The complainant is only trying to interpret the Order in his favour when it was not so envisaged by this Court. As per the order in Case No. 5032/2008, the Bank was only expected to arrange for a suitable parking space for his motorized wheel chair to enable him to get transferred to a normal wheel chair which he could use within the office premises. This Court did not direct to provide for any wheel chair as alleged by him. Further, as regards his grievance regarding the Staff Welfare Measures, the amount allocated under Staff Welfare Measures in the Bank is as per the directives of Government of India, Ministry of Finance and the amount so allocated is reasonably distributed among the various schemes formulated by the Bank for the welfare of all the employees of Bank including the retired employees, employees with hearing impaired and physically handicapped employees. Hence the demand of complainant to increase the limit for handicapped employees is not feasible within the allocated budge.

6. The respondent vide letter No.HRW/IRS/DLC/CF-180/SK/377/2013 dated 27.04.2013 further submitted that the grievance of Sri Dushyant Singh Bhatti in his representation was with

regard to non reimbursement of expenses towards purchase of "Wheelchair" and "Handicapped mobility accessory" under Staff Welfare Measures, during 01.04.1992 to 31.03.1994. Earlier during the relevant period under Staff Welfare Measures, the reimbursement was available only for "Crutches and other accessories" as such the claim of Sri Dushyant Singh Bhatti for reimbursement towards purchase of "wheel chair & Handicapped mobility accessory" could not be considered as his claim was outside the purview of the scheme. The reimbursement towards purchase of Wheel Chair was first time introduced under Staff Welfare Measures vide HO Cir 289/1994 dated 28.09.2004 (This turned out to be 28.09.1994). The claims under the said scheme covered the purchase of wheel chair/clutches between 01.04.1994 and 31.03.1995. As per the said scheme, the claim for reimbursement should reach within 30 days of incurring such expenditure. Therefore, the item No.5(iv) of his subject representation was rejected as it was not submitted within time as stipulated under the scheme. As regards point No.5(v), the respondent submitted since the details of his claim/item and reasons for rejection cited by him were not clear, the complainant may provide copies of the same. On receipt of the papers, the matter would be further examined and he would be intimated.

7. The copy of reply dated 27.04.2013 of the respondent was forward to the complainant vide this Court's letter dated 08.08.2013 for submission of his comments/rejoinder, if any.

8. The complainant vide his rejoinder dated 21.08.2013 submitted that the reply of respondent admits the rejection of claim made in 1992 but this court recorded the respondent to have deposed "As a welfare measure, the complainant was permitted to buy a wheel chair at the cost of the organization in 1992" vide point 3 of Court Order dated 13.06.2008 case no. 5032/2008. This clearly shows that the wheel chair was eligible for reimbursement since 1992. Instead of harping on baseless concoction, the reply is unable to tell that in addition to crutches, what other items for use of persons with disabilities upto Rs.3000/- were envisaged fit for reimbursement under the scheme in 1992 as the cost of the finest quality crutches was only Rs.100/- in 1993. The query is outstanding for last two decades. The claims under points 5(iii) to (v) are not for wheel chair. The reason concocted for rejection of claim at point 5(iv) of being time barred is wrong. The claim has been lodged on 31.01.1995 while the scheme was valid upto 31.03.1995. The claim at 5(iii) and 5(v) were for same type items, the reply is unable to concoct reason for their rejection.

9. The respondent vide letter No. HRW:IRSCFDLC :180: 2013 dated 17.12.2013 submitted that since the matter was very old and pertained to the year 1992, they were not able to retrieve the records about the claims/nature of claim. However, based on the submission of complainant under para 5(i) to (iii) of his letter dated 11.01.2009, they understand that claims relate to Wheel Chair/Motorized Mobility Accessory under Staff Welfare Measure during 1992 to 1994. On receipt of letter from this Court, they have again verified the scheme prevalent during the relevant point of time and have reiterated that the reimbursement of expenditure incurred for purchase of Wheel Chair (purchased after 01.04.1994) was introduced vide HO Cir 289/1994 dated 28.09.1994 subject to the terms, ceiling mentioned under the said scheme.

10. After considering the respondent's letters dated 16.07.2009, 27.04.2013, 12.12.2013, 17.12.2013 and the complainant's letters dated 09.06.2009, 28.05.2013, 21.08.2013, the case was scheduled for hearing on 04.03.2014..

11. After hearing out the parties, it is observed that the issue before this Court in this case relates to the pending dues that the respondent-bank, namely, Canara Bank was required to pay as per the complainant. The said dues pertain to reimbursement of the expenses incurred by the complainant on purchase of wheel chair and other accessories claimed by him in the year 1992, 1993, 1994, 1995 and 1998. As per the representatives of the respondent, the total amount so claimed is to the tune of Rs.12,612/- which the complainant agrees.

12. As regards the other issues raised by the complainant in his complaint dated 11.01.2009, these stand disposed off in terms of this Court's letter dated 08.10.2009. It is also clarified that the letter dated 16.02.2009 of this Court does not make out the case of contempt of court. In any event, this Court is not empowered to initiate proceedings for its own contempt under the Persons with Disabilities Act, 1995.

13. During the hearing, it turned out that the circular No.289/94 dated 28.09.2004 was actually dated 28.09.1994 and it was inadvertently mentioned as having been issued in 2004 as indicated in the letter dated 27.03.2013 of the respondent bank.

14. The complainant reiterated his written submissions and added that the Staff Welfare Measures even for 2013-2014 issued on 13.08.2013 does not provide for aids and equipment for persons with blindness and low vision other than spectacles. He submitted that the Bank should provided all aids and appliances required by persons with disabilities including persons with blindness and low vision such as Braille typewriter, screen reading software etc. In pursuance of Order of this Court dated 12.03.2008, the bank should make available the facility of wheel chair to be used by the complainant within the premises of the Bank also keeping in mind his age.

15. The representative of the respondent submitted that while the old record pertaining to the claims submitted by the complainant are not traceable, the bank was willing to reimburse Rs.12,612/- towards purchase of wheel chair and other accessories as a one time full and final settlement of the complainant's claim. The complainant agreed to this offer.

16. In the above view of the matter, the respondent bank is directed to reimburse the amount of Rs.12,612/- and ensure that the same is credited to the complainant's account by 14.03.2014 and submit a report to this Court preferably by Fax. The respondent is also directed to provide an appropriate wheel chair with a view to ensure that the complainant can move about safely within the premises of the respondent bank where he works.

17. The matter stands disposed off with the above directions.

Sd/-

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