



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.143/1021/10-11
Case No. 130/1021/2013

Dated:-01.04.2014

In the matter of:

Shri G. Rajavardhan Reddy,
General Secretary,
Deaf Employees Welfare Association,
Plot No. 4, Phase-III,
Teacher's Colony,
Nagarjuna Sagar, 'X' Road,
Vaishalinagar Post,
Hyderabad – 500 079 (A.P.)

..... Complainant

Versus

Canara Bank,
(through Executive Director),
H.R.M. Department,
Head Office,
112, J.C. Road,
Bangalore – 560 002

.... Respondent

Date of hearing : 05.03.2014

Present :

1. Shri, G. Rajavardhan Reddy, Complainant with Shri , Kamal Kumar Pandey, Advocate..
2. S/Shri R.K. Singh, Asstt. Gen. Manager, Tanu Goel Srivastava, Mnager Law, M.Raj Kumar, R.R. Distt. Sports Office on behalf of the Respondent.

ORDER

A delegation led by Shri G. Rajavardhan Reddy, General Secretary of Deaf Employees Welfare Association (Central Government, Railway, Public Sector Banks, Public Sector Undertakings & PSE Deaf and Dumb Employees), Hyderabad filed complaints dated 24.08.2010 and 05.07.2013 which were registered as Case Nos. 143/1021/10-11 and 130/1021/2013 respectively under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding training and promotion of persons with hearing impairment.

2. The complainant submitted that persons with hearing impairment are not being provided with any sort of training facilities regarding Core Banking System (CBS) and various other new technologies that they have been using of late in their banking. Many of the employees have not been provided training even once in the past 10 years whereas the other staff is given training for about 4 to

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5 times in a year. Persons with hearing impairment are not called for those sessions and even if they are called, they are not able to follow the training being imparted. The complainant also submitted that persons with hearing impairment have not been given promotion for the past 15 to 20 years and beyond.

3. The matter was taken up with the Executive Director, Canara Bank vide this Court's letter dated 22.10.2010.

4. The respondent vide letter dated 30.11.2010 submitted that they have 146 employees in Clerical and Officers cadre who are hearing impaired/deaf and dumb. The cadre-wise details are as under:-

(a)	Manager	:	1
(b)	Officers	:	12
(c)	Special Assistant	:	1
(d)	Clerks	:	<u>132</u>
	Total:-		<u>146</u>

Among them 70 employees are working in Administrative Units from the date of their recruitment. Training is a major corporate initiative of the bank to develop the skills and competencies of employees. The Bank does not discriminate against any category of their employees. Of the 146 employees with hearing impairment, they have imparted multiple training including training under the Core Banking Solutions and other technology products to 135 of them. 3 filing clerks, 1 data entry operator and 7 clerks/typists who are deployed in various administrative offices have not been given any training. Further, with regard to promotion also, the Bank does not discriminate against the 146 employees referred to above. One of them is Manager, 12 are Officers, 1 is Special Assistant and 12 are Clerks and were promoted from various cadres. Therefore, there was no credence in the representation made by the complainant.

5. A copy of the reply of the respondent dated 30.11.2010 was forwarded to the complainant for rejoinder.

6. The complainant vide rejoinder dated 15.03.2011 submitted that not all hearing impaired employees who are managers and officers have risen to that position by promotion. Most of them have been appointed to that posts through Direct Recruitment and only few of them got promoted after clearing the promotion tests. They were not getting any support from their organization in order to enhance their skill tests and proficiency in work. General training is provided to all the employees every 3 months but the same is not in the case of hearing impaired employees. During the course of 24 years service, the complainant himself was given training only on three occasions. As most of the hearing impaired employees suffered from deafness to the extent of 100% they were not able to attend any coaching classes for writing promotion tests. Hence the success rate of the hearing impaired employees is very low in the promotion tests.

7. Vide his letter No. DEWA, CPPD.4.13GRR dated 20.07.2013 the complainant also submitted that the Canara Bank management itself had stated that deaf people who were working in the administrative department of the bank were not provided with any training. As per him deaf employees were working with computers and using the latest technologies and processes which the bank is adopting. While other employees were given training in these processes and technologies, the deaf employees were denied such training. The other bank managements were providing special training to deaf employees twice a year and employees working in the administrative department were also given such training. Such employees were getting benefited in promotion by learning new technologies. He requested to give orders to the respondent bank to give equal rights to deaf employees.

8. The respondent bank vide letter No.PM:5299:71-R:MNR dated 23.09.2013 (Case No. 130/1021/2013) submitted that as per the Government of India's guidelines, three percent of the vacancies in case of promotion in Group 'D' and Group 'C' posts in which the element of direct recruitment, if any, does not exceed 75%, shall be reserved for persons with disabilities. There is no reservation for persons with disabilities in promotion to Group A posts. As such no post is reserved in the promotion channel from Clerical to Officer in JMG Scale I for PwDs. He had given his willingness for undergoing the promotion process. Since he did not come within the "Rating" upto which the promotions were effected in the respective tiers, he was not considered for promotion as Officer in JMG Scale I. The Bank was in the process of procuring JAWS (Job Access With Speech) Software to visually challenged employees which will not only enable them to read the documents on computer screen.

9. A copy of the respondent's reply dated 23.09.2013 was forwarded to the complainant vide this Court's letter dated 11.11.2013 for his comments.

10. The complainant vide letter No.DEWA.CPPD.10.13GRR dated 17.11.2013 submitted that in the case of promotion, the Bank management has not considered their plea on humanitarian grounds. It is not justifiable to compare the performance of hearing impaired employees with normal employees? They are disabled by birth. They have lost one of the very important senses (hearing) of their human body. They had written many letters to DoP&T in 2009 and 2010 requesting for reservation in promotion for hearing impaired in all posts. DoP&T issued letter dated 01.08.2011 mentioning that persons with disabilities be considered for promotion in unreserved vacancies. Based on this letter, from 2011 onwards many nationalized banks have provided promotion to those hearing impaired employees who have passed written exam without conducting interview. Andhra Bank interviewed senior Deaf employees directly through interview channel without written exam and one senior deaf employee was promoted. The hearing impaired employees were not provided with any training facilities. Training is imparted to visually impaired employees, Orthopedically handicapped do attend training workshops along with normal employees. Without any training workshops and no special coaching classes for promotion exams, it is very difficult for the hearing impaired to compete along with normal employees and get promoted. If it continues, hearing impaired employees will not get any sort of promotion throughout their career. The respondent bank issued notification for promotion exam on 01.04.2012. Five deaf employees appeared in the exam and one deaf employee

appeared through interview channel. With their own efforts they could get good marks. There are many backlog posts reserved for hearing impaired people which are remaining vacant as the Bank is not recruiting deaf people for these posts during the direct recruitment process. Many of these backlog posts can be given to senior hearing impaired employees with good service record as it will help both the bank and the employees. With little guidance and training, hearing impaired can perform their duties on par with normal employees as most of them are quick learners. As there is no reservation in promotion, hearing impaired employees should be exempted from interview if they pass the written exam.

11. Upon considering the written versions of the parties, a hearing was scheduled on 05.03.2014.
12. During the hearing, the Ld. counsel for the complainant submitted that the training the complainant has referred to, is a special module of training for employees with disabilities so as to enable them to overcome the barrier of disabilities and compete with other employees of disabilities. On the other hand, the representatives of the respondent submitted that there has not been any discrimination against the employees with disabilities including employees with hearing impairment. To substantiate their contention, they referred to the Bank's letters dated 30.11.2010. As per the said letter, out of the said 146 employees (1 Manager, 12 Officers, 1 Special Assistant and 132 Clerks) with hearing impairment, 135 persons had been imparted multiple training. Only 3 Filing Clerks, one Data Entry Operator and 7 clerks/Typists have not been given any training. They further submitted that there were no separate guidelines for training for employees with disabilities.
13. Case No. 143/1021/10-11 relates to denial of promotion to the complainant to officer level. While the existing instructions do not provide reservation in promotion to Grade 'A' posts, the complainant asserted that he did not get promotion despite clearing the relevant exam twice securing good marks in written papers. He further contended that he also fared well in the oral interview albeit that the marks obtained in that interview are not known to him. This explains why he stressed the need for greater transparency in respect of marks obtained in the interview. The complainant further stated that information about the total weightage obtained by him in the entire selection process would have been fair.
14. Objecting to the alleged non transparency on the part of the respondent in respect of publicizing the marks obtained in the interview, the respondent stated that this issue was never ever brought up by the complainant in his complaint so far. The respondent further stated that the complainant could not be promoted as he could not obtain marks enough to bring him with the ambit of the ranking up to which the promotions were effected. Besides, the respondent also added that there existed no provision for reservation in promotion in favour of persons with disabilities to Group 'A' posts anywhere including in the guidelines issued by DoP&T vide O.M. No.36035/3/2004-Estt.(Reser) dated 29.12.2005.
15. In the above view of the matter, it would be in the fitness of things to observe that it is not the mandate of this Court to formulate policies. The mandate of this Court is to see whether or not a given policy or certain law in relations to persons with disabilities has been implemented or whether there has been any violation of any such policy or any such law. This explains why this Court is unable to

pass any specific direction with regard to the claim of promotion of the complainant. However, it is desirable that the improvement of promotional and career advancement prospects of employees with disabilities including those with hearing impairment be kept in mind while developing and designing specific training modules and programmes for such employees.

16. As regards training, there is indeed need for specific training for employees with disabilities, more particularly, for those with hearing impairment to enable them to improve their skills and also for advancement of their career. It is, therefore, advised that the respondent Bank organizes specific training programme for various skills that are necessary for an employee of the Bank for advancement of his/her career from time to time. Once the respondent Bank develops and implements such a training, may be on a pilot basis, the same can be replicated by the other Banks as well.

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

Sd/-

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