



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.70/1028/09-10

Dated:- 19.08.2014

In the matter of:

Shri H.K. Iyer,
"Hariharaputra",
Plot No.36, Ashray Colony,
Bella Vista Road,
Nanawadi,
Belgaum – 590 009.

..... Complainant

Versus

State Bank of India,
(Thru the Managing Director),
Personnel Management Department – HR,
Corporate Centre,
State Bank Bhavan,
Madame Cama Road,
Mumbai – 400 021.

.... Respondent

Date of hearing : 09.06.2014

Present :

1. Shri H. K. Iyer, Complainant alongwith his wife Smt. Jayanthi Hariram.
2. S/Shri Kalyan Kishore, CM-IR and M.V. Janaki Ram, Asstt. General Manager (Law), on behalf of Respondent.

O R D E R

The above named complainant, a person with low vision filed complaints dated 28.01.2010 and 17.06.2010 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding roster system in State Bank of India and entering his name in the disability roster of the Bank.

2. The complainant submitted that he had submitted a disability certificate in the bank and also claimed exemption of Rs.50,000/- under Section 80(v) of the Income Tax Act . SBI did not take cognizance of the disability certificate for entering his name in the disability roster of the Bank. He also stated that in the reply to his RTI application, Corporate Centre, SBI, Mumbai informed that only six persons with visual impairment were working in the officer cadre of the Bank by direct recruitment or otherwise and their whereabouts were not known to the Corporate Centre. The Bank was also not implementing 3% reservation.

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3. The matter was taken up with the respondent vide this Court's letter of even number dated 29.11.2010. The respondent vide his letter dated 19.01.2011 submitted that the complainant had no disability at the time of joining the Bank and he had joined the Bank as a general candidate without any reservation under disabled category. He developed the disability of 40% loss of vision subsequently reportedly due to continuous usage of drug containing steroid for treatment of eye allergy. The writ petition filed by him on 01.06.2001 before the Hon'ble High Court of Karnataka praying for issuing directions to the Bank to reserve 3% posts in promotion of officers-JMGS-I for persons with disabilities with effect from 07.02.1986 and to promote him with effect from 07.02.1996 was dismissed by the Single Judge Bench vide order dated 18.12.2008. The order was pursuant to the submission filed before the Court, clarifying that there is no reservation for the persons with disabilities in promotion to Group A or Group B posts.

4. The instant case was decided vide Record of Proceedings (ROP) dated 06.06.2011. The respondent was inter-alia advised to provide a copy of roster for persons with disabilities for Group 'A' and 'B' posts. The respondent vide letter dated 06.08.2011 submitted the Action Taken Report and informed among other things, that non-inclusion of the complainant's name in the roster would not cause him any disadvantage or prejudice as there is no reservation for persons with disabilities when promotions are made to the post of an officer. Thereafter several e-mails and letters were received from the complainant in which he, inter-alia, submitted that the Bank was neither maintaining the Roster for persons with disabilities nor was implementing 3% reservation for persons with disabilities. He also submitted that there was no indication anywhere in the Bank's 13 no. page roster showing employees with disabilities consuming any reserved point in the cycles, during the recruitment/promotion years 1996-2011. He sought to know the legal implication of addition of his name in the roster as a person with disability with respect to his seniority. The complainant submitted that the Bank had given him the benefit of Section 80U of the Income Tax Act as well as exemption from Professional tax from the financial year beginning 01.04.1988. He also pointed out that no mention is made in the service records about the visual disability of the four employees nor their names were incorporated in the disability roster after 1996. As per DoP&T's O.M. No.36035/8/2003-Estt.(Res.) dated 26.04.2006, all establishments should prepare the reservation roster from the year 1996. For the first time in the year 2012, the bank sent 06 employees for writing the promotion test. Though they were declared successful, yet their promotion orders have been stalled as there is no record of the disability roster in SBI. An employee with visual impairment of 1982 batch and an employee of 2012 batch are treated on an equal footing.

5. After considering the written submissions of the respondent and the complainant a hearing was scheduled on 09.06.2014.

6. During the hearing, the complainant raised the following issues:-

- (i) That the Bank is not maintaining reservation roster for persons with disabilities as may be seen from post based Promotion Register as on 31.12.2011 for the cadre of officers in the State Bank of India, Bangalore. In the said roster (extract of page no. 2), his name has been mentioned against Sr. No. 40 which is reserved for ST. Since he belongs to General Category, his name should figure against a point which is earmarked for General Category and for persons with disabilities.
- (ii) That in the remarks column of the above mentioned post based reservation roster, he is being treated as a person with disability (VI) on the basis of the medical certificate dated 23.03.2000 issued by Superintendent and District Surgeon, District Hospital, Belgaum, whereas he acquired disability way back in 1982 i.e. about 2 years after joining the bank. According to him he had also submitted a Disability Certificate in 1988 to the bank for claiming exemption u/s 80U of the Income Tax Act and Professional Tax which he has since been getting.
- (iii) That of late, he has been given the work of Deputy Manager (Branch Operations) which is not an identified post though this issue was not raised by him in his original complaint. He submitted that an order may be passed to exempt him from handling cash.

The complainant added that he is not seeking any relief, such as the benefit of promotion etc. as he will not gain much by treating him a person with disability from 1988, more particularly, in the face of the fact that he has already been getting the benefits of exemption of Income Tax and Professional Tax respectively and that what the complainant wants is that the records should be set right.

7. Reiterating their written submissions, the representatives of the respondent submitted that the name of Shri H.K. Iyer has since been included in the post based promotion roster in compliance with this Court's Order dated 06.06.2011 in Case No.70/1028/09-10 and the medical certificate dated 22.03.2000 submitted by the complainant himself. They are not aware whether the complainant had submitted a valid disability certificate prior to the medical certificate dated 22.03.2000 submitted by the complainant himself. They produced a copy of a letter No.F.7-744/2000-RPC dated 22.05.2000 of Dr. Rajendra Prasad Centre for Ophthalmic Sciences, All India Institute of Medical Sciences vide which Shri H.K. Iyer, complainant herein, was informed that a medical Board had been fixed on 13.06.2000 at 03.00 P.M. at AIIMS and he was directed to appear for Ophthalmic check-up. As stated by the complainant, he appeared for the said check up and was issued a disability certificate accordingly, although he did not have a copy of the disability certificate issued by AIIMS. They further submitted that the complainant is raising the issues which are extraneous to his original grievance which has already been redressed. They further contended that the complainant is raising very old issues without any corroborative evidence. It was also highlighted by the respondent that the matter relating to the promotion of the complainant was already settled by the Hon'ble Karnataka High Court which had dismissed the Writ Petition filed by the complainant.

8. The issues raised by the complainant at (i) to (iii) (other than record) including those that do not form part of his original complaint that are detailed herein:-

- (i) With regard to issue no. (i), the copy of the roster produced by the complainant is that of the post based promotion roster and not for persons with disabilities. It is obvious that the said roster is admittedly in compliance of this Court's orders dated 06.06.2011. The respondent-bank is required to maintain a separate 100 point reservation roster for computing reservation for persons with disabilities as per instructions of Department of Personnel & Training vide their O.M. No. 36035/3/2004-Estt. (Res) dated 29.12.2005. This Court expects that the State Bank of India is implementing reservation roster as per relevant instructions of DoP&T.
- (ii) With regard to issue No. (ii), the complainant is directed to submit a valid disability certificate, if any, prior to 03.03.2000 to the concerned authorities in the State Bank of India, who, in turn, will take appropriate action to update/amend the relevant records pertaining to the complainant after satisfying itself about the genuineness of the certificate.
- (iii) With regard to issue No. (iii), the posts of Bank Officers of different grades which include Deputy Manager (Branch Operations) and host of other posts having similar job profile have been identified as suitable for persons with blindness and low vision by the Ministry of Social Justice & Empowerment vide their Notification No. 16-15/2010-DD.III dated 29.07.2013. Therefore, no direction exempting the complainant from any duties attached to the corresponding post can be given.

9. It goes without saying that while the issue raised by the complainant regarding inclusion of his name on the roster has been addressed by the respondent, the issues around his promotion have already been settled by the Hon'ble High Court of Karnataka.

10.. The matter stands disposed off accordingly.

Sd/-

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