



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.551/1022/2013

Dated:-21.08.2014

In the matter of:

Shri Ramesh K. N.,
Kunnathu Illom,
Kumaranallor,
Kottayam,
Kerala – 686016

..... Complainant

Versus

Canara Bank,
(Thru the General Manager),
Personnel Management Section,
Human Resources Wing,
Head Office,
112, J.C. Road,
Bangalore – 560 002.

.... Respondent

Date of hearing : 07.07.2014

Present :

1. Shri Nair Ajit Krishnan, AGM (HR), on behalf of Respondent.
2. S/Shri Umesh Kumar K.N., brother of the Complainant with Shri Manoranjan Rai.

O R D E R

The above named complainant, a person with 45% locomotor disability filed a complaint through e-mail dated 09.10.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding his retention at any branch of Canara Bank in and around Kottayam.

2. He submitted that he was working as an Officer in Nattassery branch (Kottayam District) of Canara Bank. He was transferred vide letter no. TCO/HRM/T.12(1)/50/2013/VSB dated 29.06.2013 from Trivandrum Circle to Vittilappara branch under Calicut Circle. He represented to his Bank vide letters dated 29.06.2013 and 24.09.2013 with a request to retain him at Kottayam or nearby branches on humanitarian grounds. He was relieved from Nattassery branch Circle on 13.07.2013 and he joined Calicut Circle office on 22.07.2013. The complainant further submitted that his wife was working as a School Teacher in Kottayam district and his only daughter was studying in 2nd Standard at Kendriya Vidyalaya in Kottayam. He was undergoing Ayurvedic treatment for acute back ache and pain on his left leg which required daily support of his family members which would not be possible

.....2/-

once he was transferred away from Kottayam. He had to travel every weekend to Kottayam from Calicut which took about 7-8 hours. The complainant's repeated requests to retain him at Kottayam were not considered by the management of his bank.

3. The matter was taken up with the respondent vide this Court's letter dated 24.02.2014.

4. The respondent vide his letter No. HRWPM:9166:64:2014 dated 06.03.2014 submitted that the complainant joined the bank as a clerk during 2000. He is a native of Kumaranallor which is 4 kms. away from Kottayam in the State of Kerala. As per the Medical Certificate produced, his disability is 45% (moderate degree). The brief history of placements of Shri Ramesh K.N. as a Clerk/Officer since his joining is as under:-

Sl. No.	Year	Designation	Placement	Remarks
1.	2000-2002	Clerk	Vellinezhi	200 kms from his hometown.
2.	2002-2006	Clerk	Parippu	8 kms from his hometown.
3.	2006-2008	Clerk	Kottayam Temple Road	Hometown.
4.	2008-2010	Officer	Ranni	On promotion to Scale (50 kms from his hometown)
5.	2010-2013	Officer	Nattassery	4 kms from hometown.

5. The respondent further submitted that during general transfers 2013, Shri Ramesh K.N. was transferred to Calicut which is 245 kms away from his home town. Shri Ramesh has been accommodated within a comfortable radius from his hometown for more than 11 years. Even now as Scale I Officer also, he has been accommodated within the State, which is just 245 kms from his hometown. The placement to Calicut is considered taking into account the fact that Calicut is a big city where commutation to his native place will be easy and also where all other facilities are available. Since Shri Ramesh had worked in around Kottayam/neighbouring district for almost a period of more than 11 years, bank transferred him to Calicut in order to accommodate more than 30 officers who have opted and eligible for transfer back to their home State. However, Shri Ramesh can opt for transfer to his hometown once he completes 3 years of service in the present placement.

6. 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. It has been decided that 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 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.

7. Vide letter dated 04.04.2014, the respondent was informed about the above O.M. and requested to consider the request of the complainant in the light of the said O.M.

8. As no reply was received from the bank in response to this Court's letter dated 04.04.2014, a hearing was scheduled on 07.07.2014. In the meantime, the respondent vide letter no. HRWPM: 1390:64:2014 dated 17.06.2014 submitted that the complainant has already been relieved from the present Circle on 14.06.2014 for Ayarkunnam branch which is 14 Kms away from his home town where he had reported for duty on 16.06.2014. However, they did not submit their action taken report due to oversight.

9. The complainant vide his e-mail dated 24.06.2014 contended that his transfer to Calicut was against the spirit of Proclamation adopted at Beijing and the Persons with Disabilities Act, 1995 and, therefore, he should be transferred to any one of the branches of the bank at Temple Road Kottayam, Nattassery, Kanjikuzhy, Ettumanoor.

10. It is observed that the respondent bank has transferred the complainant to a branch which is only 14 kms. away from the residence of the complainant, which this Court considers to be a positive action and the complainant should work and give his best to his Bank. Now, any further intervention for this Court is not called for. It is also observed that a reference to the proclamation on the full participation and equality of the people with disabilities in the Asian Pacific Region and violation of its provisions by the Bank does not appear to be relevant to the context as the said proclamation does not provide for such administrative issues, which signatory countries are expected to address by appropriate legislative and administrative measures.

11. In the light of the foregoing, the complaint is closed without any directions to the respondent.

Sd/-

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