



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. 912/1011/12-13

Dated:10.07.2014

In the matter of:

Smt. Bebi Devi,
C/o Tarkeshwar Pd Singh,
Qtr. No. – 129, Type-III,
The Park, Ishapore, P.O. – Ichapur Nawabganj,
District – 24 Parganas (North) – 743144 (West Bengal)

.... Complainant

Versus

Ordnance Factory Board,
Through the Director/NG & Admin,
Ministry of Defence, "Ayudh Bhavan",
10-A, Shaheed Khudiram Bose Road,
Kolkata – 700 001.

.... Respondent

Date of Hearing – 15.05.2014

Present :

1. None for the Complainant.
2. Ms. Sharmishtha Kaul Sharma, DGM/Admn., S/Shri P.C. Srivastava, DGM/Admn., Ravindra Kumar, UDC/DLS Vehicle Factory, Jabalpur & R.K. Gupta, WM/OFC on behalf of the respondent.

O R D E R

The above named complainant Smt. Bebi Devi mother of Shri Abhishek Kumar Singh, a person with 75% visual impairment filed complaints dated 03.12.2012 and 19.03.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act, regarding reservation for persons with disabilities.

2. The complainant submitted that various Indian Ordnance Factories which are under the control of ordnance Factory Board, advertised their requirement for various semi skilled posts without providing the benefit of reservation to persons with visual impairment. She submitted that the post of Fitter General and Fitter at sr. no. 600 and 601 are identified suitable for persons with visual impairment as per Ministry of Social Justice & Empowerment but OFB is not providing the benefit of reservation.

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3. As per Notification No.16-70/2004-DD-III dated 15.03.2007 issued by Ministry of Social Justice and Empowerment the posts of Fitter General & Fitter are identified for persons with disabilities (OL, BL, LV & HH).

4. Section 33 of the Act provides as under:-

“Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three percent for persons or class of persons with disability of which one percent each shall be reserved for persons suffering from –

- (i) Blindness or low vision;
- (ii) Hearing impairment;
- (iii) Locomotor disability or cerebral palsy, in the posts identified for each disability;

Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such Notification, exempt any establishment from the provisions of this section.”

7. The matter was taken up with the respondent vide this Court's letter dated 17.05.2013.

8. Director/NG & Admin., Ministry of Defence, Ordnance Factory Board, Kolkata vide letter dated 05.06.2013 submitted that O.F. Board does not have complete data/information since 01.01.1996 of 41 factories all over the country and, therefore, such information is required to be collected and sought 3 month's time to submit the same, which was granted vide letter dated 05.07.2013. The respondent vide letter dated 20.09.2013 submitted the requisite information in the prescribed proforma. A copy of the same was forwarded to the complainant for submission of her comments/rejoinder.

9. The complainant vide letter dated 27.11.2013 submitted that she is not satisfied with the reply submitted by Ordnance Factory Board, Kolkata and stated that OFB never desired to give reservation to VH categories in semi-skilled posts in Ordnance Factories under their control. She further requested this Court to force OFB to implement Ministry of Social justice and Empowerment's Notification in true spirit and in the process fulfill the dreams of thousands of VH categories so that they may also join Ordnance Factories in various Semi-skilled posts.

10. Upon considering the replies dated 05.06.2013 and 20.09.2013 of the respondent and the complainant's rejoinder dated 27.11.2013, a hearing was scheduled on 14.04.2014 which was rescheduled on 09.05.2014 and lastly on 15.05.2014.

11. During the hearing, Shri P.C. Srivastava, DGM/Admin., Vehicle Factory, Jabalpur on behalf of Ordnance Factory Board submitted that the complainant had submitted an application under RTI dated 27.11.2013 seeking the following information:-

- (1) To confirm whether the order of OFB No. 039/44/A/A dated 16.08.2013 regarding reservation of persons with low vision was received by Vehicle Factory, Jabalpur. If so, whether the said order was implemented in the advertisement published in Employment News dated 16-22 November, 2013?
- (2) If the said Order of OFB was not incorporated in the said advertisement, whether the same would be re-advertised by taking into account the said order?

On receipt of the application under RTI, the reservation for persons with low vision was incorporated before the closing date of receipt of applications by issuing a corrigendum on line in keeping with the stipulation in the original advertisement with any modification would be notified on line. The complainant was accordingly informed vide letter dated 23.12.2013. Thereafter her son Shri Abhishek Kumar Singh applied for the post of General Fitter on 27.12.2013 and subsequently he was issued Roll No.141501507708 to appear in the written examination which was held on 23.02.2014. A total of 38 candidates with low vision applied for one vacancy of Fitter (General). The written examination was held on 23.02.2014 at Vehicle Factory, Jabalpur. Out of them, only 3 candidates with low vision had qualified the written examination to be called for trade test. The final result was declared on 12.05.2014 where out of 3, one candidate, namely, Shri Parveen Kumar Jaiswal has been selected. The complainant's son could not qualify in the written examination.

12. Ms. Sharmishtha Kaul Sharma, DGM/Admin. From Field Gun Factory, Kanpur on behalf of Ordnance Factory Board submitted that all recruitment exercises both in industrial and non-industrial cadre, the instructions/guidelines of Ministry of Social Justice & Empowerment dated 15.03.2007 shall be complied with and accordingly low vision category shall be incorporated wherefrom application. There is no backlog for persons with disabilities in industrial cadre of the Board.

13. Shri R.K. Gupta, WM/OFC, Kanpur Ordnance Board submitted that when the impugned advertisement was published, the information about Notification of Ministry of Social Justice and Empowerment was not available with Ordnance Factory, Kanpur. However, when the revised instructions were received from Ordnance Factory Board, a corrigendum was issued accordingly although the process is yet to get under way. As regards the backlog of reserved vacancies for persons with disabilities in Ordnance Factory, Kanpur, the information is not readily available with her. However, she has received telephonic confirmation that there is no backlog.

14. From the information furnished by Ordnance Factory Board, Kolkata vide their letter No. 039/44/A/A dated 20.09.2013, it is apparent that there is backlog of reserved vacancies in almost all the Groups except Group 'B'. Unless the vacancies reserved for persons with disabilities have been interchanged/lapsed after following due process in accordance with mandate of Section 36 of the Persons with Disabilities Act, the respondent would require to have a Special Recruitment Drive undertaken by concerned Ordnance Factories where there is backlog of reserved vacancies. In any case, DoP&T has already undertaken the Special Recruitment Drive and have issued necessary instructions to all concerned in the Government of India. The respondent is,

therefore, directed to comply with the mandate of Section 33 of the Persons with Disabilities Act and the instructions issued by DoP&T and Ministry of Social Justice and Empowerment .

15. The complainant is, therefore, advised to keep track of future vacancies and apply in response to the advertisements wherever he is eligible.

16. The matter stands disposed off.

Sd/-

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