



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.557/1024/2013

Dated:-09.07.2014

In the matter of:

Miss Anuradha Hora,
H-310, Vikaspuri,
New Delhi-110 018.

..... Complainant

Versus

Bank of India,
(Thru Chairman-cum-Managing Director),
Star House,
C-5, G. Block,
Bandra Kurla Complex,
Bandra (East),
Mumbai-400 051

.... Respondent

Date of hearing : 12.06.2014

Present :

1. Miss Anuradha Hora, Sr. Manager, BOI, complainant.
2. Shri Darshan Singh, Sr. Manager, on behalf of Respondent.

ORDER

The above named complainant, a person with 75% locomotor disability filed an e-mail complaint dated 17.10.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding discrimination/ inhuman treatment/ victimization/ stigmatization/ non-acceptability of differently abled/ insensitive/prejudiced treatment of senior management.

2. The complainant submitted that she is working as Senior Manager (MM III Officer) in Bank of India at Vikaspuri Branch, New Delhi. She is second in command after the Chief Manager. She alleged that for the past 10 years she was made to work under her junior officer. She is facing blatant gender bias as well as disability bias. She has on many occasions and at different platforms tried to convey her heart felt feelings but found people insensitive towards the issues like, disabled friendly atmosphere in bank, transferability, acceptability at grass-root level, annual performance reports of persons with disability, training needs, promotion of person with disability, handling of disciplinary cases initiated against the employees with disabilities and sensitization of the staff specially the Managers at grass-root level etc.

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3. As per complainant she was made to work under Shri S.C. Azad (Admn. Head) who is junior to her at all levels and seven and half years in MM III. Shri Azad adopted all unfair means to retain his position and pull her down for the last 15 months. She was discriminated by Shri Azad by giving each instructions relating to routine matters in writing/creating records for future use. Shri Azad made derogatory remarks on her disability in full public view thereby creating hostile work environment for a senior lady officer of proven caliber outraging the modesty of the disabled and spoiling bank's image in public. She raised the number of issues in the complaint.

4. As per Section 46 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 provides that the appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for -

- (a) ramps in public building;
- (b) adaptation of toilets for wheel chair users;
- (c) braille symbols and auditory signals in elevators or lifts;
- (d) ramps in hospitals, primary health centres and other medical care and rehabilitation institutions.

5. Apart from Section 46 of the Persons with Disabilities Act, 1995, the Section 47(2) of the Persons with Disabilities Act, 1995 inter-alia provides :-

"No promotion shall be denied to a person merely on the ground of his disability..

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

6. The matter was taken up with the respondent vide this Court's letter dated 22.10.2013.

7. The respondent vide his letter No.ZO/HR/SC/7116 dated 05.11.2013 submitted a detailed reply of the representation of the complainant. In brief, they submitted that the complainant is in the habit for making false, baseless and fabricated complaints against her seniors. She made complaints not only with the branch staff but also with the higher ups. She has no faith in the system and feels that everyone in the organization even up to the level of Chair person is not imparting justice to her and all have come together to harass her. She has been in the habit of misbehaving with staff and customers and also refused to do work allotted to her from time to time. The complaint made by the complainant is just to avoid penalty imposed on her vide penalty order dated 30.09.2013 and she pretended as if she is innocent and being harassed by one and all in the organization which is not at all correct. In the end, the respondent requested to consider their submissions and she may be counseled at this Court's level as all counseling at their level have failed to bring any improvement in her work and behaviour.

8. The complainant in her rejoinder letter dated 03.12.2013 alongwith a bunch of enclosures submitted that the documents compiled together by the respondent with its reply are unrelated with each other and also not relating to the present case. The respondent is also refuting the allegations made by the complainant. She submitted that Shri M.M. Prasad, the signatory in the respondent's

reply is the same person who initiated action against her. The respondent bank ignored her earlier complaints of serious nature. She submitted that the statement of MM II Officer, Smt. Saroj Satija clearly depicted that Shri Azad was harassing other ladies as well in the same manner. Her contention was that her promotion was not honoured but it was misinterpreted and wrong references drawn to mislead this Court. She was given low caliber jobs by her juniors which did not commensurate with her academic background and experience. She was indirectly denied promotion to higher posts. She submitted that incorrect information were provided by her bank to this Court regarding issue of her transfer, postings and working under juniors etc. She submitted that she always accepted postings by the bank and she had till date a good number of postings in different branches of her bank (20 to 25 Kms. from her residence). The respondent bank again misled this Court by saying that she is working with Vikaspuri branch for the last 10 years. The complainant had given a date-wise list of her postings in different branches of the bank. She further submitted that she was transferred from one branch to another without ensuring the accessibility and even the basic amenities like suitable toilet facility. She further submitted that there are cases of able bodied officer who are retained in the same branch/office beyond the normal period of three years and even after promotion. Her contention is that when 90% of the staff members including Managers were given postings near to their place of residence then why the same benefit is being denied to a person with disability like her. She submitted that in fact she was transferred more frequently than able bodied officers.

9. The complainant further submitted that for the first time Vikaspuri branch has basic amenities and ramp were provided but she was not allowed to use them by making the toilet open to outside people and not opening the door with a ramp in the morning. She was also shunted out to Janakpuri branch for 19 months on deputation where she was not provided with basic amenities as required by a person like her. She stated that she started facing discrimination when the question of giving designated posts arose in the year 1998. The Managers/same Level Officers started misusing their powers and frequently dragged me into disciplinary proceedings to pull me down/retain their position and post a person of their choice at designated posts. As regards any complaints from the customers, she submitted that there was no complaint against her in 36 years of service. The complainant requested that her case may be reviewed by an impartial/senior/experienced official sensitive towards the issue. Punishment order dated 30.09.2013 may please be set aside and she may be completely exonerated. Appropriate disciplinary action may please be taken against the miscreants. Personal hearing may please be granted at the earliest. Intervention of Department of Financial Services, Ministry of Finance be sought in case this Court deems fit. Further harassment be stopped immediately and bank be asked to give assurance to take remedial steps to avoid happening of such untoward incidents and working environment may not be vitiated for the disabled. The Managerial staff specifically the Managers at grass root level and HR/IR Officials be educated/made aware of the provisions of PwD Act, 1995 and RBI norms on disability as a Policy matter.

10. Upon considering the written submissions of the respondent and complainant, a hearing was scheduled on 09.06.2014 which was rescheduled to 12.06.2014.

11. After hearing both the parties on 12.06.2014, it appeared that various points raised by the complainant Ms. Anuradha Hora are related to general infrastructure and against the pecuniary punishment inflicted on her. She insisted that though no misconduct or misbehaviour was done with anyone and there was no case of pecuniary loss to bank but a penalty was imposed on her and that too without conducting any inquiry. She reiterated that she is not an accused but a victim. The representative of the bank stated that conducting of enquiry in minor penalty proceedings is the discretion of the Disciplinary Authority as per the Bank of India Officers (Discipline & Appeal) Regulations, 1976. Ms. Hora was given an opportunity for submitting her statements of defence.

12. Going by the written and oral submissions of the representatives of the respondent and the complainant, it is quite in context for this Court to observe that the entire episode and repeated complaints of Ms. Hora show that there is lack of team spirit in the branch of the bank. It is also felt necessary to sensitize the Bank Management and make them aware of the Persons with Disabilities Act. It is, therefore, advised that Ms. Anuradha Hora be provided all the basic infrastructural facilities to run the office and matters relating to basic amenities/needs of her like ramp, toilets and its functioning should be provided to her convenience. Considering the nature of disciplinary charges against Ms. Hora, the pecuniary punishment imposed on her may be reconsidered and reviewed. There is a need to give suitable instructions to all the bank employees to be compassionate and helpful towards persons with disabilities.

13. The matter stands disposed off with the above advice to the respondent.

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