



कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
Employees' Provident Fund Organisation
(Ministry of Labour & Employment, Govt. Of India)
मुख्य कार्यालय/ Head Office



भविष्य निधि भवन, 14- भीकाजी कामा प्लेस, नई दिल्ली - ११००६६
Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi-110066
Website: www.epfindia.gov.in, www.epfindia.nic.in

No. HRM-III/2/2017/PH Reservation/EO-AO

Dated:

To

All Addl. Central P.F. Commissioner, Zonal Offices,
All Regional P.F. Commissioners, Zones/Regions.

30 MAY 2018

Sub: Complaint of Shri Pratik Hanmant Nikam and Ms. Archana regarding non-reserving vacancies for Blind/Low Vision in recruitment of Enforcement Officer (Group 'B')-regarding.

Sir,

Please find enclosed herewith a copy of letter No. 8225/1011/2017 dated 30.10.2017 received from the Court of Chief Commissioner for Persons with Disabilities enclosing therewith complaint dated 25.05.2017 of Shri Pratik Hanmant Nikam and another complaint dated 27.09.2017 of Ms. Archana requesting allowing Low Vision candidates for the post of Enforcement Officer/Accounts Officer. Complainant Shri Pratik Hanmant Nikam has also raised that as per CCPD order in case No. 4904/1011/2015 dated 04.10.2016, EPFO is directed to identify and reserve the post of Assistant Provident Fund Commissioner for Low Vision. The Complainant has sought similar directions from Court of Chief Commissioner for Persons with Disabilities for the post of Enforcement Office/Accounts Officer.

2. As per direction of Court of Chief Commissioner for Persons with Disabilities, there is need to forward the copies of PH Reservation Roster in the cadre of Group 'A' and Group 'B' cadres. Accordingly, it is therefore, requested to furnish the details of vacancies filled since 01.01.1996 in Group 'B' cadre in the enclosed proforma along with copy of PH Reservation Roster and a certificate from the Liasion Officer certifying that the reservation roster for the persons with disabilities has been maintained as per DoPT instructions within 07 days for onward transmission to the Court of Commissioner for Person with Disabilities.

Encls: As above.

Yours faithfully,

(Ningshen Thothar)
Regional P.F. Commissioner-I (HRM)



SP-9547

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न्यायालय मुख्य आयुक्त विकलांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES

विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 8225/1011/2017

Dated: 30.10.2017

Dispatch No. R4173

To

The Regional P.F. Commissioner - II
Employees Provident Fund Organization
Ministry of Labour & Employment
Bhavishya Nidhi Bhawan, 14, Bhikaji Cama place
New Delhi - 110066

1363
8-11-17

Sub: E-mail dated 25.05.2017 received from Shri Pratik Hanmant Nikam regarding not reserving vacancies for Blind/Low vision in recruitment of Assistant Provident Fund Commissioner.

Sir,

Please find enclosed a copy of complaint dated 25.05.2017 received from Shri Pratik Hanmant Nikam on the above mentioned subject, which is self explanatory

2. Section 34 of the Rights of Persons with Disabilities Act, 2016 provides as under

(1) Every appropriate Government shall appoint in every Government establishment, not less than four percent of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one percent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one percent for persons with benchmark disabilities under clauses (d) and (e) namely:-

a) blindness and low vision;

b) deaf and hard of hearing;

c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

d) autism, intellectual disability, specific learning disability and mental illness;

e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities.

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time.

3. It is pertinent to mention here that DOP&T in para 15 of their OM No. 36035/3/2004-Estt. (Res) dated 29.12.2005, has prescribed the procedure for effecting reservation - maintenance of roster. Further, DOP&T vide their OM No. 36035/8/2003-Estt. (Res) dated 26.04.2006 had decided that all establishments should prepare the reservation roster registers as provided in their OM mentioned above starting from the year 1996 and reservation for persons with disabilities be earmarked as per instructions contained in the above mentioned OM

4. Also DoP&T vide its O.M. No. 36035/6/2012-Estt. (Res) dated 14.12.2012 had requested the Ministries/Departments to prepare reservation roster registers starting from the year 1996. As per the instructions if some or all the vacancies so earmarked have not been filled by reservation and were filled by able bodied persons either for the reason that points of reservation had not been earmarked properly at the appropriate time or persons with disabilities did not become available such unutilized reservation might be treated as having been carried forward. Ministries/Department may ensure that reservation to persons with disabilities is provided as per extant instructions so as to minimize possibility of creation of backlog reservation vacancies. It is also advised that concerted efforts should be made to clear the backlog through regular recruitments without waiting for Special Recruitment Drives

सरोजिनी हउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स: 23386006

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001; Tel.: 23386054, 23386154; Telefax: 23386006

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

7/3/14
(8)

5. On this aspect, Department of Personnel & Training its OM No. 36035/2/2012-Estt. (Res) dated 08.01.2014 had amended the Para 4 of its OM No. 36035/3/2004-Estt.(Res) dated 29.12.2005 relating to identification of jobs/posts is amended accordingly and all the Ministries/Departments are now requested to utilise the list of identified posts specified in Annexure -C of the Ministry of Social Justice & Empowerment's Notification No. 16-15/2010-DD.111 dated 29.07.2013. It is further stated that the list of jobs/posts notified by the Ministry of Social Justice and Empowerment is illustrative and the concerned Ministries/Departments can further supplement the list to suit their job requirements.

6. In this Context, Department of Personnel & Training, further in compliance of the Directions of the Hon'ble High Court of Delhi passed on 17.07.2014 in Civil Miscellaneous Appeal No. 230/2014 vide its O.M. No. 36035/4/2013. Estt.(Res) dated 06/07.01.2015, has amended para 15 (i) of the said O.M. No. 36035/3/2004- Estt.(Res) dated 29.12.2005 to the extent that "Reservation for persons with disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in all the Group "A" posts or Group "B" posts respectively in the cadre." Separate roster for Group 'A' posts and Group 'B' posts in the establishment shall be maintained.

7. Please be apprised that Section 75 of the Rights of Persons with Disabilities Act, 2016 mandates the Chief Commissioner for persons with disabilities on his own motion or on application of any aggrieved person or other wise to look into complaints inter-alia, with respect to matters relating to deprivation of rights of persons with disabilities;

8. In view of above, you are advised to submit the comments on the complaint cited above, alongwith details of vacancies filled since 01.01.1996 in Group 'A' & 'B' in the enclosed proforma and a certificate from the Liaison Officer certifying that the reservation roster for the persons with disabilities has been maintained as per DOP&T's instructions to this Court within 30 days from the date of receipt of this communication. It may also be ensured that persons with disabilities shall not be deprived of their legitimate rights. A copy of your reply should also be served to the complainant either personally or through registered post. The proof of the same should be submitted to this Court. You may also provide additional inputs, relevant to the case, if desired. The complainant may file his rejoinder to this Court if any within 15 days with copy to respondent.

Yours faithfully,

Encl: As above

Sc. w. L.

(Dr. S.K. Prasad)
Dy. Chief Commissioner

Copy to:

Shri Pratik Hanmant Nikam
C-2, Premraj residency
Anand Nagar, Old Sangvi
Pune, Maharashtra - 411027

: for information

Format for furnishing information in respect of posts

Sl. No.	Classification of post (Whether belongs to class I, II, III or IV or to Group A, B, C or D)	Total Sanctioned Strength	Number of persons in position	Total Number of vacancies existing	No. of Vacancies filled since 1996	Number of employees with disabilities out of column 6			Whether separate 100 point roster meant for PH persons is being maintained	Current cycle and the number of points of current 100 - point roster utilized so far
1	2	3	4	5	6	7			8	9
						OH	VH	HH		
1.	Group 'A'/Class-I (vacancies filled by direct recruitment in identified posts only)									
2.	Group 'B'/Class-II (vacancies filled by direct recruitment in identified posts only)									
3.	Group 'C'/Class-III (vacancies filled by direct recruitment in identified as well as unidentified posts)									
4.	Group 'C'/Class-III (vacancies filled by promotion in identified as well as unidentified posts)									
5.	Group 'D'/Class-IV (vacancies filled by direct recruitment in identified as well as unidentified posts)									
6.	Group 'D'/Class-IV (vacancies filled by promotion in identified as well as unidentified posts)									

Sd/-
DCC-I
26/04/11

(Signature of Head of Office/Department with stamp)



 7
 193

Subject: To allot me fresh case no. for my complaint against EPFO.
To: ccpd <ccpd@nic.in>

Date: 05/25/17 01:52 PM
From: Pratik Nikam <nikamph@gmail.com>

DATE: May 25th 2017

To,

THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
NEW-DELHI, 110001.

Subject : To allot me fresh case no. for my complaint against EPFO.
Reference: Refer diary no. 24668

Respected Sir/Madam,

- 1) I, Mr. PRATIK HANMANT NIKAM, had filed complaint on 23.11.2016(attached with this application) against Employees Provident Fund Organization(EPFO), Ministry of Labour & Employment.
- 2) But I have yet not been allotted case no. for this complaint.
- 3) Instead I have been allotted a diary no. 24668 for the same.
- 4) This being a new complaint against EPFO, I sincerely request CCPD to allot a fresh case no. to my complaint & necessary action be initiated against EPFO for not identifying post of Enforcement officer/Accounts officer for Low vision candidates.

Thanking you,

Yours truly
Mr. PRATIK HANMANT NIKAM

My Address:- C2, Premraj residency, Anand nagar, Old Sangvi, Pune, Maharashtra-411027

My contact details are:

Mobile : +91-9029064251 / +91-8087619962

Email : nikamph@gmail.com , phnikam@gmail.com .

DATE: November 23rd 2016

To,

THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES

for post of

Subject : 1) To allow Visually handicapped candidates(VH) to apply

PUBLIC

Enforcement Officers/Accounts Officers in Employees' Provident Fund

Organisation, Ministry of Labour & Employment against

SPECIAL ADVERTISEMENT NO. 53/2016 of UNION

SERVICE COMMISSION.

Respected Sir/Madam,

I, Mr. PRATIK HANMANT NIKAM,

Address:- C5, Premraj residency, Anand nagar, Old Sangvi, Pune, Maharashtra-411027

My contact details are:

Mobile : +91-9029064251 / +91-8087619962

Email : nikamph@gmail.com , phnikam@gmail.com .

NAME AND ADDRESS OF THE OPPOSITE PARTY :-

EMPLOYEES PROVIDENT FUND ORGANISATION

Regional Provident Commissioner

Ministry of labour and employment, Bhavishya nidhi bhawan, 14 ,Bhikaiji cama place
New delhi110066

The Complaint arose when I was not allowed to apply for post of Enforcement Officer/ Accounts Officer in Employees' Provident Fund Organisation, Ministry of Labour & Employment.

I request you to please read the complaint details carefully and I hope you will surely come out with positive and constructive solution. Please do the needful.

Thanking you,

Yours truly
Mr. PRATIK HANMANT

NIKAM DOCUMENTS ATTACHED HEREWITH :-

- 1) Complaint details
- 2) Enforcement Officer/ Accounts Officer ADVERTISEMENT
- 3) Assistant Provident Fund Commissioner ADVERTISEMENT.
- 4) Scanned copy of Physically handicapped certificate from Medical Board.

COMPLAINT DETAILS :

➤ COMPLAINT aroused since not allowed to apply for post of Enforcement Officer/ Accounts Officer:-

Duties of Enforcement Officer/ Accounts Officer inter alia are to look after the work of Enforcement, Recovery, Accounts, Administration Cash, Legal Pension and Computer which includes the statutory and administrative functions like conducting

1864

Duties of Assistant Provident Fund Commissioner inter alia are to look after the work of Enforcement, Recovery, Accounts, Administration, Cash, Legal, Pension and Computer which includes the statutory and administrative functions like conducting inquiry; settlement of claims; general administration; maintenance of Cash Book/Reconciliation of Bank Statements; MIS returns etc. (advertisement copy attached)

Duties of Enforcement Officer/ Accounts Officer & Assistant Provident Fund Commissioner are exactly similar to each other.

As per CCPD order in case no. 4904/1011/2015 dated 04.10.2016, EPFO is directed to identify and reserve the post of **Assistant Provident Fund Commissioner** for Low vision

Similarly CCPD is requested to issue necessary instruction to EPFO to allow Low vision candidates to apply for post of Enforcement Officer/ Accounts Officer

► **RELIEF SOUGHT:-**

To allow me & similar other visually challenged candidates to apply for posts of Enforcement Officer/ Accounts Officer. I request you to please help me out for my queries as stated above:

Thanking you.

Mr. PRATIK HANMANT NIKAM

COMPLAINT DETAILS



न्यायालय मुख्य आयुक्त विकलांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES

विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

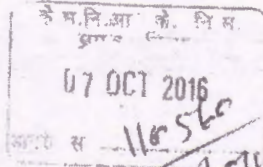
भारत सरकार / Government of India

Case No. 4904/1011/2015 / D371 / D373 / D375

Dated: 04-10-2016

In the matter of:

Shri Pratik Nikam,
C5, Premraj Residency,
Anand Nagar, Old Sangvi,
PUNE - 411027 (Maharashtra)
Versus



Complainant
अ.के.म.नि. आयुक्त (मुख्यालय)

Employees Provident Fund Organization
Through the Regional P.F. Commissioner-II,
Ministry of Labour & Employment, Govt. of India,
Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place,
New Delhi-110066.

Respondent

Case No. 4710/1011/2015

In the matter of:-

Shri Karanbir Singh Randhawa,
<randhawakaranbir@gmail.com>

Complainant

Versus

Employees Provident Fund Organization
Through the Regional P.F. Commissioner-II,
Ministry of Labour & Employment, Govt. of India,
Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place,
New Delhi-110066.

Respondent

Case No.: 4805/1011/2015

In the matter of:-

Shri Rizwan Basha,
rizwanbasha.cse@gmail.com

Complainant

Versus

Employees Provident Fund Organization
Through the Regional P.F. Commissioner-II,
Ministry of Labour & Employment, Govt. of India,
Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place,
New Delhi-110066.

Respondent

Date of Hearing : 06.06.2016, 08.07.2016

Present :

06.06.2016

1. Dr. Anil K. Aneja on behalf of Shri Pratik Nikam, the Complainant.
2. Complainant Shri Karanbir Singh Randhawa absent.
3. Complainant Shri Rizwan Basha absent.
4. Sh. Sanjay Bisht, RPFC-I (HRM) with Shri Uma Kant, Assistant on behalf of the Respondent.

-2/-

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष : 23386054, 23386154; टेलीफैक्स : 23386008
Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001; Tel.: 23386054, 23386154; Telefax : 23386008

E-mail: ccpd@nic.in; Website: www.ccd disabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

08.07.2016

1. Complainant Shri Pratik Nikam absent.
2. Complainant Shri Karanbir Singh Randhawa absent.
3. Complainant Shri Rizwan Basha absent
4. Sh. Sanjay Bisht, RPFC-I (HRM) with Shri Uma Kant, Assistant on behalf of the Respondent.

ORDER

The above named complainants, persons with 40% visually impaired filed complaints dated 26.06.2015 (Case No. 4904/1011/2015), 03.07.2015 (Case No. 4710/1011/2015) and 03.07.2015 (Case No. 4805/1011/2015) respectively before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to the 'Act' regarding not reserving vacancies for Blind/Low vision (B/LV) in recruitment of Assistant Provident Fund Commissioner (2015).

2. The complainants have submitted that UPSC vide Special Advertisement No.52/2015 had advertised the recruitment notification of Assistant Provident Fund Commissioner (Group 'A' Non Ministerial) in Employees Provident Fund Organization (EPFO). They have requested that the persons with visual impairment be allowed to apply for the post of Assistant Provident Fund Commissioner in Employees Provident Fund organization, Ministry of Labour and Employment.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 10.08.2015, 23.07.2015 and 29.07.2015 directing the respondent to intimate action taken in the matter.

4. The respondent vide letter No. HRM-II/Misc./Roster/2015/13500-3 dated 09.10.2015 has inter-alia submitted that EPFO is accounts oriented organization and duties of Assistant Provident Fund Commissioner includes maintenance of members accounts of P.F., subscribers, payment of members, deduction of TDS etc. Further, Assistant Provident Fund Commissioner's falls under Junior Time Scale and as per Ministry of Social Justice & Empowerment's Notification dated 29.07.2013, the post of Junior Time Scale and Senior Time Scale are suitable for OH and HH candidates only and these posts are not suitable for VH candidates. He further submitted that a W.P. (Civil) No.7005/2015, CM No.128839/2015 has also been filed by Shri Prateek Jain before Hon'ble High Court of Delhi on this subject matter. Hon'ble High Court Delhi vide order dated 11.08.2015 has taken a view that jurisdiction in such cases lies with CAT

5. The complainant Shri Pratik Hanmant Nikam (Case No.4904/1011/2015) vide rejoinder dated 21.01.2016 has submitted that the nature of jobs/duties of APFC are identifiable for persons with low vision. Hence EPFO should take initiate to identify them.

6. The complainant Shri Karanbir Singh (Case No. 4710/1011/2015) vide rejoinder dated 03.12.2015 has submitted that as per list of identified posts, 2013, several Group 'A' posts like Indian

187

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-3-

Revenue Services (Income Tax), Indian Corporate Law Services etc.. are identified for Blind/Low vision. Regarding decision in W.P. (Civil) No.7005/2015 mentioned by defendant, it is pleaded that the case is filed before Court of CCPD, which has been mandated to take steps to safeguard the rights and facilities to the persons with disabilities.

7. Upon considering the respondent's letter dated 09.10.2015 and complainant's rejoinders dated 21.01.2016 and 03.12.2015, a hearing was scheduled on 06.06.2016.


8. As per Record of Proceedings dated 09.06.2016, the hearing was adjourned to 08.07.2016.

9. During the hearing on 08.07.2016 none appeared on behalf of the complainants. Nor any intimation has been received about their inability to attend the hearing despite the fact that the copy of the Record of Proceedings was sent on 09.06.2016 by Speed Post. The Court noted with serious concern, the utter disregard shown by the complainants by neither intimating their inability to attend the hearing nor caring to send their versions of their cases.

10. The representative of the respondent submitted that the complainants have made claim that there should be reservation for candidates having low vision in the post of Assistant Provident Fund Commissioner which is being filled up on direct recruitment basis through Union Public Service Commission. After receiving the Notice from the CCPD, this office has replied vide letter HRM-II/Misc./Roster/2015/13500-03 dated 09.10.2016. In EPFO, the post of Assistant Provident Fund Commissioner has been identified only to be filled from the candidates belonging to OH and HH categories. The post has not been identified to be filled from candidates belonging to low vision as this attributes to the post to perform the statutory duties under the provisions of Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The statutory duties are mainly to perform the quasi-judicial functions to hear the matters connected with disputes relating to applicability of the EPF & MP Act. It also involves assessment of dues in respect of defaulting establishments covered under the Act. The Assistant Provident Fund Commissioners have to further exercise powers to recover the dues from the defaulting establishments as Recovery Officer. These powers include attachment of properties, search and seizure of records and in hard cases, to go for arrest of the defaulters to recover the dues. In addition to this, the Assistant Provident Fund Commissioner has to keep track of the investment and Bank reconciliation with the extensive use of computer in a on-line environment. Taking these nature of duties, the post has been only identified for to be filled from the candidates belonging to OH and HH categories.

11. In compliance of judgment dated 08.10.2013 of Hon'ble Supreme Court of India in Civil Appeal No. 9096 of 2013 (arising out of SLP (Civil No. 7541 of 2009) titled Union of India & Anr. Vs. National Federation of the Blind & Ors., the Department of personnel & Training vide O.M. No.36012/24/2009-Estt.(Res) dated 03.12.2013 has modified para 14 of its O.M. No.36035/3/2004-

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186 

-4-

Estt.(Res) dated 29.12.2005 to the effect that "Reservation for persons with disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in all the Group 'A' posts or Group 'B' posts respectively, in the cadre. Thus, the backlog of reservation for persons with disabilities will undergo considerable change and in all likelihood, most of the establishments will have backlog.

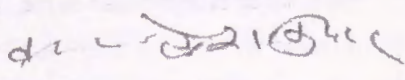
12. Department of Personnel & Training further in compliance of the Directions of the Hon'ble Supreme Court in its Judgment dated 08.10.2013 referred above, in para 10 vide its O.M. No.36035/4/2013-Estt.(Res) dated 29.12.2005 to the extent that "Reservation for persons with disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in all the Group "A" posts or Group "B" posts respectively in the cadre." Separate roster for Group 'A' posts; and Group 'B' posts in the establishment shall be maintained.

13. DOP&T vide its O.M. No.36012/39./2014-Estt. (Res) dated 22nd May, 2015 had issued instructions regarding special recruitment drive to fill up the vacancies for persons with disabilities and has fixed 01.02.2016 as the target date for issuing offer of appointments to the selected candidates.

14. As per Note 2 of Notification of Ministry of Social Justice and Empowerment, Department of Disability Affairs (now Department of Empowerment of Persons with Disabilities) dated 29.07.2013, the list of posts being notified is not an exhaustive list. The Ministries, Departments, Public Sector Undertakings and the autonomous bodies may further supplement the list.

15. After hearing the parties and perusal of the record available in the file, the instructions issued by the DoP&T vide its O.Ms referred above and the Note-2 of the Ministry of Social Justice & Empowerment, Department of Disability Affairs (now Department of Empowerment of Persons with Disabilities) Notification No. 16-15/2010-DD.III dated 29.07.2013, the respondent is directed to consider the matter and to reserve the post of Assistant Provident Fund Commissioner for persons with Low Vision in future examinations.

16. The case is disposed off.


(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities