

(28)

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email:
comdis.delhi@nic.in**

[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 4/1075/2015-Wel/CD/ 3770-71

Dated: 05/01/18

In the matter of:

Pt. Vikas Sharma,
Chairman, Disabled Helpline Foundation, India
Sharmaptvikas@gmail.com.

..... Complainant

Versus

The Director,
Directorate of Employment, GNCT of Delhi,
C-Block, 5-Sham Nath Marg, Delhi.

.....Respondent

ORDER

The above named complainant vide his complaint dated 06.08.2015 addressed to Hon'ble Chief Minister, Govt. of Delhi with copies to Commissioner, Persons with Disabilities, Govt. of NCT of Delhi among others, pointed out some problems faced by persons with disabilities during the Job Summit 2015 organised on 1st August, 2015 by the Govt. of NCT of Delhi. The issues ranged from pre-summit preparation to awareness, assistance during the summit and placement of persons with disabilities.

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2. The complaint was taken up with the respondent vide communication dated 10.08.2015 followed five reminders and a hearing on 17.11.2016. However, neither any comments were received nor did any person appear on 17.11.2016. Thereafter, another hearing was scheduled on 03.01.2018.

3. Sh. Pawan Kamra, Sr. Regional Employment Officer(SREO), Directorate of Employment filed a written submission dated 03.01.2018, which reads as under:-

"1. The mandate of Directorate of Employment is to constitute /create a platform between Employers and Employees for getting employment. Though all the related work is being done online, on the website www.employment.delhigovt.nic.in but to go forward further to facilitate Employers and Employees, Directorate is organising Job Fairs for general and for person with disabilities from time to time.

2. On 1st August 2015, Directorate has also organised a Job Summit for persons with disabilities and its status report is enclosed as Annexure-I.

3. If petitioner has any suggestions for improvement, the Directorate shall welcome it."

4. As per Annexure-I, the details of placement of persons with disabilities on 01.08.2015 is as under:-

S.No.	Name of Company	Total Listed	Short	PWD Category
1.	Netambit	12		12(OH)

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2.	KFC (Yami)	4	4 (HI)
3.	Pepsico	32	32(OH)
4.	Concentrix	12	12 (OH)
5.	Aegis	31	31(OH)
6.	Vodafone	25	20(OH) 5(VI)
7.	Steria	12	12(OH)
8.	Minda	14	5 (OH) 9(HI)
	Total	142	

(OH) Orthopedically Handicapped = 124

(VI) Visually Impaired = 5

(HI) Hearing Impaired = 130

Total = 142

5. Sh. Pawan Kamra further added that they have the information about the number of persons with disabilities short-listed by companies. The information about the number of short-listed candidates actually joined is not available.

6. As the complainant did not personally appear, he was contacted on his given telephone number. The written submission of the respondent

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was read over to him to enable him to make his statement / rejoinder on telephone itself so that the case would be disposed of. The complainant agreed to this process of recording his statement. He suggested that in many cases persons with disabilities are short-listed and offered jobs but only a few are retained. He therefore, suggested that before organising the next Job Fair / in six months, the Directorate of Employment should get the information from the companies about the number of candidates with disabilities who actually joined and continue to work.

7. It will be worth while to discuss the relevant provisions of the Rights of Persons with Disabilities Act, 2016 which has come into force w.e.f 19.04.2017. The relevant sections are as under:-

"2(x) Public facilities and services includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation.

20. Non-discrimination in employment.—(1) No Government establishment shall discriminate against any person with disability in any matter relating to employment: 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, exempt any establishment from the provisions of this section.


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35. Incentives to employers in private sector - The appropriate Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employer in private sector to ensure that at least five per cent. of their work force is composed of persons with benchmark disability."

8. Government of India (Department of Empowerment of Persons with Disabilities) has introduced a scheme w.e.f. 01.04.2008 under which Central Govt. will pay employer's share of EPF and ESI contribution for the first three years for a person with disability employed in a private sector establishment. Another measure to incentivise the employment of persons with disabilities in private sector is the scheme of National Award for best employer and placement officer or agency. Under this, three awards one each to Government Sector, Public Sector Undertakings or local Govt. body and private or non-government organisation. The award is comprises of the cash of Rs. 1,00,000/- , a citation, a certificate and a medal. For best Placement Officer / Agency, a award comprising cash of Rs. 50000/-, a citation / certificate and a shield.

9. Section 40 to 46 of the Act provide for access to built environment, transport, information and communication technology and services.

10. It is observed that Govt. of NCT of Delhi will be organising a Mega Job Fair on 15-16th February, 2018 in which the companies and job seekers can register online on the Job Fair Portal i.e. www.jobfair.delhi.gov.in. As private as well as the Govt. establishments can participate in the Mega Job Fair, it is recommended that the common / individual circular or invitations to the companies may mention about the

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relevant provisions of the Rights of Persons with Disabilities Act, 2016 regarding reservation of not less than 4% vacancies for persons with disabilities (only in Govt. establishments) and the Central Government's scheme of National Award and incentive for employment to private sector employers mentioned above. It is also recommended to ensure that the venue of the job fair is accessible to persons with disabilities and to facilitate easy and barrier free access to the Job Fair. The Job Fair portal be also made accessible to persons with disabilities.

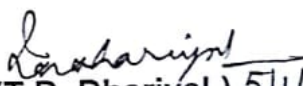
11. The suggestion made by the complainant that the information about the joining of candidates of persons with disabilities and the status of their retention before the next job fair / in six months whichever is earlier, be also considered.

12. Action taken on the above recommendations may be intimated to this Court within three months from the date of receipt of this order.

13. The complaint is disposed off in terms of the above recommendations.

14. Given under my hand and the seal of the Court this 5th day of January, 2018




(T.D. Dhariyal) 5/1/2018

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