

**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-110002
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[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 802/1011/2019/03/2203-2204

Dated:09.05.2019

In the matter of:

Suo-Motu

Versus

**Dean
Maulana Azad Medical College
GNCT of Delhi
2-Bahadur Shah Zafar Marg
New Delhi-110002**

.....Respondent

Date of Hearing: 08.05.2019

ORDER

All Pr. Secretaries/Spl. Secretaries/Additional Secretaries/HoDs, Govt. of NCT of Delhi were requested vide letter No. 5/1593/2017-Wel/CD/155-316 dated 05.05.2017 to provide information relating to appointment of persons with disabilities against reserved vacancies in a prescribed format in respect of their Departments and all the establishments such as Offices/Organisations/ Institutions etc. under their control by 31.05.2017.

2. As per the Department of Personnel & Training OM No. 30612/39/2014-Estt (Res.) dated 22-25th May, 2015 and directions of Supreme Court of India, a special recruitment drive for filling up backlog of reserved vacancies was to be conducted.

3. In Column 6 of the format enclosed with letter dated 01.06.2017 of the respondent, no vacancies were filled in Group 'A', Group 'B' and Group 'C' but in Column 7, appointment of persons with disabilities was indicated. It was also observed that against 80 vacancies filled in Group 'D' posts, only one person with disability was appointed and the backlog was not indicated.

4. The respondent was advised to clarify the position alongwith relevant documents in a hearing scheduled on 15.04.2019. Vide letter dated 13.04.2019, the respondent clarified that recruitment to Group 'A' posts comprising Doctors/Faculty is done by Ministry of Health & Family Welfare and lone post of Deputy Director is filled by the Services Department. Recruitment to the Group 'B' and 'C' posts is also done by the Services Department. Therefore 'not applicable' has been mentioned in column 6 meant for indicating the number of vacancies filled since 1996 and hence backlog of reserved vacancies is not applicable.

5. It was further submitted that the appointment to Group 'D' posts has been discontinued since 2006 after implementation of the recommendation of 6th Pay Commission. The representatives of the respondent however did not readily have the information whether the vacancies of MTS will now be filled up by MAMC or will be communicated to Services Department for filling up. They were advised that if the vacancies are to be filled by MAMC, special recruitment drive should be conducted and if the vacancies are to be intimated to Services Department, they should be requested to ensure that reservation for persons with disabilities is provided against those vacancies.

6. Vide letter dated 30.04.2019, Sh. Brijesh Sharma, Head of Office, MAMC informed that Services Department has been informed that as the Group 'D' posts have been converted into Group 'C' and all appointments to Group 'C' posts are done by Services Department/ Health & Family Welfare

Department, while filling up the post of MTS the directions of this court should be complied with.

7. It is observed from the information furnished by the respondent as on 31.03.2017 that 80 vacancies in Group 'D' posts were filled up. Out of them one person with locomotor disability was appointed. Thus, there is a backlog of one vacancy each for persons with blindness and low vision and one for persons with hearing impairment. In view of this, the respondent is directed to intimate Services Department to reserve and fill up the backlog of one vacancy each by appointment of persons with blindness/ low vision and hearing impairment respectively whenever next recruitment takes place.

8. Action taken be intimated to this court within 3 months from the date of receipt of this order as required under Section 81 of the Rights of Persons with Disabilities Act.

9. The complaint is disposed of with the above directions.

10. Given under my hand and the seal of the Court this 8th day of May, 2019.

(T.D. Dhariyal)
State Commissioner for Persons with Disabilities