

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

E(NG)II/2011/RC-2/6

New Delhi, dated 21/08.2013

The General Manager (P),
East Coast Railway,
Bhubaneswar.

Sub:- Case No. SCPD 166/2012- Hemasagar Panigrahi Vs. UOI & Others.

Ref:- East Coast Railway's letter No. ECoR/Pers/HQ/CC/SCPD 166/12/HSP,
dated 03/12/2012.

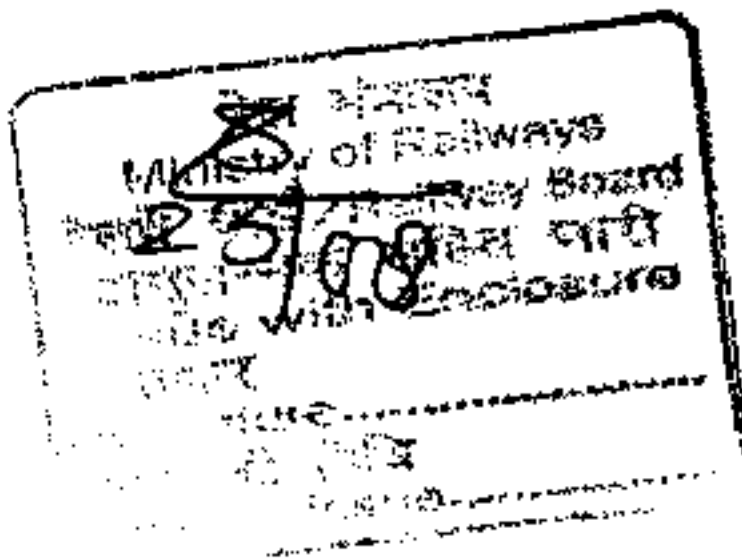
With reference to the clarification sought vide your letter under reference, a self-explanatory OM No. 22-10/2013-DD.III, dated July, 2013 received from M/o Social Justice & Empowerment is enclosed herewith for guidance and compliance.

Encl: As above

21/8/13
(Harsha Dass)
Director Estt. (N)II
(Railway Board)

Copy to: The General Manager (P), All Zonal Railways/PUs for information.

21/8/13
(Harsha Dass)
Director Estt. (N)II
(Railway Board)



E(N9)II

East Coast Railway



Office of the
Chief Personnel Officer
2nd Floor, South Block
Rail Sadan
Chandrasekharapur
Bhubaneswar - 17

No. ECoR/Pers/HQ/CC/SCPD 166/12/HSP

Date: 03.12.2012

The Executive Director Estt. (N)-II,
Railway Board, Rail Bhavan,
New Delhi - 110 001.

Sub: Case No. SCPD 166/2012 - Hemasagar Panigrahi Vs. UOI &
Others.

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The State Commissioner for Persons with Disabilities (SCPD), Odisha, Bhubaneswar is taking cognizance of the complaint filed by the persons with disabilities in the recruitment for Group C and D posts conducted by this Railway. Time and again, the SCPD is requiring this Railway to file detailed reports on the complaint or seeking explanations by passing orders. In the above case the SCPD passed Order dated: 16.10.12 directing this Railway to submit a detailed report on the complaint. In obedience thereto, a detailed report was submitted. A copy of the order is enclosed herewith for ready reference. Being a Central Government Organisation we have to interact and attend the Court of Chief Commissioner for Persons with Disabilities, New Delhi, India only.

In this context, Board is requested to advise this Railway whether we are supposed to interact and attend the Court of State Commission for Persons with Disabilities time and again, which is not a Central Government Authority.

Encl : As above.


(M. Akhtar)
Chief Personnel Officer

OFFICE MEMORANDUM

**Subject: State Commissioner for Persons with Disabilities (SCPD) –
Clarification – regarding**

The undersigned is directed to refer to Ministry of Railways OM No.E(NG)II/2011/RC-2/6 dated 31.05.2013 seeking clarification whether the Railway administration, being a Central Government entity is required to respond to Commissioner for Persons with Disabilities of a State in addition to the office of the Chief Commissioner for Persons with Disabilities. The clarification sought is as follows:

Section 61 and Section 62 of the PwD Act, 1995 deal with the function and powers of the Commissioner for Persons with Disabilities of the States which are as under:

Section 61

The Commissioner within the State shall-

- (a) coordinate with the departments of the State Government for the programmes and schemes for the benefit of persons with disabilities;
- (b) monitor the utilization of funds disbursed by the State Government;
- (c) take steps to safeguard the rights and facilities made available to persons with disabilities;
- (d) submit reports to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner

Section 62

Without prejudice to the provisions of section 61, the Commissioner may on his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to –

- (i) deprivation of rights of persons with disabilities;
- (ii) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.

While the Act restricts the jurisdiction of the State Commissioner within the State, it does not restrict it to the issues pertaining to the State Government only. Therefore, if an issue relating to the safeguard or deprivation of rights for persons with disabilities is taken up by the State Commissioner with the appropriate authorities including the railways, such authority should respond to the Commissioner if the cause of action arises within that State. However, if the same matter has also been taken up by the Chief Commissioner, the State Commissioner should be informed accordingly so that the proceedings of the matter are conducted only before the Chief Commissioner.

It issues with the approval of competent authority.


(K.V.S.Rao)
Director

Ministry of Railways
(Railway Board),
(Shri Harsha Dass, Director Estt.(N)II),
New Delhi.