



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.564/1011/2013**

**Dated:- 21.05.2014**

**In the matter of:**

Shri Rakesh Kumar Patel,  
21/313, Trilokpuri,  
Delhi-110091.

..... Complainant

Versus

Allahabad Bank,  
Through the General Manager (Planning & Development),  
Head Office – 2, N.S. Road,  
Kolkata – 700 001.

..... Respondent

**Case No. 584/1014/2013**

**In the matter of:**

Shri Sunil Kumar Sharma,  
Sector N-2,  
701, Kursi Road, Aliganj,  
Lucknow – 226024 (Uttar Pradesh)

..... Complainant

Versus

Institute of Banking Personnel Selection (IBPS),  
Through Director,  
I.B.P.S. House,  
Behind Thakur Polytechnic,  
Kandivali (E),  
Mumbai – 400101.

..... Respondent No. 1

Allahabad Bank,  
Through General Manager (Planning & Development),  
Head Office,  
2, Netaji Subhas Road,  
Kolkata – 700 001.

..... Respondent No. 2

**Date of hearing : 10.03.2014, 17.04.2014**

**Present :**

10.03.2014

1. Shri Rakesh Kumar Patel, Complainant (Case No.564/1011/2013)
2. None present on behalf of Respondent

17.04.2014

1. Shri Rakesh Kumar Patel, Complainant (Case No.564/1011/2013)
2. None present on behalf of Respondent

.....2/-

**ORDER**

The above named complainants, S/Shri Rakesh Kumar Patel (Case No.564/1011/2013) and Sunil Kumar Sharma (Case No.584/1014/2013), persons with 100% blindness filed complaints dated 16.10.2013 (e-mail) and dated 17.10.2013 respectively under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding denial of appointment by Allahabad Bank for the Clerical post due to blindness.

2. The complainants submitted that they had cleared CWE Clerical II competition Examination through IBPS and were allotted Allahabad Bank in the month of May, 2013. In July, 2013, when they contacted the Allahabad Bank Recruitment Cell, they asked them for submissions of essential documents for joining. Though they submitted the required documents in July, 2013, they did not get any response from the Bank. In September, 2013, Allahabad Bank Recruitment Cell told them that they were not recruiting persons who are 100% visually impaired.

3. As per Ministry of Social Justice & Empowerment's Notification No.16-70/2004-DD-III dated 18.01.2007, the post of Clerk is identified for persons with disabilities with OA, OL, BL, MW, B & LV. Further, as per the latest list of identified posts notified by Department of Disability Affairs, Ministry of Social Justice and Empowerment vide Notification No.16-15/2010-DD.III dated 29.07.2013, the post of Bank Clerk is identified for OA, OL, BL, MW, B & LV categories of disability.

4. Section 33 of the Persons with Disabilities Act provides as under:-

*"Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three percent for persons or class of persons with disability of which one percent each shall be reserved for persons suffering from – (i) Blindness or low vision; (ii) Hearing impairment; (iii) Loco motor disability or cerebral palsy, in the posts identified for each disability:*

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

5. The matter was taken up with the respondent vide letter dated 25.10.2013 (Case No. 564/1011/2013) and 05.11.2013 (Case No.584/1014/2013) respectively followed by reminder dated 09.12.2013 (Case No.564/1011/2013) whereafter a hearing was scheduled on 10.03.2014.

6. General Manager (HR), Allahabad Bank vide letter No.PA/Rect./Govt.Reply/5199A dated 16.01.2014 (Case No.584/1014/2013) submitted that Shri Sunil Kumar Sharma, a 100% visually impaired candidate, was allotted to their bank for the post of Single Window Operator. While seeking clarification regarding appointment of 100% visually impaired candidate, IBPS advised to follow the Government's guidelines and if the candidate is not eligible for the post, the candidature of such candidate may be cancelled. He further explained that the post of Bank Clerk in Group 'C' is identified for persons with disabilities of the category OA, OL, BL, MW, LV and B.

7. In terms of industry level 9<sup>th</sup> Bipartite Settlement between the forum of Bank Unions and the Indian Banks Association with effect from 01<sup>st</sup> May, 2010, all posts in Clerical Cadre have been re-designated as Single Window Operator (SWO)-“A”. Accordingly, recruitment in Clerical Cadre is made by Public Sector Banks for the post of Single Window Operator (SWO)-“A” only and not for any other posts in clerical cadre. The duties of Single Window Operator (SWO)-“A” are as under:-

(a) Duties of Clerical Staff w.e.f. 1<sup>st</sup> May, 2010:

All members of the clerical staff who do not get any special pay as on 30<sup>th</sup> April, 2010 on regular basis shall be designated as Single Window Operator ‘A’. The following duties shall inter alia form part of their normal duties:

- (i) Acknowledgements of inward mail received.
- (ii) Receipt of cheques, drafts, dividend warrants, pay orders and other like instruments other than bills and giving acknowledgements in the counterfoil.
- (iii) Delivery of cheque books subject to authorization by competent authority.
- (iv) Issue of cash receipts.
- (v) Issue of E.S.I. stamps wherever applicable or may become applicable.
- (vi) Recounting of currency notes by cash department staff.
- (vii) Ensuring the proper contents in covers and envelopes including registered ones before dispatch.

All clerks shall also perform all duties and functions of their cadre, either online or manually, which does not involve any passing or supervisory function of an officer of the bank. He will, wherever and whenever required, function as a single window operator where he will also receive and pay cash.

In addition, his duties will include:-

- a. Passing and cash payment of all cheques/withdrawal forms/bankers’ cheques/gift cheques, etc. upto and including Rs.10,000/-.
- b. Passing independently clearing and transfer cheques, vouchers, etc. (whether credits or debits) upto and including Rs.15,000/-
- c. Receipts of cash and issuance of pre-signed drafts/gift cheques/travellers’ cheques/pay orders/bank orders, etc. upto and including Rs.15,000/-.

8. Shri T.N. Dhar, IAS (Retd.), Hony. Secretary, Indian Institute of Public Administration, Lucknow vide his letter dated 15.02.2014 (Case No.584/1014/2013) informed that Shri Sunil Kumar Sharma submitted his application online for the post of Clerk on 30.10.2012 as per IBPS advertisement for recruitment of clerical cadre posts in public sector banks which contains the clause “Definition of persons with disabilities, Visually Impaired (VI), which refers to candidate where a person suffers from total absence of sight” and this category has been shown as fully eligible. He also submitted that there are other examples of appointment of blind candidates in other banks who were selected in the year 2010 and joined the posts of clerk in 2011.

9. During the hearing on 10.03.2014, the complainant in Case No.564/1011/2013, namely, Shri Rakesh Kumar Patel appeared and reiterated his written submissions. He added that all the Banks other than Allahabad Bank are appointing persons with blindness in the post of Bank Clerk/Single Window Operator (SWO)-"A". He also submitted that there are many jobs in the Bank that a person with blindness can do, such as, Pass Book entry with specific software, Pass Book printing, customers' queries, receiving and responding mails etc. Since he was recommended by the IBPS on completion duly prescribed selection process, he should be appointed without any further delay.

10. None appeared on behalf of the respondent Bank nor the respondent Bank sent any request for adjournment.

11. It was observed that the respondent Bank has submitted the same reply in another identical case No. 584/1014/2013 filed by Shri Sunil Kumar Sharma. Therefore, the said case was tagged with Case No.564/1011/2013.

12. It was also observed that while the post of Bank Clerk has been shown as identified for persons with low vision among other categories of disabilities at Sr. No.134 of the Notification of 2007 of Ministry of Social Justice & Empowerment, at Sr. No.988 of the said notification, it has also been shown identified for persons with 'blindness'. In this view of the matter, the respondent Bank was directed to appoint Shri Rakesh Kumar Patel, the complainant in case no.564/1011/2013 and Shri Sunil Kumar Sharma, the complainant in Case No.584/1014/2013 to the post they have been recommended by IBPS. However, in the event, the respondent Bank felt that they wished to be heard, one last opportunity was given to them and accordingly they could enter appearance for the purpose on 17.04.2014 at 03.00 P.M. unless they complied with the aforesaid directions, in which case, hearing as stated above would not be necessary.

13. On 17.04.2014, the complainant in Case No.564/1011/2013 appeared and submitted that he had been given the appointment letter and had joined the Zonal Office of Allahabad Bank at Parliament Street, New Delhi on 16.04.2014. He also informed that Shri Sunil Kumar Sharma, the complainant in Case No.584/1014/2013, had also been appointed and had joined the Allahabad Bank at Zonal Office, Lucknow.

14. Since the substantive grievance of both the complainants stand redressed in accordance with the directions of this Court vide para 4 of Record of Proceedings dated 27.03.2014, both the cases are disposed off.

Sd/-

**( P. K. Pincha )**  
Chief Commissioner  
for Persons with Disabilities

**Case No.564/1011/2013****Dated:- 27-03-2014****In the matter of:**

Shri Rakesh Kumar Patel,  
21/3013, Trilokpuri,  
Delhi-110091.

..... Complainant

Versus

Allahabad Bank,  
Through the General Manager (Planning & Development),  
Head Office – 2, N.S. Road,  
Kolkata – 700 001.

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**Date of hearing : 10.03.2014****Present :**

1. Shri Rakesh Kumar Patel, Complainant
2. None present on behalf of Respondent

**RECPRD OF PROCEEDINGS**

The complainant in Case No.564/1011/2013, namely, Shri Rakesh Kumar Patel appeared and reiterated his written submissions and also added that all the Banks other than Allahabad Bank are appointing persons with blindness in the post of Bank Clerk/Single Window Operator (SWO)-“A”. He also submitted that there are many jobs in the Bank that a person with blindness can do, such as, Pass Book entry with specific software, Pass Book printing, customers’ queries, receiving and responding mails etc. Since he has been recommended by the IBPS on completion of duly prescribed selection process, he should be appointed without any further delay.

2. None has appeared on behalf of the respondent Bank nor the respondent Bank has sent any request for adjournment.

3. It is observed that another identical case has been filed by Shri Sunil Kumar Sharma against IBPS and Allahabad Bank, which has been registered as Case No.584/1014/2013. The respondent Bank has submitted the same reply in that case also vide letter No.PA/Rect./Govt. Reply/5199 dated 16.01.2014. Therefore, that case is hereby tagged with Case No.564/1011/2013.

4. It is also observed that while the post of Bank Clerk has been shown as identified for persons with low vision among other categories of disabilities at Sr. No.134 of the Notification of 2007 of Ministry of Social Justice & Empowerment at Sr. No.988 of the said notification it has also been shown identified for persons with blindness. In the above view of the matter, the respondent Bank is directed to appoint Shri Rakesh Kumar Patel, the complainant in this case and Shri Sunil Kumar Sharma, the complainant in Case No.584/1014/2013 to the post they have been recommended by IBPS. However, in the event, the respondent Bank feels that they wish to be heard, one last opportunity is given to them and accordingly they may enter appearance for this purpose on **17.04.2014** at **03.00 P.M.** Unless they comply with the aforesaid directions, in which case, hearing as stated above will be necessary.

**( P. K. Pincha )**  
Chief Commissioner  
for Persons with Disabilities

Copy to:- D.O. (A) - for record.