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BEFORE THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES
ADD: 1st FLOOR, BUILDING 'B', GOA HOUSING BOARD, NEW MARKET COMPLEX, PORVORIM-GOA. 403521.

Case No.05/Comm-PwDs/2026-27/586

Shri. Agnelo A Fernandes,
The Director (Administration)
Directorate of Agriculture,
Tonca, Caranzalem,
Panaji Goa. **-Complainant**

V/s

The Director,
Directorate of Agriculture,
Tonca, Caranzalem,
Panaji Goa. **-Respondent-I**

30/07/26
RECEIVED
Directorate of Agriculture
Krishi Bhavan
Tonca, Caranzalem-Goa

Case filed on: 22/07/2025
Decided on: 24/07/2026

1. This Commission received an e-mail dated 22/07/2025 a representation from Shri Agnelo Fernandes, Director of Agriculture (Administration) a Level-13 Officer and a Person with Benchmark Disability, regarding the denial of reasonable accommodation in the form of a dedicated official vehicle to enable him to effectively discharge his official duties and responsibilities.

2. Upon receipt of the said representation, this Commission issued several communications in the matter to the Director, Directorate of Agriculture, Tonca, Caranzalem, Goa, The Joint Secretary, Personnel Department, Secretariat, Porvorim Goa and The under secretary, Finance Department, Secretariat, Porvorim, Goa, recommending that reasonable accommodation be extended to Shri Agnelo Fernandes that a dedicated official vehicle or any other suitable and equivalent arrangement be provided as per his entitlement to enable him to effectively discharge his official duties and responsibilities in compliance with the provisions of the Rights of Persons with Disabilities Act, 2016.

3. On **26/06/2026** this Commission has received reply from the Under Secretary, Finance Department, Secretariat, Porvorim, Goa, wherein the Finance Department conveyed its decision to the Director, Directorate of Agriculture to take necessary action for earmarking and allotting a suitable official vehicle from the existing fleet for the use of Shri Agnelo Fernandes, Director (Administration) at the earliest.

30/7/2026

O/C.

O/o State Commission for Persons with Disabilities Porvorim Goa

P.T.O.

4. On **13/07/2026** reply received from the Director, Directorate of Agriculture, Tonca, Caranzalem Goa. Upon careful examination, the Commission found the contents of the said reply to be unsatisfactory, as it did not demonstrate compliance with the decision conveyed by the Finance Department, regarding the provision of reasonable accommodation to Shri Agnelo Fernandes. Accordingly, this Commission deemed it necessary to fix the matter for hearing, which was scheduled on 24/07/2026 at 11:00 a.m.

5. Further, considering that the Additional Secretary, Finance Department being the competent authority in the matter and the authority responsible for implementation of the decisions is hereby impleaded as **Respondent No. II**. .

6. Further the Joint Secretary, Department of Personnel, Secretariat, Porvorim, Goa, being the competent authority in matters relating to service conditions and implementation of Government policies concerning persons with disabilities is hereby impleaded as **Respondent No. III**.

7. **HEARING SUMMARY ON - 24/07/2026**

On the scheduled date of hearing the Complainant, Shri Agnelo Fernandes, Director of Agriculture (Administration) was present, Respondent No.-I the Director, Directorate of Agriculture, was represented by the Dy. Director, Directorate of Agriculture was present. Since Respondent No. II, the Additional Secretary, Finance Department, Secretariat, Porvorim, Goa, and Respondent No. III, the Joint Secretary, Department of Personnel, Secretariat, Porvorim, Goa, both have submitted their respective compliance reports conveying their decisions to the Directorate of Agriculture. This Commission is of the view that no further proceedings are required against Respondent Nos. II and III in the present matter. Accordingly, they are discharged from further participation of the hearing.

The State Commissioner for Persons with Disabilities examined the records, reviewed the Complaint/Representation and heard both the parties, during the course of hearing.

7.a Submission of the Complainant:

The Complainant, Shri Agnelo Fernandes, submitted his written reply during the hearing and stated that for more than one year he has been continuously requesting the concerned authorities to provide him with a dedicated official vehicle as per his entitlement of Sr. Scale of selection grade (Goa Civil Services) level 13 officer as measure of reasonable accommodation under the provisions of the Rights of Persons with Disabilities Act, 2016.

Further He submitted that despite repeated representations and the recommendations made by this Commission, no effective steps have been taken by the Directorate of Agriculture to implement the decision conveyed by the Finance Department. Therefore he requested the Commission to issue appropriate directions for immediate implementation of the reasonable accommodation that a dedicated official vehicle for his official duties and responsibilities in compliance with the provisions of the Rights of Persons with Disabilities Act, 2016.

P.T.O.

O/o State Commission for Persons with Disabilities
Porvorim
Goa

7 b Submission of the Respondent No – I :

The Director, Directorate of Agriculture, submitted a written reply during the hearing and stated that the Directorate presently possesses a limited fleet of official vehicles, out of which only eight vehicles are in roadworthy condition and are deployed for field duties for the Zonal Offices. It was further submitted that the official vehicle presently attached to the Director of Agriculture is also being utilized by the Director (Administration) and has already covered more than 1, 94,000 kilometers.

8. The Respondent further submitted that the Directorate has already initiated the proposal for procurement of a new official vehicle and has approached the Finance Department for issuance of the necessary No Objection Certificate (NOC) and other approvals. It was contended that until such approval is received and a new vehicle is procured, the Directorate is facing practical difficulties in earmarking a separate vehicle exclusively for the Complainant.

9. The **Section 2(Y), Section 3(5) & Section 20** of the Rights of Persons with Disabilities Act 2016 Mandates as under:

9 a. **Section 2(y) Definition of "Reasonable Accommodation"**
Defines reasonable accommodation as necessary and appropriate modifications and adjustments, without imposing a disproportionate burden, to ensure persons with disabilities enjoy their rights equally.

9 b. **Section 3 (5): – Equality and Non-Discrimination**
The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

9 c. **Section 20 Non-discrimination in employment**
Prohibits government and private establishments from discriminating against employees with disabilities, explicitly mandating the provision of reasonable accommodation and barrier-free environments.

10. In **Ch. Joseph v Telangana State Road Transport Corporation& Ors.** CIVIL APPEAL NO(S). OF 2025 (@ SPECIAL LEAVE PETITION (CIVIL) NO(S). 36278 OF 2017) Hon'ble Supreme Court of India, held that employers, especially public authorities have a duty to provide reasonable accommodation.

11. Duly considering the facts and circumstances of the case, the submissions made by the complainant and the Respondent No-I and keeping in view the objectives of the Rights of Persons with Disabilities Act, 2016, as well as judgments passed by the Hon'ble Supreme Court in a catena of decisions, particularly the principles of equality and reasonable accommodation this Commission makes the following recommendations:-

O/o State Commission for Persons with Disabilities Porvorim Goa

P.T.O.

12. This Commission hereby recommends the Respondent No. I, the Director, Directorate of Agriculture, Tonca, Caranzalem, Goa, shall immediately provide Shri Agnelo Fernandes, Director of Agriculture (Administration) a Person with Benchmark Disability with a suitable official vehicle from the existing fleet of Government-owned or hired vehicles available with the Directorate, as a measure of reasonable accommodation under the provisions of the Rights of Persons with Disabilities Act, 2016,

13. This Commission further recommends that Respondent No. I shall, by treating the matter as a special case, grant relaxation in the monthly kilometer ceiling of 2,000 kilometers applicable to hired vehicles, if deploying an hired vehicle for the exclusive use of Shri Agnelo Fernandes, Director of Agriculture (Administration) so as to ensure the uninterrupted and effective discharge of his official duties in accordance with the principle of reasonable accommodation.

14. This Commission further recommends that Respondent No. I, shall initiate and complete all necessary codal formalities for the procurement of a new official vehicle for the exclusive use of Shri Agnelo Fernandes, Director of Agriculture (Administration) in accordance with the applicable Government rules, policies and procedures to ensure that the procurement process is completed within a reasonable time.

15. This Commission recommends the Complainant, Shri Agnelo Fernandes, Director of Agriculture (Administration) shall extend full cooperation to the Directorate of Agriculture during the process of earmarking, deployment and procurement of official vehicle, so as to facilitate the timely implementation of the recommendations of this Commission.

16. This Commission hereby recommends the Respondent No-I, the Director, Directorate of Agriculture shall submit the compliance report to this Commission within **30 days** from the date of receipt of this Order, indicating the action taken on the above recommendations.

The matter shall remain under the consideration of this Commission until receipt of the compliance report.

Given under my hand and seal of this Commission, on this day of **30th July 2026.**

In view of above terms the present Complaint/Representation stands disposed off.

GURUPRASAD R. PAWASKAR
(State Commissioner)
for Persons with Disabilities
Porvorim-Goa.

O/o State Commission for Persons with Disabilities
Porvorim
Goa

Office Seal.