GOVERNMENT OF GOA

BEFORE THE COURT OF THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES.

ADD: 1st FLOOR, BUILDING 'B', GOA HOUSING BOARD,
NEW MARKET COMPLEX, PORVORIM GOA.
Email:dis-comm.goa@gov.in
Phone No: 9156321900
Website: scpwd.goa.gov in

Case No: 06/ComPwDs/2025-26/ 821
Date 03/11/25

AdeshNaik,
R/o Ladewada Madkai,
MardolPonda Goa. **- Complainant**

V/s

The Headmaster,
Smt. Anandibai M. Naik High School,
Karanjal MadkaiPonda Goa. **-Respondent No. 1**

The Director,
Directorate of Education,
Porvorim Goa. **-Respondent No. 2**

CASE FILED: 15/10/2024
DECIDEDON:03/11/2025

Shri. Adesh Naik, R/o Lalewada, Madkai Mardol Ponda, a person with Disability filed a complaint before this Commission seeking orders from this commission directing respondent to comply with the guidelines with respect to rejoining of duties and payment of salary.

Upon receipt of the complaint Notice was issued to the Respondent no 1 to submit report to the Commission on the aforementioned issue.

Reply was received from the Respondent No 1 and the same was forwarded to the complainant for further comments. After going through the reply from the Respondent written submission was received from the complainant.

After reviewing the reply submitted by the Respondent and the complainant Hearing was scheduled for 31/07/2025 at 11:00 am. Notice was issued to the Respondent No. 1 directing to be present in person.

During the course of the hearing the complainant and on behalf of Respondent No. 1 Advocate was present. Both the parties were heard in detail and it was directed by the State Commissioner to address a letter to the Directorate of Education seeking report in the matter within 7 days and next date of hearing was scheduled on 19/09/2025.

As report was not received from the Directorate of Education it was directed by the State Commissioner to issue hearing notice to the Directorate of Education to remain present in person for the hearing scheduled on 30/09/2025.

O/o State Commissioner for Persons with Disabilities Porvorim Goa

Directorate of Education
Porvorim Goa
Inward No. 8
Date 03/11/25
Initial

The Rights for Persons with Disabilities Act 2016 is a Special Legislative enacted by Parliament of India with the sole objectives for safeguarding the Rights and Principles of Persons with Disabilities. The said Act has been enacted to give effect to the United Nation Convention of the Rights of Persons with Disabilities which lays down certain principles for empowerment of Persons with Disabilities.

The RPwD Act 2016 seeks to operationalize and give concrete shape to the promise of full and equal citizenship held out by the Constitution to the disabled and to execute its ethos of inclusion and acceptance. By recognizing a statutory right and entitlement on the part of persons who are disabled, Section 3 seeks to implement and facilitate the fulfillment of the constitutional rights of persons with disabilities. As a society, we must provide Persons with Disabilities the additional support and facilities that are necessary for them to offset the impact of their disability.

Section 44 - Mandatory observance of accessibility norms.

The appropriate Government shall ensure that all public buildings both new and existing, including government offices are accessible to persons with Disabilities.

The Supreme Court of India in (2018) 2 SCC 413:2017 Division Bench in Rajive Raturi v/s Union of India & Ors. A PIL was filed on the behalf of the differently abled Persons by the Petitioner, a Person with Visual Impairment for Proper, adequate and safe access to Public places.

The Supreme Court upon discussing the contentions of the petitioner the court gave directions encompassing various aspects of making public spaces and facilities more accessible for individuals with disabilities. These include making government buildings, airports and railways fully accessible within specific time frames, conducting accessibility audits and retrofitting in designated cities.

Duly considering the complaint filed by the complainant, the replies filed by the Respondent No. 1 and 2 the relevant provisions, as well as the Judgment passed by the Hon'ble Supreme Court and upon careful examination of the same, the Commission finds it appropriate and issues the following recommendations:

1. The Commission recommends that Respondent No. 1 ensure the prompt release of the complainant's pension in accordance with applicable rules and procedures.
2. The commission recommends that the Respondent no. 1 shall permit the applicant to avail Special Disability Leave if applicable to the extent possible.
3. Respondent no. 2 submitted that it was responsibility of Respondent no. 1 to submit pension papers/ pension case complete in all respects as per prescribed time scheduled in terms of C.C.S. Pension Rules, 1972 and the instructions in this regard already issued vide O.M. No. 7/4/85/EDN dated 30/09/1988. It was further stated that, as per the established procedure, Respondent No. 1 ought to have initiated the necessary action for settlement of dues. The Commission observes that any delay or lapse in processing such payments causes undue hardship to the complainant, and emphasizes that administrative authorities must ensure timely compliance with procedural requirements to avoid such situations in the future. In view of the above, the Commission recommends that Respondent No. 1 ensure the immediate release of all payments due to the complainant.

State Commissioner for Persons with Disabilities Porvorim Goa

4. The Commission further recommends that Respondent No. 1 extend full cooperation to the complainant and render necessary assistance and guidance to facilitate the timely release of all his pensioner benefits.
5. The Respondent No. 1 and 2 to take immediate steps to ensure accessibility for Persons with Disabilities within the premises, in particular it is requested to construct ramps for barrier free access and install other accessible features in accordance of the provisions of the RPwD Act 2016.
6. The Respondent No. 1 shall comply with the directions issued vide Circular No. DE. Accts. 2004-05/2172 dated 14/09/2004 issued by the Directorate of Education while releasing the payment to the complainant.
7. The present petition is accordingly disposed off with a recommendation to the Respondent No 1 to follow provisions of Rights of Persons with Disabilities Act, 2016 in letter and in spirit.
8. The Respondent No.1 shall file compliance report before this Commission within a period of three months in accordance with Section 81 of RPwD Act 2016. Respondent No. 1 to forward a copy of said compliance report to Respondent No. 2.

O/o State Commission for Persons with Disabilities
Porvorim
Goa

(Guruprasad R. Pawaskar)
State Commissioner for Persons with Disabilities.