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

Case no.14/Comm-PwDs/2023-24/1732

Shri. Suresh Kumar Pal,
S/o, Balkrishan Pal, #148/1,
Behind Shantinagar,
Church, Shantinagar, Vasco Goa. **-Complainant**

V/s -

The Director,
Directorate of Agriculture,
Krishi Bhavan Miramar,
Tonca, Caranzalem, Campal,
Panaji Goa. **-Respondent-I**

The zonal Agriculture officer,
Zonal Agriculture office (Ponda)
Ponda-Goa. **-Respondent-II**

Case filed on: 16/02/2024
Decided on: 16/08/2024

This is a Complaint for harassment at work place made by Shri. Suresh Kumar Pal, a person with 60% Locomotor Disability. Herein the complainant has filed the complaint against the Director, Directorate of Agriculture, in respect to which notice were issued to the all respondent.

It is the case of complainant that on account of his health condition he cannot climb stairs and as the lift of building is not functional and as the office is situated on 3rdfloor, he is unable to attend office hence he requests to make temporary arrangement for him on ground floor.

This Commission upon hearing both the parties and considering difficulties faced by complainant had passed interim order after which The Respondent has filed compliance on 02/05/2024 basically complying with all directions issued by this Commission, the Respondent even made special seating arrangement for complainant on ground floor of the post office.

This Commission conducted subsequent hearings on which efforts were made to get lift operational through Directorate of Panchayat by giving directions, however Panchayat express its inability on accounts of lack of funds and assures to do the same as when funds are available.

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Krishi Bhavan
Tonca, Caranzalem-Goa

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This Commission thereafter had fixed hearing on 03/07/2024 on which the complainant had filed reply making several allegations on Respondent that apart complainant in his reply has also stated that although Respondent had made temporary seating arrangements in the post office, but as his health condition is getting worsened and due to his health Condition, even GMC has refused to do the Kidney transplant operation and due to his amputed leg all his lower limb veins are getting shrunked even calcification has occurred in veins and artery.

Further his hand muscles are affected as the results of which he cannot travel to the post office which is 20 KM away from his house, where Respondent has made him temporary work Place arrangement.

Considering the health condition of the Complainant and keeping in view the Respondent has complied with previous interim order, this Commission on humanitarian grounds directs the Directorate of Agriculture to allow complainant to work from home this directions are in addition to the direction already issued in Interim order dated 27/03/2024 passed by this Commission. We hereby recommend.

1. The Respondent-I, the Director, Directorate of Agriculture, Krishi Bhavan Miramar, Tonca, Caranzalem,Campal, Panaji Goa is recommended to issue an Order to allow the Complainant Shri. Suresh Kumar Pal to work from home by considering his Disability and medical condition.

2. Further the Respondent-II, The zonal Agriculture office, Ponda-Goa, on receipt of Order received from Respondent-I, is recommended to immediately direct the zonal Agriculture office, Mormugao-Goa to allow Shri. Suresh Kumar Pal to work from home and allot the work as per his efficiency and ability to work considering his disability.

3. This Commission recommends the Complainant Shri. Suresh Kumar Pal to make arrangement to pick-up files/assignment work given from the office and after finishing the work or completing assignment work will make arrangement to drop files/assignment work back to office, as to ensure that no inconvenience is caused to smooth functioning of the Office.

4. The Respondent-I shall pay to the complainant full salary for the month which he has not been paid or paid less on the grounds of leave not regularised or absent not regularised. It is to be considered that even though Respondents had made provisional seating arrangement on ground floor in the post office, but same was not accessible as it was 20 KMs away from his residence also was having steps which complainant was not able to climb and hence make it inaccessible. So in sum and substance complainant could not attend his duty for aforesaid reasons

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hence Respondent-I is recommended to grant complainant full salary to all such periods which is either less paid or not paid at all.

5. The Respondent-I shall see that all service benefits including retirement benefits are paid to the complainant from time to time as and when accrued to him.

6. The Respondent-I shall also consider benefits available to complainant under Section 47 of RPWD Act 1995, as held by Hon'ble Supreme court in case of Bhagwan das & anr V/S Punjab State Electricity Board reported in 2008 1Scc. 579, Section 47 lays down certain obligation on employer to protect employee suffering from Disability.

7. The Respondent-I is recommended to consider the request of complainant for (VRS) from Persons suffering with Disabilities, if applied by the complainant, as per Office Memorandum, Ref No. F.NO.25012/2015-Estt (A-IV) dated 19/05/2015 issued by the Government of India, Ministry of Personnel Public Grievance and Pension Department of Personnel and Training.

8. The complainant shall see that he perform his duties seriously and not take undue advantages of arrangement made by the Respondents to work from home, complainant shall complete and submit the allotted work assigned to him timely and punctually.

9. Further the Respondent-I and Respondent-II shall submit compliance report on the recommendation made herein above, to this office within the period of 15 days once receipt of this order.

Given under my hand and seal of this Commission, on this day of **16th August 2024.**

State Commissioner for Persons with Disabilities
Government of Goa

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