



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No.14743/1022/2024

In the matter of—

Shri Sandip Pradhani Chandure

...Complainant

Versus

The Chairman
Central Board of Indirect Taxes & Customs
North Block,
New Delhi-110001

...Respondent

1. Gist of the Complaint:

1.1 Shri Sandip Pradhani Chandure, a person with 90% visual impairment filed a complaint on 01.01.2024, stating that after being selected for the position of Central GST Inspector through the CGLE 2023, the CBIC assigned him to the Thiruvananthapuram Zone on 19.12.2023. This posting is significantly far from his home in Maharashtra, and he was informed that he would be required to serve exclusively in the Thiruvananthapuram Zone for the duration of his service at the CBIC.

1.2 The Complainant further submitted that he is the sole caregiver for his younger sister, who has 60% physical disability, as both of their parents have passed away. His sister is currently studying in the 12th

standard and is fully dependent on him. He requested a transfer closer to his hometown, but his request was not considered. In support of his appeal, he referred to the DoPT OM dated 13.03.2002. Furthermore, he mentioned that the Staff Selection Commission (SSC) had reserved only two vacancies nationwide for visually impaired candidates, and while one of the candidates was posted in their home state, he was denied the same opportunity.

2. Submissions made by the Respondent:

2.1 The Director of the Department of Revenue, Central Board of Indirect Taxes and Customs, in a letter dated 10.01.2024, responded and explained that during the zone allocation process, the instructions issued by the DoPT in its O.M. dated 13.03.2002 are strictly followed. The allocation of zones to Persons with Disabilities (PwDs) is done based on a Merit-cum-Preference approach, with overriding priority given to PwDs as per the extant rules, subject to the availability of vacancies in the relevant category fields or zones. While prioritizing PwDs, the merit-cum-preference principle is applied to zone allocation among PwDs. All the benefits and privileges due to physically handicapped candidates, as per the DoPT guidelines and instructions, were extended to all candidates with disabilities, including the Complainant, when the zone allocation for CGLE 2023 was announced.

2.2 The Respondent further clarified that two vacancies for the position of Inspector (CGST) were reported to the SSC under the VH category for CGLE-2023. Of these two vacancies, one was reported by the Jaipur CGST and the other by the Thiruvananthapuram CGST to the SSC. As a result, no vacancy was available in Mumbai CGST. Furthermore, another employee with a disability, Shri Kaushal (5700) had a higher rank than the Complainant (Rank 5780). Therefore, Shri Kaushal was allotted the Jaipur CGST as per his preference, while the remaining vacancy in Thiruvananthapuram CGST was assigned to the Complainant.

3. Submissions made in the Rejoinder:

3.1 The Complainant vide email dated 17.01.2024 filed a rejoinder

reiterating his complaint and stated that the respondent department is not adhering to the DoPT's instructions and is not providing any exemptions for employees with disabilities regarding transfers. He further requested to be reallocated to the Mumbai Zone, his native place, either against the UR category or by creating a vacancy in the Mumbai Zone. He mentioned that he needs to support his sister during her exams, which are scheduled for February-March 2024. Furthermore, in emails dated 27.05.2024 and 29.05.2024, the Complainant informed that the respondent set his last date of joining as 15.06.2024.

4. Hearing (I): An online hearing was conducted on 25.06.2024. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Sandip Pradhani Chandure	Complainant	Online
2.	Shri Mohammad Ashif, Under Secretary Under Secretary, SSC	Respondent	Online

5. Record of Proceedings:

5 . 1 This Court sought an update on the current status of the case from the Respondent and whether there was any possibility of addressing the complainant's grievance. The Respondent clarified that there were two vacancies for candidates with visual impairment in 2023—one in Jaipur and one in Thiruvananthapuram—and zone allocations were made based on merit-cum-preference. The Complainant ranked 5780 and was allocated Thiruvananthapuram, while a senior candidate, Shri Kaushal, with rank 5700, was allocated Jaipur as per his preference.

The Respondent also noted that inter-zone transfers were not allowed, although transfers on a loan basis or deputation were possible.

5.2 The Complainant stated that he would face language challenges in Thiruvananthapuram. He further submitted that if he had known about the vacancies in advance, he would have opted for another service or post closer to his home in Mumbai or Maharashtra. The Court questioned whether zone-wise vacancy details were available to candidates at the time of application submission. The Respondent claimed that such details were posted on their website, but the Complainant argued that they were not included in the Staff Selection Commission advertisement. The Court acknowledged the Complainant's concerns and decided that the Staff Selection Commission should be added as a respondent for a further review of the policy.

5.3 The Respondent was asked to provide a detailed recruitment procedure and the Complainant was instructed to submit evidence supporting his claim that the vacancy details were not published.

6 . Additional Submission made by the Complainant after RoP:

6.1 The Complainant in emails dated 20.12.2024 and 15.12.2024 reiterated his grievance, noting that the last date for joining was 08.08.2024, but he was not permitted to join duty in Kochi. He requested either an extension until 31.01.2025 or permission to join the duty in Kochi.

7. Hearing (II): An online hearing was conducted on 24.03.2025. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Sandip Pradhani Chandure	Complainant	Online
2.	Shri Sanjay Kashyap, Under	Respondent	Online

	Secretary, SSC		
3.	Smt. Rani C R, ADC, CGST, Kochi	Respondent	Online
4.	Sh. Mohammad Ashif, U.S.CBIC,D/O Revenue	Respondent	Offline

8. **Record of Proceedings:**

8.1 The Complainant expressed his willingness to join the CBIC at Kochi/Thiruvananthapuram and requested some more time because his resignation had not yet been accepted by his present employer, namely the Western Railway. The officer representing the CBIC HQrs, submitted that as per the rule of the DoPT, an appointment offer not accepted within 6 months automatically lapses. However, the representative of the CBIC, Kochi confirmed that the Complainant was earlier allowed to join till 08.08.2024, which was extended till 31.01.2025 and again up to 20.02.2025. The Complainant's fresh request for an extension of time up to 31.03.2025 has also been sent to the SSC vide their letter dated 13.03.2025. The representative for the SSC submitted that if the requisition for an extension comes with the due recommendation of the user organisation, the SSC will allow the same.

8.2 The Court appreciated the accommodation provided by the respondents in this case and recommended all authorities concerned to deal with this matter with due sensitivity as it relates to the employment of a visually impaired person who is also the sole caregiver to his younger sister, a person with a locomotor disability. The Court recommends to the respondents to allow him the requested extension of

time if the same is permissible or there are enabling provisions for the authorities to favourably consider this case or if there is a precedent of this nature and also advised the Complainant to pursue his pending application for technical resignation with his current employer.

8.3 In terms of Section 76 of the Act, the respondents are directed to submit the Compliance Report of this Order within 3 months from the date of this Order. In case the Respondent fails to submit the Compliance Report within 3 months from the date of the Order, it shall be presumed that the Respondent has not complied with the Order and the issue will be reported to the Parliament in accordance with Section 78 of Rights of Persons with Disabilities Act, 2016.

8.4 Accordingly, the case is disposed of.

(Rajesh Aggarwal)
Chief Commissioner for
Persons with Disabilities