



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.ccpd.nic.in

Case No: 14658/1012/2023

In the matter of—

Mr. Mukesh Kumar

...Complainant

Versus

The Secretary, Railway Board

...Respondent No. 1

The Secretary, Department of Personnel & Training

...Respondent No. 2

1. Hearing:

A hearing in hybrid mode (online/offline) was conducted on 29.05.2025. The following parties were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/Respondent	Mode of Attendance
1.	Mr. Mukesh Kumar	Complainant	Online
2.	Mr. Gautom Mondal, Joint Director (Est), Railway Board	For Respondent No.1	Online
3.	Mr. Sandeep Mukherjee, Director, DoPT	For Respondent No.2	Online

2. Record of Proceedings

2.1 At the outset, the Complainant informed the Court that provision for relaxation of standards for PwBDs, as contained in Para 11.2 and 8.2 of the DoPT O.M. Nos. 36035/02/2017- Estt (Res) dated 15.01.2018 and 36012/1/2020- Estt. (Res-II) dated 17.05.2022, respectively, have not yet been implemented by

the Railways. Further, there is no clarity on the date of effect of the relaxation of standards, especially in Group C.

2.2 In response, the Respondent No. 1 informed the Court that the Ministry of Railways follows the instructions issued by the DoPT from time to time. The modalities of the reservation in promotion for the Persons with Benchmark Disabilities issued by DoPT vide O.M dated 17.05.2022 have been adopted.

2.3 Respondent No.2 informed the Court that DoPT OM's dated 15.1.2018 (Para 11.1 and 11.2) and dated 17.5.2022 (Para 8.1 and 8.2) provide that if sufficient number of candidates with benchmark disabilities are not available on the basis of the general standard/prescribed standard to fill all the vacancies in direct recruitment/promotion by seniority as well as by an LDCE, reserved from them, candidates belonging to this category may be selected on relaxed standard provided they are not found unfit for such post or posts and same relaxed standard should be applied for all the candidates with Benchmark Disabilities irrespective whether they belong to Unreserved/SC/ST/OBC. From 2016 onwards, the promotion Orders are to be effectuated for Group A & B, and for Group C, the earlier Orders are applicable. Therefore, there is no ambiguity in the OM's dated 15.01.2018 and 17.05.2022.

2.4 After hearing both parties, the Court directed the Complainant, who is representing an association, to submit a list of specific cases along with the names of the aggrieved persons with disabilities and a brief description of their individual grievances, within 15 days. This submission will assist in addressing the concerns raised effectively. Upon receipt of the aforementioned list/report, the Court may seek further clarification from the respondents, if required.

3. This is issued with the approval of the Commissioner for Persons with Disabilities.

(P. P. Ambashta)

Dy. Chief Commissioner for PWDs