



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15595/1022/24

Dated: 30/07/2025

**Case No. 15595 /1022 / 2024**

**Complainant(s):**

Sh. Umapathi A B  
Arakerara Mane. Arakerara Street,  
Anaveri Village,  
Shivamogga, Kamalaka- 57 7 243  
Email: ab\_umapathi@rediffmail.com  
Mobile: 9481784715

**Respondent(s):**

The Chief Executive Officer & Member Secretary  
Central Silk Board, Ministry of Textiles, Central Silk Board Complex,  
B.T.M. Layout. Madiwala,  
Bangalore - 560068  
Email: [ms.csb@nic.in](mailto:ms.csb@nic.in)

**Hearing (I):**

A hearing in hybrid mode (online/offline) was conducted on 21.04.2025.  
The following parties/representatives were present during the hearing:

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5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275  
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364,  
20892275

E-mail: [ccpd@nic.in](mailto:ccpd@nic.in); Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)  
(पया भविष्य मे पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)  
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Sl.No.	Name of the parties/Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Sh. Umapathi AB	Complainant	Online
2.	Smt. Sneha Mishra, Assistant Director, Admin Accounts	Respondent	Online
3.	Sh. Rajeev, Joint Director (Admin)	Respondent	Online
4.	Sh. Kamal Gupta, Deputy Director	Respondent	Online

## RECORD OF PROCEEDINGS

1. At the outset, the Complainant described his grievance, stating that he has worked in the Sales Tax division since 2006 and is currently a Personal Secretary in the Central Silk Board. He was transferred to Mumbai in March 2024. Along with him, two other Persons with Disabilities (PwD) officers from the technical cadre were also transferred under the same order; no further transfers occurred in the past year.

2. The Respondent stated that, due to his disability, the Complainant was retained in Bangalore for 18 years, even after his promotion from Group B to Group A. However, Group A officers are expected to take on greater responsibilities and are subject to postings nationwide, including locations such as Kashmir, Calcutta, and Delhi. Considering administrative needs and his native place, Shivamogga, the department posted him to Mumbai, the closest available location after Bangalore.

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3. The Respondent further submitted that the Mumbai office is well-equipped with necessary facilities. The Complainant's role requires occasional travel for training and official meetings, which he has previously undertaken. The department assured that efforts will be made to accommodate him in Bangalore when a vacancy arises.

4. The Court referred to its earlier order and the DoPT Office Memorandum dated 2 February 2024 (OM No. 36035/44/2023-Estt (Res-II)), which emphasised that routine transfers of PwD employees should generally be exempted, and preference must be given to posting them near their native place. The Delhi High Court, in Bhavneet Singh v. IRCON International Ltd. (2023) and Mukesh Kumar v. National Power Training Institute (NPTI), upheld that while transfers are not completely barred, they must be justified by administrative constraints.

5. The Court also cited relevant legal provisions, including sections 20 (5) and 21 of the Rights of Persons with Disabilities (RPwD) Act, read with Rule 8(3) of the RPwD Rules, 2017, which empower the Appropriate Government to frame policies for posting and transfer of employees with disabilities, frame their Equal Opportunity Policy containing provisions of preference in transfer and postings of such employees and require every establishment to register a copy of such policy with the Chief Commissioner or State Commissioner, as applicable;

6. The Court questioned the Respondents about the basis for the Complainant's transfer—specifically, whether it was a routine administrative move or driven by a specific need for his expertise at the Mumbai office. The Respondents stated that similar technical personnel are posted in cities such as Delhi, Chennai, and Calcutta based on administrative requirements. The Complainant, however, cited a case of an employee who has remained in the same posting for over 31 years, raising concerns about the inconsistent application of transfer policies. The Court therefore sought a clear explanation for the rationale behind the Complainant's transfer.

7. The Respondent is directed to submit a written reply within seven (7) days from the date of this order with a copy to the Complainant, who shall submit his rejoinder, if any within

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a further period of 7 days. Upon receipt of the written submissions, the Court shall adjudicate the matter on its merits.

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

Yours faithfully,

(Praveen Prakash Ambashta)

Dy. Chief Commissioner

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