



सत्यमेव जयते

## 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

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**Case No: 14008/1022/2023**

### Complainant

Sh. Prabal Dikshit

Catering Assistant

Jawahar Navodaya Vidyalaya

Bijnor, UP

Email ID: prabaldixit2035@gmail.com

### Respondent

The Commissioner,

Navodaya Vidyalaya Samiti,

B-15, Institutional Area, Sector 62,

Noida, Gautam Budh Nagar,

Uttar Pradesh - 201309

Email ID: commissioner.nvs@gov.in

### 1. GIST OF COMPLAINT :

1.1 Shri Prabal Dixit, having 70% haemophilia, has been serving as a Catering Assistant with the Navodaya Vidyalaya Samiti since October 1993. He filed his complaint on 22.03.2023, stating that both he and his wife, Smt. Indu Dixit, a Physical Education Teacher since August 1991, were transferred from different schools to Jawahar Navodaya

Vidyalaya (JNV), Bijnor (U.P.) in the year 2000 under the spouse category.

1.2 While stationed at JNV, Bijnor, the Complainant suffered a brain haemorrhage in 2016 due to high blood pressure, which resulted in paralysis on the right side of his body. In the previous year, vacancies arose at JNV in Sambhal and Meerut, prompting both him and his wife to apply for a transfer as per the rules. In August 2022, the Complainant was transferred to Sambhal, but his wife was assigned to JNV, Dima Hasao, Assam, located 2500 km away. At the age of 55, this transfer to a hard station seemed to contradict the committee's rules, which state that individuals over 45 should not be posted to such stations, with priority given to spouse and PwD categories.

1.3 The Complainant relies on his wife's assistance for his daily activities, making it impossible for him to travel to Dima Hasao. Since 2016, he has been receiving treatment in Bareilly and Moradabad. His 11-year-old daughter also helps him with daily tasks and commuting to work. At the time of filing this Complaint, his wife was on a 5-month leave to take care of both the Complainant and their children. For this year's transfer drive, his wife applied for transfers to JNV Hapur and JNV Haridwar. She requested that JNV Hapur, being close to Bareilly/Moradabad, was more convenient for her.

## **2. SUBMISSIONS MADE BY THE RESPONDENT:**

**2.1** Deputy Commissioner (Personnel) responded on 26.05.2023, explaining that the NVS Transfer Policy 2021 was designed to ensure an effective, transparent, and efficient employee transfer process. The policy aligns with the Government of India's guidelines, which do not guarantee posting at preferred locations on spouse grounds if it disrupts administrative needs. Transfers are processed through an automated portal, minimizing human intervention and favouritism. The Annual Transfer Drive (ATD) consists of three rounds:

- (a) Round 1: Employees choose available or deemed vacancies.
- (b) Round 2: Employees can choose from remaining vacancies.
- (c) Grievance Round: Employees can request reconsideration for unfilled vacancies.

**2.2** The policy, implemented from 28.01.2022 with approval from the NVS Executive Committee, aims to maximise transfer opportunities in line with Court directives and government norms.

**2.3** Both the Complainant and his wife had been posted at JNV Bijnor since 2000, making both positions eligible under the "Deemed Vacant Category" in the ATD 2022. The Complainant requested a transfer to JNV Sambhal in the first round and was allotted the post, disqualifying him from Round 2 of the ATD. Smt. Indu Dikshit applied for transfers to JNV Sambhal, JNV Meerut, and JNV Bijnor. However, her first two choices were allocated to other candidates due to higher priority categories. Since her third choice was JNV Bijnor,

where she was already posted, she could not be considered for this station and had to be moved to JNV Dima Hasao, Assam. She did not participate in Round 2; instead, she filed a grievance on 09.07.2022, requesting the cancellation of her transfer. The request was denied on 20.08.2022.

2.4 The Complainant further pointed out that had she participated in Round 2, she could have requested a transfer closer to her husband's posting. Therefore, the organization cannot be blamed for her transfer to Assam, as the process was strictly in line with the Transfer Policy.

2.5 Shri Prabal Dikshit and Smt. Indu Dikshit can request future transfers to their desired stations, subject to vacancies under the PH/NVS spouse category in subsequent ATDs, and these will be processed according to the Transfer Policy.

2.6 The transfer of both Shri Prabal Dikshit (Catering Assistant) and Smt. Indu Dikshit (PET-F) was carried out according to the NVS Transfer Policy, which came into effect on 28.01.2022. The process was fully automated, ensuring no human bias or favouritism. The claim of the Complainants under the PH Medical Category could not be processed as their physical disability certificate was submitted after the deadline for documentation. Therefore, their transfers were processed according to the available vacancies and priority categories in the system.

### **3. Submission of Rejoinder:**

3.1 The Respondent's reply was sent to the Complainant via email on 20.06.2023, requesting the submission of a rejoinder. However, no response has been received from the Complainant.

#### **4. Legal Framework Letter:**

4.1 A legal framework letter regarding the posting, transfer, and retention of employees with disabilities, as well as caregivers of dependent persons with disabilities, was issued to the Respondents on 15.01.2024.

#### **5. Response of the Respondent to the Letter Containing Legal Framework on Posting and Transfer of Employees with Disabilities:**

5.1 The Respondents reiterated their previous reply via email dated 09.04.2024.

#### **6. Status Update on Grievance Redressal:**

6.1 After there was no further correspondence on the matter, this Court vide its email dated 01st May 2025, asked for the action taken in the case and whether the grievance is resolved. On 26.05.2025, the Complainant responded informing that his grievance has been resolved to his satisfaction, with the transfer of his wife from Dima Hasao, Assam, to JNV Mungeshpur, Delhi.

## **7. Observation and Recommendations:**

7.1 After considering the version of both parties, especially the Complainant's email dated 26.05.2025, the Court observes that the Complainant's grievance has already been addressed and no further intervention is necessary.

7.2 Consequently, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

**(Praveen Prakash Ambashta)**  
**Dy. Chief Commissioner**