



## 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. 14481/1022/2023**

### **Complainant(s):**

Ms. Drishty Dwivedi

### **Respondent(s):**

The Chairman  
State Bank of India

## **1. Gist of Complainant**

1.1 Ms. Dhrishty Dwivedi, a person with 50% hearing impairment, filed a complaint on 08.09.2023 requesting the transfer of her husband to his native place on the grounds that he serves as her caregiver.

1.2 The Complainant is entirely dependent on her husband, who is an SBI employee, for her medical treatment. However, due to his current posting in Prayagraj, he is unable to provide the necessary care. The complainant refers to the Government of India guidelines outlined in letter No. 03.04.2017 Welfare dated 31.01.2019 and CDO/P&HRD-PM/84/2018-19, which state that *"an employee who is a caregiver of a dependent spouse/daughter/son/parents with a specified disability, as certified by the competent authority*

*and recognized as a person with benchmark disability under Section 2(r) of the Rights of Persons with Disabilities Act, 2016, may be exempted from the routine transfer/rotational transfer exercise, subject to administrative control.” Despite these clear provisions, a legitimate inter-module transfer request for her husband to Kanpur in 2023 was denied.*

## **2. Notice issued to the Respondents:**

2.1 In accordance with the provisions of Sections 3, 20(5), 21, and 23 of the Rights of Persons with Disabilities Act 2016, the matter was taken up and notices dated 19.09.2023 were issued to the Respondents, directing them to submit their comments on affidavit regarding the complaint within the prescribed statutory timeframe.

## **3. Submissions made by the Respondent:**

3.1 The General Manager of SBI in the reply dated 18.10.2023 stated that, according to the address provided by the Complainant's husband, his native place is Unnao and not Kanpur. Furthermore, the disability certificate lists the same address as his current posting location, suggesting that the Complainant resides with him in bank-provided accommodation. Therefore, the Bank contends that her grievance is unfounded and should be dismissed.

## **4. Submissions made in Rejoinder:**

4.1 In her rejoinder dated 03.11.2023, the Complainant clarified that she currently resides in Kanpur, which is her permanent address as per her Aadhaar card. She argued that referencing her husband's native place is irrelevant and

that the address on the disability certificate refers to Fatehpur, as she was living with her husband at that time, but later shifted to her permanent residence in Kanpur.

4.2 The Complainant also highlighted that the disability certificate is solely for certifying disability and not intended to serve as proof of identity or address.

## **5. Legal Framework Letter Issued:**

5.1 A legal framework letter concerning the transfer of employees with disabilities was issued to the Respondents on 29-01- 2024.

## **6. Respondent's Reply against Legal Framework:**

6.1 General Manager (NW-II), State Bank of India filed their reply dated 23-02-2024 and stated that the Complainant joined the Bank as a Junior Associate (CSS) on 10.12.2012. He was promoted to JGMS-1 effective from 20.04.2020 and was transferred to Fatehpur in accordance with the Bank's prevailing instructions regarding promotions.

6.2 The Respondent reiterated their earlier stance, asserting that the Complainant is seeking her husband's transfer to a location that is neither his domicile nor native place, by invoking provisions of the RPwD Act. They also cited a Delhi High Court judgment dated 13.09.2023 in *Smt. Shakuntala Devi & Anr vs Central Bank of India*, which interpreted the DoPT guidelines dated 08.10.2018. The Court held that while these guidelines allow exemptions from routine transfers for caregivers, such exemptions are subject to administrative feasibility. The office memorandum is directory in nature, and an employer does not have a right to

issue a transfer order, keeping in view the administrative constraints faced by it. Therefore, the impugned order does not warrant any interference.

## **7. Observations and Recommendations:**

7.1 In response to a Notice of hearing in this matter, the Complainant, vide her email dated 23.04.2025, informed this Court that the Respondent has issued a transfer order in respect of her husband, Mr. Vikrant Bajpai, posting him to the Kanpur Centre. She requested for the withdrawal of her complaint and cancellation of the hearing scheduled for 25.04.2025.

7.2 Upon considering the submissions of the parties, particularly the email dated 23.04.2025 of the Complainant; this court has concluded that no further intervention is warranted in the matter as the Respondent has redressed her grievance.

7.3 The case is disposed of accordingly with the approval of the Chief Commissioner for Persons with Disabilities.

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