



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

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: 14351/1022/2023

In the matter of—

Mr. Kushagra Mehta

...Complainant

Versus

1. The Chairman, Central Board of Indirect Taxes & Customs
Email: chmn-cbic@gov.in

...Respondent

2. Principal Chief Commissioner of Central Tax, Bengaluru
Email: bzpcco-cat@gov.in

...Respondent

Hearing:

A hearing in hybrid mode (online/offline) was conducted on 10.06.2025. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties /Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Sh. Kushagra Mehta	Complainant	Offline
2.	Sh. Ravish Kumar, US, CBIC	Respondent	Online
3.	Sh. Kamalakar Saikar, Assistant Commissioner, Pr. Chief	Respondent	Online

RECORD OF PROCEEDINGS

1. At the outset, the Court addressed the Complainant's grievance regarding the denial of his transfer request due to the Inter-Commissionerate Transfer (ICT) ban.

2. The Court asked Respondent No. 1 to clarify the reason for denying the transfer request. Respondent No. 1 cited the lack of statutory provision for inter-cadre transfers.

3. The Court explained Section 21 of the Rights of Persons with Disabilities (RPwD) Act read with Rule 8 of the RPwD Rules, 2017, which specifically mandates reasonable accommodations for employees with disabilities. The Court asked Respondent No. 2 to state its position vis-à-vis the reasonable accommodation provided in its transfer policy for employees with disabilities.

4. Respondent No. 2 submitted that the Complainant joined service in 2022 and applied for an Inter-Commissionerate Transfer to Delhi Zone before completing his two-year probation. The CBEC, via Circular F. No. A22015/34/80-Ad III B dated 20.05.1980, issued guidelines permitting such transfers on compassionate grounds. However, the Board later imposed a ban on these transfers by Circular F. No. A22015/03/2004 Ad IIIA dated 19.02.2004, thereby withdrawing the facility due to administrative reasons.

5. The Complainant stated that he submitted a request for transfer on a loan basis on 04.09.2023, which remains pending with the Respondent.

6. After hearing all parties, the Court recommended that Respondent No. 1 shall develop a comprehensive policy on inter-commissionerate transfers, in line with existing legal provisions, especially the RPwD Act and the Rules, and address the rights and needs of employees with disabilities. The Court further recommended that Respondents shall formally register their Equal Opportunity Policy with the CCPD and appoint a dedicated Grievance Redressal Officer (GRO) and inform this Court of the same in terms of sections 21 and 23 of the Act. These measures should be completed within two months of receipt of this record of proceedings.

7. The Court recommended that Respondent No. 2 shall submit an action taken report within one month on the Complainant's case, detailing steps taken, compliance with legal provisions, an assessment of the transfer ban's impact, and recommendations for future action. The Court also recommended that the Complainant's application for a loan-basis transfer be considered as an interim solution while broader policy issues are addressed.

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

(P. P. Ambashta)
Dy. Chief Commissioner