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3.1 On 04.07.2023, the Sr. Divisional Signal & Telecom Engineer, DDU, East

Central Railway, clarified that the Complainant, JE (Telecom), was transferred only once within DDU without a change of headquarters. The Respondent explained that after a telecom cable failure was repaired, the Complainant failed to properly test the modem, which prolonged the issue and led to a charge-sheet and justified a minor penalty after an unsatisfactory response; the Complainant did not appeal within the stipulated time. Additionally, the Respondent stated that the Complainant was allotted a railway quarter on 15.05.2023 following his application, countering claims of non-allotment, and noted that accessibility measures such as a lift and ground floor posting were provided.

4. Rejoinder by the Complainant:

4.1 In a rejoinder dated 21.11.2023, the Complainant reiterated his concerns, alleging humiliation on a WhatsApp group when asked to visit a site 1.2 km from his workplace. He questioned the competence of the technical team and disputed the Respondent's claim of a single transfer, citing two additional transfers and a temporary posting at BSYA. He also noted that his request for a suitable posting was not considered.

5. Hearing (I):

An online hearing was conducted on 16.01.2025.

Participants:

1. Shri Amitabh Kumar (Complainant) – Online
2. Ms. Usha Chattopadhyay, JD EN (Respondent 1) – Online
3. Shri Anil Kumar Rajak, ASTE, DDU (Respondent 2) – Online

6. Record of Proceedings:

6.1 The Chief Commissioner inquired into the Complainant's status, and while the Respondent stated he was posted to a station of his choice with government accommodation to be provided when available, she could not specify his current posting, which concerned the Court. Respondent No. 2 clarified that the Complainant had been transferred to the DRM Signal and Control Room (order dated 05.09.2023), a post without field duties or night shifts, located on the first floor with lift access, and that nearby accommodation would be arranged when possible. The Complainant reported he had already appealed to the ADRM, felt unfairly blamed for a technical failure despite his mobility issues, and requested a transfer to Gaya Junction. The Court refrained from intervening in internal departmental matters where due process was followed but directed the Respondent to resolve the appeal within one month with a reasoned order, ensure a fair and impartial review considering the Complainant's disability, and check for overstaying occupants to provide suitable ground-floor accommodation as soon as possible; the request for transfer to Gaya Junction was not considered as it had not

been raised earlier.

7. Complainant's Reply after RoP:

7.1 In an email dated 14.05.2024, the Complainant stated that his application for remission of the penalty (one-year increment cut, non-cumulative) was not granted by the authorities, despite a clear court order. He also noted that no suitable accommodation had been allotted, even after several meetings of the quarter allotment committee, despite his eligibility and priority status. Additionally, he stated he had not been granted reservation in promotion as an orthopedically handicapped employee, and that his application, though forwarded to the concerned authorities, had not been acted upon.

8. Action Taken Report:

8.1 The Sr. Divisional Signal & Telecom Engineer, DDU Division, reported on 21.05.2025 that the Complainant is now posted as JE/Tele Control Room at DDU in an indoor role on the first floor with lift access. The department confirmed that disciplinary action was imposed after due process and upheld on appeal, with no revision petition filed by the Complainant. Regarding accommodation, the Complainant was first allotted Quarter No. 1529/D, Type III, Plant Depot Colony, DDU, on 15.05.2023, and, upon his request, was later allotted Quarter No. 01/A, Type III, Roza Colony, DDU, on 19.05.2025, in accordance with railway rules. The department further clarified that the Complainant's service record is maintained both physically and digitally, accessible online, and that the JE position in the Signal and Telecom Department is classified as "excluded" due to its supervisory nature, which may require irregular hours to ensure system functionality.

9. Hearing (II):

A hybrid (online/offline) hearing was held on 21.05.2025.

Participants:

1. Mr. Amitabh Kumar (Complainant) – Online
2. Mr. Vivek Saurabh, Sr. DSTE, East Central Railway, Hajipur (Respondent 2) – Online

10. Record of Proceedings:

10.1 The Court questioned the Complainant about his understanding of his job

duties, possible assignments beyond his scope, and whether similarly placed employees had comparable assignments; as he could not answer, the Respondent clarified that his duties are strictly indoors in the control room, with lift access ensuring accessibility. The Complainant stated he has no grievance regarding his current duties or accommodation but remains aggrieved by the penalty, which he believes was based on false charges and imposed through an unfair departmental process. He also reiterated concerns about being denied promotion despite his eligibility and relevant DoP&T reservation directives for PwBDs.

11. Observations and Recommendations:

11.1 The Court observed that it has no jurisdiction over departmental proceedings conducted under statutory frameworks; the Complainant must exhaust departmental remedies and may then approach the Central Administrative Tribunal (CAT), which has exclusive jurisdiction over such matters. The issue of denial or delay in promotion was not raised in the original complaint or during previous hearings. The Court acknowledged the Respondent's compliance with its earlier recommendation to allot suitable accommodation to the Complainant. The Court concluded that the Complainant has not established any denial of rights or discrimination on account of disability; thus, no intervention is warranted.

11.2 The case is disposed of accordingly.

(Rajesh Aggarwal)
Chief Commissioner for Persons with Disabilities