



## 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: 13985/1022/2022**

**In the matter of—**

Shri Mudassir Khan

**Complainant**

**Versus**

The Central Provident Fund Commissioner,  
Employee's Provident Fund Organisation.

**..Respondent**

### 1. Gist of Complaint:

1.1 Shri Mudassir Khan, a person with 65% locomotor disability serving as EO/AO with EPFO in Dehradun, filed a complaint on 05.02.2023 seeking transfer to his native Uttar Pradesh, citing personal and medical hardships, including being the sole caretaker for his ailing mother after his father's passing. He argued that the denial of his transfer adversely affected his livelihood and family responsibilities.

### 2. Notice Issued :

2.1 The matter was taken up with the Central Provident Fund Commissioner (CPFC) vide a Notice under sections 75 and 77 of the RPwD Act, 2016, on 02-06-2023 to file comments in the light of statutory provisions on the subject and government instructions in pursuance thereof.

### 3. Reply of the Respondent:

3.1 The EPFO responded that Mr. Khan could not be posted to his preferred

states due to the absence of vacancies for Persons with Benchmark Disabilities (PwBD) in those regions and that the only available vacancy in Punjab was assigned to a higher-ranked PwBD candidate. The Respondent requested closure of the complaint, asserting that posting preferences were honoured as per availability and rank.

#### **4. Rejoinder from the Respondent:**

4.1 Mr. Khan vide his rejoinder dated 16.07.2023, reiterated that the EO/AO is an all-India cadre with central reservation for PwDs, and transfer policies and DoPT guidelines, specifically OM dated 31.03.2014, support preferential posting for PwDs. He contended that after a long delay, he was reallocated to Punjab without being consulted or allowed to revise his preferences, even though RTI replies showed PwD vacancies in Uttar Pradesh. He objected to the lack of proper consideration and communication regarding his transfer.

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

5.1 The legal framework governing the posting, transfer, and retention of employees with disabilities, as well as caregivers to dependent persons with disabilities, was forwarded on 14.01.2024 for consideration.

#### **6. Submissions made by the Respondents:**

6.1 In a submission dated 01.03.2024, the Regional P.F. Commissioner-I (HRM) acknowledged that the forwarded legal framework is comprehensive and sought additional time to review the matter.

#### **7. Submission made in the Rejoinder :**

7.1 After a delay of 10 months, the Complainant was issued a reallocation order to Punjab, citing the emergence of a PwD vacancy after certain appointments were canceled and noting that, during joining formalities nearly two years earlier, he had ranked Punjab higher than Uttarakhand in his preferences. The Complainant strongly objected to this reallocation, emphasizing that the EPFO did not allow candidates to update or confirm their preferences after such a long interval, and that several candidates, including himself, were transferred without consultation or consent. Despite multiple representations, he was informed that the reallocation was final and binding, with all his submissions dismissed without due

consideration. Furthermore, the Complainant highlighted that EPFO's claim of no PwD vacancy in Uttar Pradesh was contradicted by RTI replies dated 31.12.2022 and 05.06.2024, both confirming the existence of two PwD-reserved vacancies in Uttar Pradesh under the Direct Recruitment quota; nonetheless, he was not posted to his home state or to Delhi, leading to significant distress and hardship.

## **8. Status Update:**

8.1 A subsequent Notice of Hearing issued by the CCPD led to a reply from Mr. Khan on 07.07.2025, informing that the department had transferred him from his preferred location, thereby resolving his grievance.

## **9. Observations and Recommendations:**

9.1 Upon reviewing the case and submissions, the Court found that the Complainant's grievance had been addressed and his request for preferential posting acceded to by the Respondent. No further intervention was deemed necessary.

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

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