



न्यायालय मुख्य आयुक्त

**COURT OF 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 and Empowerment

भारत सरकार/ Government of India

**Case No.** CCPD/15606/1011/24

**Dated:** 18/08/2025

**In the matter of:**

Uttam Kumar

**...Complainant**

**Versus**

The Chairman,

Railway Board,

Ministry of railways

**...Respondent (1)**

**The Chairman,**

South Western Railways

**...Respondent (2)**

**1. Hearing (ii):**

A second hearing was conducted on 24.05.2025 in hybrid mode (offline/online through Video Conferencing). The following parties/representatives were present during the hearing.

Sl. No.	Name & Designation of the Parties/Representatives	For Complainant/ Respondent	Mode of Presence
1.	Mr. Uttam Kumar	Complainant	Physical
2.	Mr. Ajit Kumar (Advocate)	Complainant	Online
3.	Mr. Hafiz (Representative, RRC)	Respondent	Online
4.	Mr. Rajiv Sharma (Assistant)	Court Staff	Physical

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275  
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## **2. Record of Proceedings:**

2.1 The Court inquired about the Respondent's failure to file a reply following the previous hearing on 08.01.2025 and the ROP issued on 24.02.2025. The Respondent's representative apologised, attributing the lapse to a recent takeover in the RRC and a communication gap, and undertook to verify whether any reply had been submitted. The Court reminded the Respondent that it had previously suggested an inquiry into the appellate medical process and submission of a report, noting that four months had passed without compliance.

2.2 The Complainant described his disabilities: 100% Haemophilia and 50% locomotor disability affecting his right knee and thigh, resulting in a limp and raised heel. He demonstrated unaided walking before the Court. The Complainant explained that his 2017 disability certificate enabled him to complete an apprenticeship with South Western Railway, where he was deemed fit; however, he was rejected for permanent employment on medical grounds due to Haemophilia. The Complainant's representative (Mr. Ajit Kumar) cited the Ministry's Disability Assessment Guidelines, which include locomotor disabilities arising from blood disorders such as Haemophilia, thalassemia, and sickle cell disease. He contended that Haemophilia-induced locomotor disability should qualify under the PwBD quota.

2.3 The Court clarified that job reservation is based on the locomotor component of the disability, not its underlying cause, analogising with diabetes-induced amputations qualifying as locomotor disability. The Respondent submitted that Haemophilia is classified as a progressive disorder under the Indian Railway Medical Manual (IRMM), leading to disqualification irrespective of other factors, and stated that even general category candidates with Haemophilia would be rejected at the medical stage.

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2.4 The Court requested the Respondent to produce the specific IRMM notification or checklist disqualifying candidates with Haemophilia, emphasising that medical standards must be uniform and not discretionary. The Respondent added that the medical examination found contractures in both knees secondary to Haemophilia, leading to disqualification under the one lower limb (OL) category, as bilateral involvement is not notified for the post. The Complainant's representative highlighted a contradiction in the Railway's employment notification, which references guidelines permitting locomotor disabilities caused by blood disorders, while the rejection was based on haemophilia. The Court observed this potential inconsistency and directed the Respondent to clarify and provide the relevant sections, including the definition of locomotor disability.

2.5 The Respondent explained the appellate process: aggrieved candidates may appeal to the Principal Chief Medical Director, who refers the case to a board in another hospital, where doctors assess fitness according to railway standards. The Court stressed the need for designated appellate hospitals nationwide to ensure convenience and fairness, citing examples from UPSC and similar bodies. It also emphasised the importance of re-examination at the time of employment to verify certificates and account for changes in condition.

2.6 The Complainant questioned why he was accepted for apprenticeship but rejected for regular employment, arguing for consistency with applicable guidelines. The Court noted that standards differ between apprenticeship and permanent posts. The Court directed the Respondent to submit:

- (a) The medical examination report showing bilateral involvement;
- (b) The IRMM checklist for medical fitness, including disqualification criteria for Haemophilia for both general and PwBD candidates, and relevant notification sections.

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2.7 The Complainant was advised to pursue the appellate process if dissatisfied or to challenge the decision in a competent court. Both parties were directed to submit written submissions within a week of receiving the record of proceedings.

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

**Yours faithfully,**

**(Praveen Prakash Ambashta)**

**Dy. Chief Commissioner**

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