



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. 14346/1023/2023

In the matter of:

Complainant(s):

Sh. Dharam Dass

Respondent(s):

1. The Chief of Air Staff
Indian Air Force

2. The Air Officer In-Charge Maintenance (AOM)
Indian Air Force

3. The Joint Secretary &
Chief Administrative Officer (JS & CAO),
Ministry of Defence

1. Gist of the Complaint:

1.1 Shri Dharam Dass, a person with 100% visual impairment serving as a Senior Secretariat Assistant in DOP Logistics, West Block-6, R.K. Puram since 2011, submitted a complaint on 14.07.2023 alleging forceful transfer and

mental harassment at the hands of Deputy Director Ms. Tanu Malhotra and Section Officer Shri Net Ram. He stated that, unlike other employees, who are ordinarily given 20-30 days' notice, he was abruptly issued a transfer order on 15.05.2023 at 4:30 PM without prior intimation, accompanied by derogatory remarks such as "the blind person will have to go now." On reporting to duty on 19.05.2023, he was allegedly humiliated, verbally abused and pressured to affix his thumb impression on a discharge order with threats of force.

1.2 He further submitted that despite being on sanctioned medical leave from 22.05.2023 to 26.05.2023, he was marked absent, while repeated phone calls were made summoning him to the office. The Complainant also alleged that Ms. Malhotra made repeated derogatory remarks about his disability, calling him "useless to the government," asserting there was no place for a blind employee in her office, and even physically pushing him. He contended that these sustained acts of abuse, intimidation and discriminatory conduct have caused mental harassment and distress.

2. Notice Issued:

2.1 The matter was taken up with the Chief of Air Staff, Indian Air Force, the Air Officer In-charge of Maintenance (AOM), and the Joint Secretary and Chief Administrative Officer of the Ministry of Defence on 01.08.2023, referencing statutory provisions and government instructions, including but not limited to Sections 6, 7, and 20 of the RPwD Act.

3. Submissions made by the Respondents:

3.1 The Directorate of Operations Logistics, Air Headquarters, New Delhi, in its letter dated 15.09.2023, stated that the Complainant had been serving as an LDC at Air HQ since 22.12.2010 and had been posted to the Directorate of Ops Lgs for over 12 years before being internally reassigned to the Directorate of Accounts Air HQ, within the same building on 05.06.2023.

3.2 It was noted that he was assigned filing-related tasks in the Admin Section, which he completed with support from other staff members. Deputy Director Ms. Tanushree and Section Officer Shri Netram made continuous efforts to ensure that he was given meaningful work, treated with respect and met his requirements. His Annual Performance Appraisal Reports (APARs) were graded "Outstanding" from 2016-17 to 2021-22.

3.3 However, following the implementation of e-Office in 2021, most manual file work was phased out, leaving limited tasks to assign to him. This change was communicated to him on 01.03.2023. After a manpower review, a request was made to the Directorate of Personnel and Coordination (PC), Air HQ, to explore other ways of utilising his services, and his internal posting order was issued on 09.05.2023 by the competent authority, with no conspiracy or personal vendetta involved. Furthermore, the Complainant raised the issues of harassment and derogatory remarks only after learning about his transfer, and that there was no record of such grievances prior to the transfer. An internal fact-finding inquiry was conducted by the Liaison Officer for Persons with Disabilities (PwBD) and in its report dated 08.08.2023, the

allegations of conspiracy, abuse and derogatory remarks were found to be unfounded, inconsistent and lacking merit.

4. Submissions made in the Rejoinder:

4.1 The Complainant expressed disagreement and reiterated the allegations from his original complaint and further argued that during the inquiry held on 04.08.2023, only two senior officers from the Directorate of Operations Logistics were involved ie, Deputy Director Ms. Tanushree and Section Officer Shri Netram, and no officer from any other department was included in the inquiry; it was biased and one-sided. As a result, the inquiry led to a false and unfair report against him.

5. Hearing (I):

5.1 A hearing was conducted on **07.04.2025** in offline mode. The following parties/representatives were present during the hearing.

Sl. No.	Name & Designation of the Parties/ Representatives	For Complainant/ Respondent
1.	Mr. Dharam Dass	Complainant
2.	Mr. Ajay Rai	Legal Counsel for the Complainant
3.	Mr. P. Nagate	Respondent Nos. 1& 2
5.	Ms. Tanushree, Director	Respondent No. 3

6. Observations and Recommendations:

6.1 At the outset, the Complainant briefly outlined his grievance, claiming that he had been subjected to significant disrespect by the Deputy Director, Ms. Tanushree. He alleged that he was not afforded legal protection and was forcibly transferred. In response, Ms. Tanushree, representing Respondent No. 3, defended her actions, asserting that the Complainant was given adequate time before the transfer order was issued. She also clarified that the transfer was to a different directorate within the same organisation, which is located within the same building, on a lower floor with the same building orientation and structure insofar as critical facilities such as the washroom, waterpoint, etc. are concerned. Furthermore, she pointed out that the harassment complaint against her was filed only after the transfer order was made. A fact-finding inquiry was conducted, and based on the available evidence and witness statements, no misconduct was identified. Mr. P. Nagate, representing Respondents Nos. 2 and 3, submitted that the Complainant's case did not qualify as a forcible transfer.

6.2 The Court questioned the Complainant whether he had experienced any harassment within the department before the transfer order was issued and whether he had submitted a written complaint to any superior officer. In response, the Complainant acknowledged that no written complaint had been filed prior to the transfer. The Court then inquired why the Complainant should not be transferred after having held the same position for 12 years. In response, the Complainant cited a Department of Personnel and Training (DoP&T order) claiming that persons with disabilities are not subject to

transfer. The Court clarified that no such DoP&T order exists, and Persons with disabilities (PwD) do not have an absolute right to be exempted from transfers. Additionally, the Court pointed out a contradiction between the Complainant's claim of harassment and his request for a stay on the transfer.

6.3 The Court asked the Complainant if he was comfortable in his new posting, to which the Complainant responded in affirmative. The Court stated that it would not address the transfer issue as there had been no denial of equality nor had any evidence of discrimination or harassment related to the transfer been presented. The Court emphasised that claims of general harassment must be substantiated by concrete evidence.

6.4 With regard to the plea against the transfer, the Court referred to its previous order dated 13.10.2023 in ***Sunny Kumar v. BSNL***, wherein the Hon'ble Chief Commissioner for Persons with Disabilities held that the guidelines issued by the DoPT are enabling in nature. These guidelines are not intended to limit the administration's authority to transfer employees between sections within the same building or place of posting.

6.5 The Court further observed that, based on the fact-finding report submitted by the Respondent department, no evidence of physical harassment by any staff member has been established. After considering the statements and responses from both parties during the hearing, the Court finds no substantiated grievance or inconvenience. It suggests that any potential misunderstandings between the parties may be addressed through improved communication and mutual understanding.

6.6 Considering the Complainant's affirmation that he feels

comfortable in his new posting, the Court recommends and encourages the Complainant to continue his service peacefully and constructively at his current location.

6.7 Furthermore, the Court reiterates that officers-in-charge must exercise care and sensitivity while dealing with Persons with Disabilities (PwDs). This duty extends beyond the current case and applies universally. The Court emphasises that all staff must be adequately trained and sensitised about the rights and dignified treatment of PwDs, ensuring they are treated equally and protected under the law.

7. Accordingly, the case is disposed of.

(S. Govindraj)
Commissioner for Persons with Disabilities