



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

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Case No. : DNO/25/CCPD/4507

Complainant(s):

Shri Suresh Inaniya

Respondent (s) :

The MD & CEO
Indian Bank

Hearing :

A hearing in online mode was conducted on 29.09.2025.
The following parties/representatives were present during the hearing:

Sl.N o.	Name of the parties/Representatives	For Complainant/ Respondent	Mode of Attendan ce
1.	Mr. Suresh Inaniya	Complainant	Online

2.	Mr. Kumar, DGM General Manager HR	For Respondent	Online
3.	Mr. Manoj, General Manager	For Respondent	Online

RECORD OF PROCEEDINGS

1. At the outset, the Respondent submitted that since Complainant's induction into the bank's service, he has never been transferred out of Jodhpur including at the time of his promotion from JMGS-I to MMGS-II. The Complainant contended that he had indeed been transferred upon his promotion to MMGS-II and that the transfer order was revoked only after the intervention of the CCPD. In response to a query from the Court, he admitted that at the time of his initial appointment, he had accepted an all-India transfer liability.

2. The Court observed that a person with disability does not possess an inherent right to remain posted at the same station throughout his or her career. In particular, officers in executive or Group "A" grades, who are subject to an all-India transfer liability, cannot claim such protection as a matter of course. After examining the facts, including the nature and degree of disability, the Court found that this case did not warrant its intervention.

3. Nevertheless, in view of the statutory safeguards provided under Sections 20(5) and 21 of the Rights of Persons with Disabilities Act, 2016, read with Rule 8(3)(c) of the RPwD Rules, 2017 as well as the relevant instructions issued by the Central Government—specifically, para 2(H) and 2(I) of the DoPT OM No. 36035/44/2023-Estt. (Res-II) dated 02.02.2024—the reasons

advanced by the Respondent in support of the transfer order were found to be neither sufficient nor appropriate.

4. The Respondent's attention was further invited to the judgment of the Hon'ble Delhi High Court in *NPTI v. Mukesh Kumar & Ors.* dated 02 April 2025, wherein it was held that-

*"36. There cannot be an exhaustive list of valid reasons for non-acceptance of recommendation by the authority made to it by the Chief Commissioner, however, for illustration we may observe that in a situation **where an employee with disabilities is transferred in administrative exigencies taking into account the need and operational necessity of the organization and the skills and capability of the employee concerned, such a situation may give rise to a valid reason for the origination for not accepting the recommendation made to it by the Chief Commissioner,** though, in such a situation reasons are to be conveyed to the Chief Commissioner as also to the person aggrieved.*

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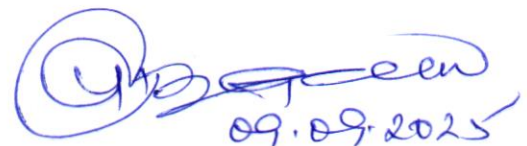
46. Even in the matter of transfer of an employee, if some measure has been put in place by the employer to ensure non-discrimination of employees with disability or certain preferential treatment has been provided for such employees with disability and infringement of such a measure is found, the action of the employer may be amenable to an action by the Chief Commissioner under Section 75(1)(b) of the 2016 Act.

*47. In a situation where no such infringement is found **and transfer is sought to be effected in the exigencies of administration, taking into account the need and requirement of the administration, such transfer may not attract infringement of any right otherwise available to an employee with disability** and, therefore, in such a situation, the provisions of the 2016 Act will not be attracted.*

5. From the above, it is clear that the Respondent need to show some exigencies of administration for effecting transfer of an employee with disabilities.

6. Accordingly, it was decided to remit the case to the Respondent to entrust this matter with the GRO of the Bank, who shall within 14 days resolve the grievance of the Complainant in accordance with his/her mandate under Section 23 of the RPwD Act, 2016 read with Rule 10 of the RPwD Rules, 2017.

7. The Complainant shall be at liberty to approach this Court in the event of his dissatisfaction with the resolution. The case is accordingly closed with the approval of the Commissioner for Persons with Disabilities.



(Praveen Prakash Ambashta)
Dy. Chief Commissioner