



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.13508/1024/2022

Complainant(s):

Shri Mukesh Gupta
General Secretary,
Disabled Employees Association of Railway

Respondent(s):

1. The Secretary
Railway Board,
Ministry of Railways,
2. Principal Executive Director (Staff)
Ministry of Railways,

1. Hearing (I):

An online hearing was conducted on 05.05.2025. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/	Mode of Attendance
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		Respondent	
1.	Mr. Mukesh Gupta	Complainant	Online
2.	Mr. Kumar Vishal, Section Officer, Railway Board	Respondent	Online

2. **Record of Proceedings**

2.1 At the outset, the Complainant expressed his concern regarding the Railway's General Departmental Competitive Examination (GDCE), through which vacancies are filled as part of the direct recruitment process. The practice of filling these vacancies dates back to 1993. While reservations were provided for SC/ST/OBC categories, PwD (Persons with Disabilities) were excluded. However, the Railway Board later agreed to extend reservations to PwD candidates as well. In order to implement the reservation policy with immediate effect, official orders were also issued during December 2022-23. The Complainant contended that this reservation should have been applied retrospectively. He also submitted that during a previous hearing, the CCPD also issued a directive for the retrospective implementation of reservation for PwBD in terms of the DoPT OM dated 28.12.2023. Despite this, the Railways have not complied with the orders.

2.3 Secondly, the Railway Board failed to implement the Equal Opportunity Policy (EOP) as mandated by Section 21 of the RPwD Act, despite the issuance of official orders. Respondents submitted that the process of preparing the EOP is underway.

2.4 The third issue relates to the denial of reservation in promotion to the employees of the Modern Coach Factory (MCF), Rae Bareilly in terms of the OMs dated 17.05.2022 and 28.12.2023.

2 . 5 In response, the respondents mentioned that the concerns of the PwBD employees of the MCF have not been addressed and brought to their attention. **The Respondent clarified that matters related to the transfer of persons with disabilities were handled by a different directorate.** Additionally, the Reservation matter falls under the jurisdiction of the Railway Recruitment Board (RRB) and not their department. The Court expressed dissatisfaction that the concerned individuals, who were familiar with the case details, were not present at the hearing.

2.6 The Court expressed deep concerns over the delay in implementation of the statutory mandate of Section 21 of the Act related to the publication and registration of the EOP and warned that it may be constrained to impose a fine in accordance with Section 89 of the Act, for any further delay on this aspect. The Court granted a final opportunity to resolve the delays in implementation of DoPT OM dated 28.12.2023 and Section 21 of the Act, as well as submit a Status-cum-Action Taken Report within 30 days.

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

(Praveen Prakash Ambashta)
Dy. Chief Commissioner