



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. CCPD/14079/1024/2023

In the matter of —

Smt. Archana Sonwal

... Complainant

Versus

The Chairman, Railway board,

Ministry of Railways

... Respondent

No.1

Divisional Railway Manager,

North Western Railway, Jaipur

...Respondent

no. 2

RECORD OF PROCEEDINGS

1. Hearing:

1.1 A hearing in hybrid mode (online/offline) was conducted on 02.04.2025. The following parties/representatives were present during the hearing:

Sl. No.	Name and designation of the Attendees	On Behalf of	Mode of Attendance
1.	Smt. Archana Sonwal	Complainant	Online
2.	Mr. Ram Singh Panwar DCM, Legal in charge,	Respondent	Online
3.	Dr. Jagdish Kumar		

	DCM 1, Jaipur	Respondent	Online
4.	Adv. Vijay Joshi	Counsel for Respondent	Online

2. Record of Proceedings:

2.1 The Complainant reiterated the facts of the case, stating that she is an 85% disabled widow from Jaipur and alone to take care of her daughter. She submitted that she has been working in the Railways for past 18 years and after her accident she is posted as an announcer. She stated that she has a morning shift from 6 AM to 2 PM, but the Railway Board shifted her to the evening shift. When she requested to retain her in the morning shift, she was subjected to derogatory comments from her seniors.

2.2 The Complainant submitted that when approached, none of her senior heard her complaint even once. She thereafter filed a complaint in the CPGRAMS Portal, but was told that she was burdening the administration and warned that if she behaved similarly again, she would be punished.

2.3 The Complainant further stated that in the meantime, the Railway Board filed a complaint against her and served her with a charge sheet three months later. When she sought the relevant documents to understand the charges, the same were denied to her and she was censured. On filing an appeal and obtaining the documents through RTI, she discovered that she had committed no mistake, and that the error arose from a wrong memo issued by the DMC regarding coach positions.

2.4 The Complainant also submitted that due to stress faced personally and professionally, she had to apply for sick leave. She alleged that her immediate supervisor mentally harassed her, made insulting comments when she requested two chairs due to her prosthetic legs. No aids and appliances were provided by the Office.

2.5 The Court sought the Respondent's comments on the issue of shift duty and alleged insults. The Respondent submitted that the Complainant, as part of the announcer staff, is required to work in three shifts — 6 AM -2 PM, 2 PM - 10 PM, and 10 PM - 6 AM hours — and that other women staff had complained that the Complainant was never given night shifts. Following an inquiry, it was reported that others had to travel long distances at night, whereas the Complainant was allotted quarters within 1 km of the workplace. It was, therefore, decided that

she should work shifts as per the roster, but she refused night duty.

2.6 The Respondent submitted that they had always accommodated the Complainant by transferring her locally, providing nearby quarters, and cooperating with her grievances.

2.7 The Complainant responded that since filing this application in 2023, she has been working two consecutive shifts. She reiterated that the harassment by the CRS occurred in private, and thus, there were no witnesses, further stating that during an official inquiry by Mr. Mathur, CRS stated in her presence, “Jo karm kiye hain unhe bhugadna hi hoga aur aise bhugadti rahogi.” (You will have to pay for the sin you have committed and you will continue to suffer like this.)

2.8 The Court in order to facilitate the Respondent, emphasised that:

- (a) Section 20 of the RPwD Act, 2016, prohibits discrimination and mandates reasonable accommodation in employment,
- (b) Section 21 provides for equal opportunity policies, and
- (c) Rule 8 contains directives for persons with disabilities. Section 4 provides additional safeguards for women with disabilities.
- (d) Section 92 makes it a criminal offence to publicly insult a person with disability, punishable with imprisonment of 5–10 years, and directed the Respondent to sensitize all employees and spread awareness about proper conduct towards colleagues/ employees with disabilities.

2.9. The Court observed a discrepancy between the Complainant’s claim of working two shifts and the Respondent’s claim that she worked only one shift. The Court directed the Respondent to produce documentary proof, such as the attendance register, to clarify the number of shifts currently being performed. The Court further directed that if the Respondent considers her request for only one shift, the same would be appreciated. It recommended an inquiry into the allegations of harassment made by the CRS and ordered that any existing inquiry report must be submitted to this Court within 07 days from the date of receipt of this record of proceedings, along with the remedy provided to the Complainant, if any. The same shall be shared with the Complainant, who may file a rejoinder within a further period of seven days thereafter if she disagrees with the report. The Court further recommended that both parties cooperate in resolving the shift duty issue, and reiterated

the need for reasonable accommodation for the Complainant. The matter was reserved for orders subject to the Complainant's satisfaction with the inquiry report.

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

(Praveen Prakash Ambashta)
Dy. Chief Commissioner