



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.14412/1022/2023

In the matter of:

Mr. Akshay Tiwari

...Complainant

Versus

The Director General,
Central Council for Research in Siddha,
Ministry of Ayush

...Respondent

1. Gist of the Complaint:

1.1 Shri Akshay Tiwari, a Lab Attendant with a benchmark locomotor disability, requested a transfer to his hometown, Kanpur, citing personal and medical hardships. Following his father's death, he lives alone in Delhi, while his widowed mother (who has chronic diabetes) and younger sister remain in Kanpur. He faces considerable challenges due to weakness in both arms. Although he submitted a transfer request on 14.03.2023, he received no response. He also struggles to secure long-term rental accommodation in New Delhi, as frequent moves are difficult given his disability. Additionally, he requested consideration for an administrative post, highlighting his experience in clerical duties since May 2018.

2. Notice issued to the Respondent:

2.1 On 21.08.2023, a notice was issued to the Respondent under Sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016, seeking comments. The notice cited relevant statutory provisions, including Section 20(5) of the Act and DoPT OM No. 36035/3/2013-Estt. (Res) dated 31.03.2014. A final reminder was sent on 25.09.2023.

3. Reply from the Respondent:

3.1 In their reply dated 13.10.2023, the Respondent stated that the Complainant

was appointed as a Lab Attendant under the PwD quota on 27.02.2017 and initially posted at the Siddha Central Research Institute in Chennai. He was transferred to the Siddha Clinical Research Unit in New Delhi on 24.01.2018 at his own request.

3.2 The Respondent clarified that CCRS employees are not eligible for General Pool Government accommodation, and there is no CCRS unit in Kanpur or nearby cities. New Delhi is the nearest available posting to the Complainant's hometown.

3.3 Regarding the Equal Opportunity Policy (EOP), CCRS stated that as a Central Government autonomous body, it is committed to the welfare of employees with disabilities in accordance with the RPwD Act, 2016, RPwD Rules, 2017, and government guidelines. The organisation, which currently employs five persons with disabilities, is formulating its EOP as mandated under Section 21 of the Act and Section 8 of the Rules, and has requested three months to complete this process. A Grievance Redressal Officer was appointed on 05.10.2023 to address disability-related complaints.

4. Submission made in Rejoinder:

4.1 In his rejoinders dated 14-10-2023, 13-12-2023, and 25-01-2024, the Complainant reiterated his grievance and acknowledged the Respondent's clarification regarding the lack of CCRS units in Kanpur or nearby cities. He noted that the Respondent advised him to seek a position in another government organisation in Kanpur, with CCRS agreeing to relieve him promptly if selected.

4.2 The Complainant emphasised that securing another government job in Kanpur is difficult and, until then, he must continue in his present circumstances. He reiterated his plea for justice and compassionate consideration.

5. Communication of Legal Framework on the Issue of Posting and Transfer of Employees with Disabilities to the Respondent and recommendation for review and redressal of Complainant's Grievances:

5.1 By letter dated 23.01.2024, this Court communicated to the Respondent the statutory provisions and government instructions concerning the posting, transfer, and retention of employees with disabilities and caregivers of dependent persons with disabilities. The Respondent was advised to review and resolve the Complainant's grievances within 30 days in accordance with this legal framework.

6. Action Taken Report (ATR) by the Respondent:

6.1 In a letter dated 05-04-2024, the Respondent submitted their Action Taken Report (ATR) on the recommendations of this Court dated 23.01.2024. They stated that the Council is implementing DoPT guidelines on reservation for persons with benchmark disabilities as per Government of India instructions and is committed to fostering an inclusive environment that upholds equality, dignity, and non-discrimination.

6.2 CCRS further stated that it takes measures to utilize the skills and potential

of employees with disabilities. To enhance accessibility, a wheelchair-accessible ramp has been constructed at the headquarters' entrance, and additional stainless steel hand railings have been installed on staircases from the ground to the third floor.

6.3 Other measures include granting Special Casual Leave and payment of Transport Allowance at double the normal rate, as per government norms. A senior Group 'A' officer has been designated as the Grievance Redressal Officer. The Council has also finalized and published its Equal Opportunity Policy, now available on its official website.

7. Hearing:

7.1 A hearing in hybrid mode (offline/online) was conducted on **08.07.2025**. The following parties/representatives were present during the hearing:

Sl.No.	Name of the Attendee	On Behalf of	Mode of Attendance
1.	Mr. Akshay Tiwari	Complainant	In person
2.	Dr. S. Selvarajan, Research Officer	Respondent	Online

8. Record of Proceedings:

8.1 The Complainant summarized his grievance, citing personal and medical difficulties, including living alone in Delhi after his father's death while his family (widowed mother with chronic diabetes and younger sister) remains in Kanpur. He explained that since his father's passing in 2022, he struggles with daily tasks and seeks either a transfer to Kanpur to care for his family or accommodation in New Delhi to better manage his job and personal responsibilities.

8.2 The Respondent stated that the Complainant was transferred to New Delhi in 2018 at his request. They clarified that their organization is not eligible for General Pool Government accommodation and lacks a unit in Kanpur or nearby cities, with New Delhi being the closest posting to the Complainant's hometown.

9. Observation and Recommendation:

9.1 This Court observed that the Complainant's requests for posting to Kanpur and for government accommodation are beyond the Respondent's control, as there is no unit in Kanpur and no facility for residential accommodation. The grievance regarding reassignment to a clerical post lacks merit, as the disability was not acquired after recruitment, and the Complainant should have been aware of the job requirements. The Court finds the Respondent's responses satisfactory. It suggested exploring transfer to another government department on mutual request, but noted this is unlikely. The Complainant must identify a suitable position and

organization. The Court advises him to await a favorable opportunity that does not disrupt organizational procedures and is mutually convenient. Given these circumstances, the proceedings are closed without any recommendation to the Respondent.

9.2 Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities