



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15762/1024/24

Dated: 15/12/2025

Case No. CCPD/15762/1024/2024

### In the matter of:

Shri Sonu Kumar Varshney

... Complainant

### Versus

The Chairman & Managing Director,

Bharat Sanchar Nigam Limited

... Respondent

## 1. Gist of the Complaint

1.1 The Complainant, a person with **above benchmark locomotor disability**, currently serving as **Deputy Manager (Legal), BSNL Corporate Office, New Delhi**, filed a complaint dated **26.09.2024** under **Sections 3, 5, 6, 7 and 20** of the Rights of Persons with Disabilities Act, 2016 ("the Act"). His grievance concerns the non-consideration of his request for **posting/transfer to Uttar Pradesh (West) Circle**, his native place.

1.2 He submitted that despite repeatedly applying for transfer through proper channel—addressing representations to the Director (HR), PGM (Pers) and PGM (Admin) on several dates between April and July 2024—no relief was granted. Instead, he was transferred to **BSNL Corporate Office, New Delhi**.

1.3 He further stated that after joining the Corporate Office on **24.04.2024**, he became

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entitled to a **Type-IV residential quarter**, but his request was denied. Instead, he was offered a **Type-II quarter**, which he described as dilapidated and unsuitable, terming the allotment discriminatory.

## **2. Notice to the Respondent**

2.1 A notice dated **27.09.2024** was issued under **Sections 75 and 77** of the Act, calling for comments and supporting documents.

## **3. Reply of the Respondent**

3.1 The Respondent, through its reply dated **14.11.2024**, submitted that as per **BSNL Letter No. BSNL/6-1/SR/2009**, the Complainant—reflected in ERP records as being in the **E-2 scale**—is eligible for **Type-III accommodation**, not Type-IV. Consequently, Type-IV allotment could not be considered.

3.2 The Respondent stated that the Complainant had sought advance reservation of a quarter prior to joining Delhi. Under rules, eligibility arises only **after joining** the station. Based on his date of joining (24.04.2024), he became eligible for the next month's waiting list cycle.

3.3 A Standing Committee examined requests for discretionary out-of-turn allotment. Three officers had applied; the senior-most applicant was allotted accommodation. The Complainant was offered **four Type-II ground-floor quarters**, communicated through letter dated **16.05.2024**, but he declined.

3.4 Subsequently, on humanitarian grounds, a recently vacated **Type-II ground-floor quarter at Kali Bari Marg** was identified and offered to the Complainant vide letter dated **03.07.2024**. He again did not accept the allotment within the stipulated time.

## **4. Rejoinder of the Complainant**

4.1 In rejoinder dated **17.12.2024**, the Complainant reiterated that he urgently requires

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**Type-IV or Type-V accommodation**, citing severe difficulty in commuting 35-40 km daily using an invalid carriage, compounded by winter conditions, visibility issues, health risks, and mental stress. He stated that a suitable quarter close to his workplace is essential for accessibility and safety.

## 5. Hearing

5.1 A hearing was held in hybrid mode on **03.04.2025**. The following attended:

S. No.	Name & Designation	For	Mode
1	Shri Sonu Kumar Varshney	Complainant	Online
2	Shri Sunil Kumar Gupta, AGM (Building), BSNL & Shri Patil, SDO	Respondent	Offline

## 6. Record of Proceedings

6.1 The Complainant reiterated his difficulties: he resides in Inderpuri and commutes 35-40 km daily in an invalid carriage, taking up to two hours each way. Combined with long work hours, this affects his health, safety, and ability to participate equally in professional and social life.

6.2 He submitted that he became **eligible for Type-IV quarters on 21.01.2024**, but due to errors in BSNL's internal records, his promotion status was not updated, affecting his accommodation eligibility.

6.3 The Respondent stated that he was shown as eligible for **Type-III** in records; therefore only Type-II could be offered under the discretionary quota. Even if the ERP system reflected Type-IV eligibility, he would still be entitled only to **Type-III**, not Type-IV.

6.4 The Respondent clarified that **all 94 Type-IV quarters are occupied**. The Complainant is at **Serial No. 131** on the waiting list as of April 2025. As per **SR 317-B-25**, discretionary allotment may be considered only for "the next below entitlement."

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6.5 The Complainant submitted that employees with disabilities should not be placed on the same waiting list as able-bodied employees. He cited the case of another PwD employee, Shri Ravindra Kumar Gupta, who received Type-IV accommodation.

6.6 The Respondent expressed readiness to offer **Type-III ground-floor accommodation** in the April 2025 allotment cycle, subject to timely application by the Complainant.

## **7. Observations and Recommendations**

7.1 Under **Sections 3, 5, 20 and 37** of the Act, establishments must ensure **reasonable accommodation**, non-discrimination, and accessibility for employees with disabilities. The Supreme Court in **Vikash Kumar v. UPSC, (2021) 5 SCC 370** held that reasonable accommodation is a **positive obligation**, essential for equality of opportunity.

7.2 At the same time, the right to reasonable accommodation does not extend to overriding **objective administrative constraints**, such as availability of government housing. The Respondent demonstrated that **all Type-IV quarters are occupied**, the Complainant is **No. 131** on the waiting list, and no rules permit bypassing the queue to allot Type-IV accommodation.

7.3 The Court notes that the Complainant was offered **multiple Type-II ground-floor quarters**, one extremely close to his workplace (Kali Bari Marg), which he declined. Accessibility improvements—such as renovation and modifications—can be made in these quarters consistent with **Section 17(i)** and **Rule 15** of the RPwD Rules on accessibility.

7.4 The Complainant's primary grievance—**inaccurate ERP records affecting entitlement**—is valid. The Respondent acknowledged the discrepancy. Such administrative errors can adversely affect the rights of employees with disabilities and must be rectified promptly.

7.5 In the facts of the case, the Court finds **no entitlement to Type-IV accommodation**. However, the Respondent must ensure:

(a) that errors in the Complainant's promotion status are **immediately corrected**;

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(b) that he is considered **on priority** for the next available **Type-III ground-floor quarter**; and

(c) that any Type-II quarter allotted in the interim is made **fully accessible**, with necessary modifications.

**8. Recommendations (Under Section 75(1)(a)-(d) of the Act)**

8.1 The Respondent shall:

(a) Update the Complainant's **promotion and entitlement status** in ERP records within **15 days**;

(b) Consider the Complainant for **Type-III ground-floor accommodation** in the next allotment cycle as per the seniority of the Complainant and the rules as applicable at that time;

(c) Renovate and modify any allotted Type-II quarter to ensure **full accessibility**, if the Complainant chooses to occupy it.

8.2 In terms of **Section 76** of the RPwD Act, the Respondent shall furnish a **compliance report within three months**.

**9. Disposal**

9.1 Subject to the above recommendations and directions, the case is **disposed of**.

Yours faithfully,

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**(S. Govindaraj)  
Commissioner**

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