



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. 14207/1024/2023

Mr. Pradeep Kumar Khattar

...Complainant

Versus

The CMD, RITES Ltd.

...Respondent

1. Gist of the complaint

1.1 The complainant states that he joined RITES Ltd. on 01.04.1986 and during service suffered Pontine and Cerebral Infarct leading to paralysis and later assessment as having 80% permanent locomotor disability.

1.2 The complainant essentially alleges that the respondent—despite knowledge of the complainant's medical condition and need for attendant/support—did not provide timely guidance on disability-related rights and processes, and did not extend appropriate accommodation/benefits as required in law; instead, the case was treated as "special illness", with limited benefits and restricted reimbursement of medical expenses (stated to be partial reimbursement till January 2020).

1.3 The complainant further alleges that the respondent repeatedly pressed the family to opt for VRS; and that even when the complainant expressed willingness to return to work in July 2021, he was informed that no duty could be assigned due to his health condition and administrative constraints.

1.4 The reliefs sought by the complainant are wide-ranging and include, broadly:

- (a) release of increments and pay/allowances for the relevant period;
- (b) consideration/regularisation of disability-related leave/absence

and consequential entitlements;

(c) consideration of promotion/service benefits, and allied consequential reliefs;

(d) reimbursement of treatment expenses and disability-linked benefits; and

(e) other service-related benefits claimed under the respondent's internal rules/policies and/or Government instructions.

2. Issue of notice

2.1 A notice dated 14.06.2023 was issued to the respondent calling for comments on affidavit, inter alia, in the context of alleged violation of Section 20(1) and (2) of the Rights of Persons with Disabilities Act, 2016.

3. Gist of the reply filed by the respondent

3.1 The respondent states that the complainant remained absent on medical grounds for an extended period; that the absence was regularised using admissible leave as per rules; and that the complainant rejoined duty on 31.03.2022 and retired on 28.02.2023.

3.2 The respondent states that based on medical certificates and internal medical examination, the complainant required support/attendant and, initially, no duty was assigned. The respondent further states that upon receipt of disability certificate dated 11.03.2022 and the complainant's request dated 14.03.2022, he was allowed to work online from home w.e.f. 30.03.2022.

3.3 The respondent further states that:

- (a) increments for the relevant period were approved and arrears were paid for the period from 31.03.2022 to 28.02.2023;
- (b) HRA arrears for a specified period were released based on Department of Expenditure instructions;
- (c) PRP and other benefits were considered as per internal policy conditions (including policies applicable to leave/attendance/surplus cell);
- (d) ex-gratia of ₹20,000/- was paid for a specified period linked to disability certificate date; and
- (e) certain medical payment (₹58,073/-) was approved as a special case, while other heads were dealt with under the applicable schemes/policies.

4. Gist of the rejoinder filed by the complainant

4.1 The complainant disputes the respondent's stand and alleges

that the respondent's HRM/medical/leave rules do not adequately incorporate PwD-specific entitlements, accommodation provisions, and clear guidance.

4.2 The complainant reiterates that he was on duty immediately before onset of illness; contends that disability-related leave/benefits ought to have been extended in a manner consistent with disability rights; disputes the respondent's treatment of the period from July 2021 to March 2022; and alleges that the respondent's approach effectively resulted in denial of rights/benefits and discrimination on the ground of disability.

4.3 The complainant also disputes the respondent's stand relating to promotion consideration and contends that the absence of a PwD-specific promotion/accommodation policy led to the denial of fair consideration.

5. Hearing:

5.1 A hearing in hybrid mode (offline/online) was conducted on **10.07.2025**. The following parties/representatives were present during the hearing:

Sl.No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
1.	Mr Pradeep Kumar Khattar alongwith his wife	Complainant	In person
2.	Mr. B.K. Nanda, AGM (HR)	For Respondent	Online

6. Proceedings During the Hearing:

6.1 During the hearing, the complainant reiterated the grievance of not being informed/assisted with disability-related rights and processes; restricted reimbursement; pressure for VRS; and non-assignment of duty in July 2021 despite willingness to work.

6.2 The respondent submitted that the complainant rejoined on 31.03.2022; that medical documents showed fitness only for light duty with support; that internal medical verification showed limited mobility and attendant requirement; and that after receipt of disability certificate dated 11.03.2022, the complainant was allowed to work online from home w.e.f. 30.03.2022.

6.3 The Court noted that after submission of disability certificate, the complainant was allowed to work from home with full pay and allowances. However, the Court questioned the respondent regarding

implementation of Equal Opportunity Policy, and the restricted reimbursement of treatment costs until submission of disability certificate, particularly when the respondent was aware of the complainant's condition and needs.

6.4 The respondent was directed to submit (i) details of number of employees with disabilities working in the organisation since 2016; (ii) facilities provided to them; and (iii) the Grievance Redressal Officer appointed; and to submit a reply within 15 days of receipt of the Record of Proceedings.

7. Observations of the Court

7.1 Jurisdictional scope in employment-related disputes: The Court notes that many issues raised by the complainant pertain to employer-employee/service benefits (pay fixation, allowances, PRP, leave accounting, promotion processes, pension/NPS matters). The Chief Commissioner/Commissioner for Persons with Disabilities is **not a general service adjudicatory forum**. Intervention by this Court is confined to examining whether **any disability-specific right/entitlement under the RPwD Act, 2016 (or rules/instructions issued thereunder)** has been denied, or whether the complainant has suffered discrimination/denial of reasonable accommodation on the ground of disability.

7.2 Statutory duties relevant to the present complaint: The RPwD Act, 2016 recognises equality and non-discrimination, including disability-related discrimination, and requires reasonable accommodation as part of ensuring effective equality. The Act also provides for non-discrimination in employment by Government establishments, equal opportunity policy for establishments, and appointment of a Grievance Redressal Officer by Government establishments.

7.3 Reasonable accommodation and disability certificate: The Court notes from the record that the respondent allowed online work-from-home after receipt of disability certificate and request, and paid certain consequential dues. At the same time, the hearing record reflects the Court's concern that treatment-cost reimbursement was restricted until submission of disability certificate, and that appropriate guidance/support was not provided despite awareness of the complainant's condition. Reasonable accommodation is not to be approached as a rigid, form-driven entitlement alone; it is a substantive duty requiring a fair, timely, and individualised assessment consistent with dignity and inclusion.

7.4 Equal Opportunity Policy and grievance mechanism: The hearing record reflects that the Court called for the respondent's Equal Opportunity Policy, data on employees with disabilities since 2016, facilities provided, and the details of the Grievance Redressal Officer. These are core compliance elements for an establishment/Government

establishment under the RPwD framework and are necessary for institutionalising disability rights and preventing recurrence of disputes of the present kind.

7.5 Individual reliefs vs systemic compliance:

- (a) To the extent the complainant's remaining claims are purely service-rule disputes (e.g., interpretation of internal leave rules/PRP eligibility/pension scheme conditions), the Court refrains from adjudicating them as a service tribunal.
- (b) However, **where any claim is directly linked to disability rights**—such as denial of reasonable accommodation, denial of a fair process and guidance, or discriminatory denial of benefits because the complainant is a person with disability—this Court can examine and recommend corrective action.

8. Recommendations

8.1 The respondent is recommended to furnish to this Court (as already called for during hearing):

- (a) details of employees with disabilities engaged/employed since 2016 (category-wise and cadre-wise, as available);
- (b) facilities/support/accommodations provided (policy and practice);
- (c) copy of the Equal Opportunity Policy notified by the respondent; and
- (d) particulars of the Grievance Redressal Officer appointed and the manner of dissemination of grievance procedure to employees.

8.2 The respondent is recommended to **review its internal HR/medical/leave guidance for employees who acquire disability during service**, so that:

- (a) employees are promptly informed of disability-related rights and processes;
- (b) reasonable accommodation is assessed and provided in a timely manner;
- (c) internal policies do not indirectly penalise disability-related absence; and
- (d) decisions relating to medical reimbursement and disability-linked claims are taken through a transparent, reasoned, and disability-sensitive process.

8.3 Since the complainant has retired, the respondent is recommended to **consider and dispose of the complainant's**

pending representations/claims that are specifically disability-linked (including any remaining reimbursement or disability-linked benefit claims), by passing a **speaking order** within a reasonable period, clearly stating:

- (a) the policy/rule position relied upon;
- (b) whether and how disability rights and reasonable accommodation were considered; and
- (c) the reasons for acceptance/partial acceptance/non-acceptance.

8.4 With respect to claims that are **purely service-benefit disputes not demonstrably arising from disability-based denial of rights**, the complainant is at liberty to seek remedy before the appropriate forum as per law. Nevertheless, the respondent is expected to communicate a reasoned position to the complainant on such claims.

9. Action on recommendations and statutory reminder

9.1 The respondent is reminded that in accordance with Section 76 of the RPwD Act, when recommendations are made by this Court, the appropriate authority is required to take necessary action and inform this Court within the statutory timeline; where a recommendation is not accepted, reasons for non-acceptance are required to be conveyed to this Court and to the aggrieved person.

8.2 The respondent is also reminded that non-compliance with statutory duties and failure to furnish information/documents when required may attract the consequences provided under sections 89 and 93 of the RPwD Act, including provisions relating to contravention and failure to furnish information.

10. Accordingly, the case is disposed of in the above terms.

(S. Govindaraj)
Commissioner for Persons with Disabilities