



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/15505/1014/24

Dated: 17/12/2025

Case No.: 15505/1014/2024

In the matter of:

Complainant:

Sh. Nitesh Kumar

Respondent:

(1) The Secretary,

Railway Board,

Rail Bhawan, New Delhi 110001

(2) The General Manager,

East Central Railway, Hajipur,

Vaishali, Bihar 844101

RECORD OF PROCEEDINGS

1. Hearing:

1.1. A hybrid hearing in the matter was conducted by the Commissioner for Persons with Disabilities on 24.04.2025. The following were present during the hearing:

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नॉ. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275

5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075; Tele# 011-20892364, 20892275

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(पर्याय भविष्य में पंत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

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S.No.	Name and designation of the party (Sh./ Smt. / Ms.)	For complainant/ Respondent	Mode of attendance
1.	Adv. Ajay Kumar Sinha	Counsel for the Complainant	Online
2.	Shri Adesh Kumar, Joint Director, Establishment Reservation, Railway Board	Respondent No.1	Online
3.	Shri Ashok Kumar, Sr. DPO, Dhanbad	Respondent No. 2	Online

2. Record of Proceedings

2.1. The Counsel for the Complainant submitted that the Complainant, Mr Nitesh Kumar, who has 60% cerebral palsy, sought a compassionate appointment following the death of his unmarried brother, Prabhat Kumar, a railway employee who died in 2022. The Counsel argued that the Complainant was entirely dependent on the deceased, as evidenced by documents, including a succession certificate issued by a judicial magistrate, and cited Section 2(d) of the RPwD Act, 2016, which defines "caregiver" to include family members providing support to a person with disability. He further referred to the DoP&T Office Memorandum defining dependent family members for compassionate appointment in the case of unmarried government servants to include brothers, noting that the deceased had nominated the Complainant in service records.

2.2. The representatives of the Respondent submitted that the deceased employee, Sh. Prahlad Kumar joined the railways in 2019 and was recorded as a bachelor at the time of his death in 2022, with no dependency declared for the

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Complainant in the Railway pass or medical card. An inquiry by the Welfare Inspector revealed that the Complainant was dependent on his living father, not the deceased. They argued that, under Railway rules, including the Pass Rules, the presence of the father precludes the brother's eligibility for compassionate appointment, and emphasised that dependency must be established as the primary basis.

2.3. The Court observed that the Complainant qualifies for compassionate appointment due to his benchmark disability (60% cerebral palsy), which limits his ability to secure private employment or livelihood, his low annual income of Rs. 95,000 (below the threshold of Rs. 9,000 per month post-7th Pay Commission), and the succession certificate establishing him as the legal heir of the deceased. The Court noted that the Respondent's reliance on Pass Rules is misplaced, as these pertain to passes and not compassionate appointments, and that the RPwD Act, 2016, supports prioritising persons with disabilities in such cases where dependency is evident.

2.4. The Court recommended that the Respondent submit a detailed report within 30 days, from the date of receipt of the record of the proceeding, explaining and including the following:

- (i) calculation of vacancies from 2022 to 2025 under the 5% quota for compassionate appointments;
- (ii) a list of persons appointed on compassionate grounds within the jurisdiction; and
- (iii) a review of the case, considering the rules for compassionate appointments and the Complainant's disability status, without further delay.

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

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner

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