



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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: [ccpd@nic.in](mailto:ccpd@nic.in); Website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in)

### IN THE MATTERS OF:

<b>CASE No.</b> <b>13822/1103/2023</b>	<b>SHRI TARUN</b> <b>AGARWAL</b>	<b>Vs.</b>	<b>THE</b> <b>SECRETARY,</b>  <b>RAILWAY</b> <b>BOARD,</b>  <b>MINISTRY OF</b> <b>RAILWAY</b>
<b>CASE No.</b> <b>13977/1103/2023</b>	<b>SHRI SUHAS KARNIK</b>		
<b>CASE NO.</b> <b>14073/1101/2023</b>	<b>SHRI KODAKKAL</b> <b>SHIVAPRASAD</b>		

### RECORD OF PROCEEDINGS

#### 1. HEARING (II):

1.1 A hearing was scheduled on **14.11.2025** in hybrid mode. The following parties/representatives were present during the hearing:

<b>Sl. No.</b>	<b>Name &amp; Designation of the Attendees</b>	<b>On Behalf of</b>	<b>Mode of Appearance</b>
1.	Advocate Savita Tanwar	Counsel for Complainant No. 3	Online
2.	Tarun Agarwal	Complainant No. 1	Online
3.	Rohit Kumar - Joint Director Passenger Marketing, Railway Board	Respondent	Online

## **2. Proceedings During the Hearing:**

2.1 Sh. Tarun Agarwal, the Complainant in Case No. 13822, sought permission to withdraw his complaint on the ground that the modified definition of disability through subsequent circulars of the Respondent, has taken casere of his issue. Sh. Suhas Karnik, the Complainant in Case No. 13977, remained unrepresented.

2.2 Adv. Savita Tanwar, the learned counsel appearing on behalf of the Complainant in Case No. 14073, Mr Kodakkal Shivprasad, challenged the Railway Board's policy restricting concessional railway travel to only four categories of benchmark disabilities and to specified higher degrees of disability. She contended that under the Rights of Persons with Disabilities Act, 2016, disability is recognised across 21 categories and that limiting concession only to select disabilities and extreme degrees is arbitrary and discriminatory. She argued that such restriction violates the principles of equality and reasonable accommodation and is contrary to Articles 14, 16, and 21 of the Constitution.

2.3 The Respondent submitted that concessional travel is a discretionary, welfare-oriented measure and not a statutory right under the RPwD Act. He explained that the policy restricting concessions to four categories and higher disability percentages is based on financial and commercial considerations. He further submitted that the policy has already been upheld by the Hon'ble Delhi High Court vide judgment dated 18 May 2023, and that courts and statutory bodies should not interfere in commercial policy decisions. He also informed that certification procedures are being refined and that certain relaxations have been introduced from time to time.

2.4 The Court observed that the Railway Board's policy is driven by financial capacity and commercial feasibility, and similar issues are presently under consideration before the Hon'ble Delhi High Court, with the matter stated to be under review and the next date of hearing fixed for 21 November 2025. As such, any recommendation from this Court on expansion of concession categories will not be appropriate.

2.5 However, the Court granted liberty to the Counsel for Complainant No. 3 to submit written arguments along with supporting

legal documents within 15 days; a copy of the same shall be forwarded to the Respondent, who may file a rejoinder, if any, within a further period of 7 days.

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

**(Praveen Prakash Ambashta)**  
**Dy. Chief Commissioner**