



सत्यमेव जयते

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/15591/1022/24

Dated: 10/01/2026

In the matter of:

Complainant (s):

Mukhtiyar Jan

Respondent(s):

The Chairman and Managing Director

Neyveli Lignite Corporation India Limited (NLCIL),

Ministry of Coal

RECORD OF PROCEEDINGS

1. Hearing:

1.1. A hearing in hybrid mode (online/offline) was conducted on **23.04.2025**. The following parties/representatives were present during the hearing:

S. No.	Name and designation of the Attendees	On Behalf of	Mode of attendance
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5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
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(पया भविष्य मे पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखे)

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1	Smt. Mukthiyar Jan	Complainant	Online
2	Adv. Kavya	Respondent	Online

2. Proceedings During the Hearing:

2.1 The learned Counsel for the Respondent sought a brief adjournment to file an additional detailed reply, stating that the Vakalatnama had been filed only a day prior. However, the Court directed the Complainant to place the facts of her case on record.

2.2 The Complainant reiterated the submissions raised in her original complaint. Taking note of the Respondent's request, the Court granted time to file an additional reply, if any, to enable the Respondent to prepare the case.

2.3 The Court cited the following statutory provisions under the Rights of Persons with Disabilities Act, 2016 (RPWD Act), its allied Rules, and the relevant Office Memorandum issued by the Department of Personnel & Training (DoPT), so as to enable the Respondent to address the specific issues raised, and to submit an additional reply within 3 weeks:

(i) **Section 20 (5), RPWD Act** — The appropriate Government may frame policies for posting and transfer of employees with disabilities;

(ii) **Section 21 (1), RPWD Act**—Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the

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manner as may be prescribed by the Central Government;

(iii) **Rule 8 (3) (c), RPWD Rules 2017** – The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall inter alia, contain the following, namely – (c) the manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;

(iv) **DoPT OM No. 36035/44/2023-Estt. (Res-II) dated 02.02.2024**, provides guidelines for providing certain facilities in respect of persons with disabilities(PwD) who are already employed in the Government for efficient performance of their duties:

(v) **Para 2H- Preference in transfer/posting:**

As far as possible, the Persons with Disabilities may be exempted from the rotational transfer policy/transfer and be allowed to continue in the same job, where they would have achieved the desired performance. Further, preference in place of posting at the time of transfer/promotion may be given to the persons with disability subject to the administrative constraints. The practice of considering choice of place of posting in case of persons with disabilities may be continued. To the extent feasible, they may be retained in the same job, where their services could be optimally utilised.

2.4 The Court recommended that the Respondent take into account the aforementioned provisions while filing the additional reply. It further observed that the Complainant is approaching retirement and noted that, as a general practice, transfer of employees during the final phase of their service is discouraged. In light of these considerations, the Court directed the Respondent to submit a reasoned reply with a copy of the same to the Complainant, who may file a rejoinder, if any, within a further period of 7 days.

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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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