



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/15584/1023/24

Dated: 29/01/2026

Case No. CCPD/15584/1023/2024

Complainant(s):

Sh. M. Balakrishnan

Respondent (s):

The Director General Bureau of Indian Standards (BIS)

1. Gist of Complaint:

1.1 Shri M. Balakrishnan, a Senior Officer (Scientist-E/Director) at the Bureau of Indian Standards (BIS), Southern Regional Office, Chennai, having 75% locomotor disability, filed a complaint on 18 July 2024. He alleges that his leave application, submitted following his transfer from Chennai to Mumbai in March 2022, was unfairly denied. He further contends that disciplinary proceedings resulting in a minor penalty were unjustly initiated during periods when he had received verbal and written leave approvals to attend to sick family members.

1.2 The Complainant maintains that he had prior approval from his Head of Department, Shri Ameer Uzaam and had submitted supporting evidence, including WhatsApp messages confirming approval. Despite this, he was penalised with a three-year salary increment suspension. He claims that his disability and personal circumstances were not adequately considered and seeks revocation of the penalty along with restoration of his basic salary.

2. Issue of Notice

2.1. In exercise of the powers conferred u/s 3, 21, 23, 33, 34, 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a notice dated 24.07.2024 was issued to the above-mentioned respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply of the Respondents:

3.1 Shri Vijay Kumar Gupta, Joint Director, stated that disciplinary action against the Complainant was taken during his posting at MUBO-I (14 March-19 July 2022) and was unrelated to the complaint

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filed by him. During this period, the Complainant allegedly showed a lack of discipline, ignored superiors' directions, failed to maintain devotion to duty and displayed conduct unbecoming of a government servant.

3.2 Based on this conduct, the Competent Authority initiated disciplinary proceedings under Rule 16 of the CCS (CCA) Rules, 1965, issuing a charge sheet on 29 September 2022. After considering his representation, a penalty of a three-year reduction in pay scale without affecting pension was imposed. His appeal was subsequently rejected, and the BIS Executive Committee upheld the penalty in May 2023. BIS maintained that the proceedings were conducted in accordance with applicable rules and regulations and did not violate his rights under the RPwD Act, 2016.

4. Submissions made in the Rejoinder:

4.1 The Complainant, in his rejoinder filed on 24 July 2024, stated that he faced serious health issues and severe personal hardships during his posting at MUBO-I, Mumbai, from March 2022. He received his transfer order at short notice on 11th March 2022 while on official duty in Hyderabad, and travel-related strain adversely affected his health. He highlighted that he had already suffered the loss of his wife and mother while also being the sole caregiver for his 95-year-old bedridden father.

4.2 He further asserted that the leave taken during this period was supported by medical certificates and was within his entitlement under the Government of India guidelines applicable to employees with disabilities. He denied that his absence was willful or unauthorised and argued that his emotional and physical stress, coupled with a lack of institutional support after transfer, led to harassment and discrimination. Relying on the Supreme Court judgment in *Krushnakant B. Parmar vs Union of India (2012)*, he contended that absence due to compelling circumstances, such as illness, cannot be treated as misconduct unless it is proved to be wilful. He therefore challenged the disciplinary penalty as unjust, claiming it ignored both his personal circumstances and his legal protections, and sought its revocation along with the restoration of his salary and increments.

5. Record of Proceedings of Hearing (I):

5.1 The CCPD heard the matter on 21.04.2025 regarding grievances over his transfer and disciplinary proceedings. The Complainant alleged denial of joining time, harassment and penalties despite sanctioned leave, while BIS maintained that proceedings were initiated for unauthorised

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absence unrelated to the transfer. The Court noted contradictory claims, observed possible discriminatory treatment in denying joining time to a PwD, but clarified it cannot interfere in departmental proceedings except where provisions of the RPwD Act, 2016 are being violated. Both parties were asked to submit documentary evidence, including leave records and pay slips, within 15 days.

6. Record of Proceedings of Hearing (II):

6.1 Another hearing was conducted on **02.09.2025** in hybrid mode, wherein the following parties/representatives were present:

| Sl. No. | Name & Designation of the Parties/Representatives | For Complainant/ Respondent | Mode of Attendance |
|---------|---|-----------------------------|--------------------|
| 1. | Sh. M. Balakrishnan | Complainant | In-person |
| 2. | Sh. Vijay Kumar Gupta - Head HRD | Respondent | Online |
| 3. | Sh. Billu Kumar - Assistant Director, HRD | Respondent | Online |

6.2. At the outset, the Complainant submitted that a detailed rejoinder was filed on 12.08.2025 along with supporting documents reiterating his plea for exoneration from the penalty. He alleged that, despite multiple representations, his grievance remained unaddressed and urged the Court to expedite a resolution.

6.3. The Respondent acknowledged that the Complainant was entitled to joining time and transfer allowance as per the order dated 09.03.2022 and confirmed these benefits had been provided. He further clarified that the disciplinary proceedings initiated against the Complainant were independent and unrelated to the transfer.

6.4. The Complainant argued that although he was entitled to joining time, he was instructed to report to Mumbai on the very next working day, 14.03.2022, after receiving his transfer order late in the evening on 11.03.2022. Citing health issues and personal circumstances, he explained that he was unable to report on the specified date and had duly informed HRD and his superior, submitting

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medical certificates as proof. The Court then asked whether the Respondent had submitted all required documents as previously suggested. The Respondent confirmed that the necessary annexures, including the transfer order and proof of payment of the transfer allowance amounting to Rs. 1,69,838, were submitted to this Court.

6.5. The Complainant further argued that his transfer to Mumbai violated DoPT guidelines, which stipulate that employees with disabilities should be given preference for postings closer to their hometown. In response, the Respondent stated that the Complainant had spent nearly his entire career in the Southern Region, with only two brief postings to Mumbai in 2013 and 2022. It was also noted that, in line with the Court's earlier recommendations, he was later transferred back to Chennai and that the DoPT guidelines had been properly adhered to.

7. Observations and Recommendations:

7.1 Upon careful consideration of the submissions and records placed before it, the Court observes that in the instant case, the Complainant has sought the sole relief of "**exoneration from the penalty and consequent restoration of his basic salary**". The proceedings have revealed that the Complainant was penalised based on a disciplinary proceedings initiated against him under the relevant service rules, namely the CCS (CCA) Rules, 1965 and BIS Employee Regulations, 2020. It is well settled that the Court, while exercising jurisdiction under the Rights of Persons with Disabilities Act, 2016 does not sit as an appellate authority over departmental or disciplinary proceedings and cannot re-appreciate evidence or adjudicate upon the merits of the charges or the quantum of penalty imposed unless it is shown that such proceedings are vitiated by discrimination on the ground of disability or involve a violation of the statutory safeguards provided under the RPwD Act, 2016.

7.2. The Court has concluded that the Complainant has failed to prima facie establish any violation of the RPwD Act, or the rules or instructions issued in pursuance thereof. The Complainant has also not been able to establish any discrimination on account of his disability.

7.3. The Complainant may, however, take recourse to the available mechanism, such as Appeal, Revision, or Review under the CCS (CCA) Rules, 1965 or approach a court or tribunal/quasi-judicial body having jurisdiction over the matter.

7.4. In view of the foregoing, the Court refrains from examining the correctness or otherwise of the

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disciplinary action per se.

8. This case is disposed of accordingly.

Yours faithfully,

(S. Govindaraj)
Commissioner

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