



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. 14247/1022/2023

Complainant:

Shri Dinesh Singh Rajput

Respondent:

The General Manager
Food Corporation of India

1. Gist of the Complaint:

1.1 Shri Dinesh Singh Rajput, a person having 40% locomotor disability, submitted his complaint on 26.06.2023 regarding his transfer from the FCI Divisional Office, Gwalior, to Maharashtra following his promotion as Technical Manager. He stated that both he and his wife are persons with disabilities and reside in Gwalior, where they were supported by his foster father. Furthermore, he is the primary caregiver for his elderly parents, who suffer from chronic illnesses, including asthma and post-COVID complications.

1.2 Despite existing guidelines under Section 21 of the Rights of Persons with Disabilities Act, 2016 and FCI's transfer policy dated 22.03.2021 (Clause 11.3), which provide exemptions for persons with disabilities from routine transfers and prioritise posting them near their native place. Despite this, the Complainant was transferred to Maharashtra, even though 15 candidates were promoted and posted within Madhya Pradesh, clearly indicating the availability of vacancies in the region. Furthermore, he had submitted representations on 25.04.2023 and again on 02.06.2023 requesting retention in Madhya Pradesh, but the administration failed to forward his appeal to higher authorities and returned it without consideration, thereby showing

disregard for his rights under Section 21 of the Rights of Persons with Disabilities Act, 2016. He was relieved from duty on 20.06.2023 without addressing his application, reflecting an insensitive approach by the authorities. He has therefore requested that he be posted in Madhya Pradesh in accordance with the applicable rules and policies.

2. Notice Issued:

2.1 The matter was taken up with the General Manager and Executive Director of the Food Corporation of India through a notice dated 11.07.2023 referencing relevant provisions, including but not limited to Section 20(5) of the Rights of Persons with Disabilities Act, DoP&T Office Memorandum No. 36035/3/2013-Estt. (Res) dated 31.03.2014 and FCI's Comprehensive Transfer Policy Guidelines vide OM No. EP-03-2021-06 dated 22.03.2021.

3. Submissions made by the Respondent:

3 . 1 The Assistant General Manager (Personnel) FCI, in their reply dated 10.08.2023, stated that the Complainant was promoted from Assistant Grade-I (Technical) (Category III) to Manager (Technical) (Category II) vide order dated 01.06.2023, which resulted in his transfer from the Madhya Pradesh Region to the Maharashtra Region. The Complainant had been serving in the Madhya Pradesh Region since his appointment in FCI on 07.07.2011 with postings at DO Jabalpur from 15.04.2011 to 12.08.2012, DO Gwalior from 22.08.2012 to 06.10.2019, FSD Datia from 07.10.2019 to 18.11.2020 and again at DO Gwalior from 19.11.2020 to 20.06.2023. As per the FCI Transfer Policy Circular dated 22.03.2021, promotion from a Category III post to a Category II post mandates a change of region. Accordingly, the Complainant was transferred to the Maharashtra Region and posted at DO Nagpur. He accepted the promotion and joined DO Nagpur on 28.06.2023 as Manager (Technical).

4. Submissions made in Rejoinder:

4.1 The Complainant submitted his rejoinder dated 25.09.2023 in which he reiterated the contents of his complaint.

5. Communication by this Court to the Respondent, of the

Legal Framework on the issue of posting and transfer of the employees with disabilities and the Caregivers:

5.1 A letter containing the legal framework covering the statutory provisions, instructions issued by the appropriate government, important case laws, etc., regarding the posting, transfer and retention of employees with disabilities, as well as caregivers of dependent persons with disabilities, was forwarded to the Respondents on 19.01.2024.

6. Hearing:

6.1 The matter was heard in hybrid mode on 10.07.2025, wherein the following representatives of the parties were present :

Sl. No.	Name and Designation of the attendees (Sh. / Smt.)	On behalf of	Mode
1.	Dinesh Singh Rajput	Complainant	Online
2.	Vijay Rathore, Assistant General Manager, FCI Zonal Office (West)	Respondent	Online

6.2. During the hearing, the Complainant reiterated his grievance regarding his transfer and the denial of exemption despite being a Person with Disability and a caregiver to another PwD.

6.3. On being queried by the Court, the Respondent confirmed the existence of a transfer policy for PwD employees and read out Clause 11.3 of the policy, which provides that posting and transfer of differently abled employees may be considered as per Central Government guidelines and as far as possible and subject to administrative convenience, near their native place. The Respondent further stated that following the Complainant's promotion in 2023, he was posted to Nagpur, which was considered closer to his hometown, Gwalior, than other available options.

6.4. The Court inquired about the availability of an FCI Divisional Office at Gwalior, to which the Respondent replied in the affirmative and informed that the Complainant's transfer request is under consideration with a likely transfer by the end of the month or the beginning of the next month.

6.5. The Court recommended that the Respondent submit the above information along with relevant documents within 15 days, allowing the Complainant 7 days for a rejoinder, if any.

7. Status Update on Grievance Redressal:

7.1 Vide e-mail dated 24.07.2025, the Respondents apprised this Court that Sh. Dinesh Singh Rajput has been transferred from Maharashtra to the Madhya Pradesh Region on his own request, vide Office Order dated 10.07.2025.

7.2. In response to the Notice of hearing dated 18.11.2025, Complainant vide e-mail dated 19.11.2025, informed that his grievance has been resolved and that he has been transferred to his home state.

8. Observation and Recommendations:

8.1 Upon considering the facts of the case and the records available, this Court concludes that no further intervention is warranted in this matter.

8.2 The Case is disposed of accordingly.

(S. Govindaraj)
Commissioner for Persons with Disabilities