



## 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. 14268/1024/2023**

**In the matter of:**

Shri Arvind Kumar Singh  
D-3/5, DEAL Colony  
Raipur Road, Dehradun-248001

**...Complainant**

**Versus**

The Director,  
Defence Electronics Applications Laboratory (DEAL)  
DRDO. Ministry of Defence  
PO Box 54. Raipur Road.  
Dehradun- 248001  
Email: director@deal.drdo.in

**...Respondent**

### **1. Gist of the Complaint**

1.1 The Complainant is a person with benchmark disability (80% visual impairment) and is working as a Technical Officer Grade 'B'. He filed the present complaint dated 03.07.2023, alleging denial of **Transport Allowance (TA) at double the normal rates**.

1.2 The Complainant joined the Respondent establishment on 26.09.2007 as Senior Technical Assistant against a post reserved for persons with Visual Impairment.. He represented to the Respondent on 14.10.2022 seeking grant of TA at double the normal rates with reference to the Department of Expenditure (DoE), Ministry of Finance O.M. dated 15.09.2022.

1.3 Instead of granting the benefit, the Respondent issued letter

dated 17.05.2023 raising, inter alia, an objection regarding the lapse of about 15 years since the date of appointment (26.09.2007) and sought clarifications on eligibility.

## **2. Notice and Proceedings under the RPwD Act, 2016**

2.1 In exercise of the functions/powers of this Court under Sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016, notice dated 11.07.2023 was issued to the Respondent to file comments on affidavit.

## **3. Gist of the Reply of the Respondent**

3.1 The Respondent, vide reply dated 11.08.2023, stated that it had referred the matter to DRDO HQ and sought clarification from DoE, Ministry of Finance on, inter alia:

(a) whether double-rate TA is admissible to **all benchmark disabilities** under Section 2(r) of the RPwD Act, 2016;

(b) whether the benefit extends to **all visual impairment including Low Vision** or only to Blindness; and

(c) If government servant who is not getting the benefit of Transport Allowance at double the normal rates before issuance of the O.M. dated 15.09.2022 eligible to get the benefit of Transport Allowance at double the normal rates from the date of appointment itself on the basis of the Disability Certificate issued from a Government Civil Hospital wherein the Certificate was issued prior to the promulgation of "The Rights of Persons with Disabilities Act, 2016" and "The Rights of Persons with Disabilities Rules, 2017 and therefore the Disability Certificate is not as per the prescribed format (Form V, VI and VII - as specified in Rule 18 of "The Rights of Persons with Disabilities Rules, 2017).

## **4. Gist of the Rejoinder / Further Pleadings**

4.1 The Complainant filed a rejoinder dated 11.09.2023 stating that he became aware of the double-rate TA provision after the issuance of O.M. dated 15.09.2022 and thereafter represented for the same on

14.10.2022.

4.2 The Respondent filed a sur-rejoinder dated 21.12.2023 reiterating that a “visually impaired person” (as distinguished from “blindness”) is not eligible under the category list in the DoE O.M. dated 15.09.2022.

## **5. Record of Hearing (07.04.2025)**

5.1 The matter was heard on 07.04.2025 through video conference. The Complainant appeared, and the Respondent was represented by Shri Subhendu Kumar, Sr, Administrative Officer, Gd-1.

5.2 During the hearing, the Complainant submitted that he joined the Respondent’s establishment on 26.09.2007 against a vacancy reserved for persons with Visual Impairment. He became aware of the provision of double the rate transport allowance after the issue of the Department of Expenditure OM dated 15.09.2022, after which he applied for the same on 14.10.2022. The Respondent’s position was that the DoE O.M. dated 15.09.2022, while listing several disabilities, did not explicitly mention “Low Vision” under the visual impairment category, and therefore, the benefit was being withheld. He also relied upon the list of specified disabilities given in the Schedule of the RPwD Act, 2016 and the DEPwD Notification dated 04.01.2018, to emphasise that blindness and low vision are two different categories of disabilities.

## **6. Observations**

6.1 The core issue is whether “**Low Vision**” (as a category/sub-category of visual disability under the RPwD framework) is entitled to **Transport Allowance at double the normal rates**, and whether denial on a narrow/literal reading of the category list in the DoE O.M. dated 15.09.2022 can be sustained.

6.2 This Court noted during the hearing that a **literal exclusion** of “Low Vision” would lead to an anomalous and discriminatory outcome, whereby persons with other benchmark disabilities, including those with comparatively lower mobility barriers, would receive double-rate TA, but a person with severe visual impairment would be denied. The Court also noted that the list included multiple categories of disabilities and therefore the non-mention of “Low Vision” did not appear to reflect the underlying intent of extending the benefit to persons with benchmark

disabilities.

6.3 The DoE, Ministry of Finance has, subsequent to the hearing, issued O.M. dated **29.07.2025**, whereby **para 1 of the category list** in the earlier Compendium has been substituted and expressly includes **“Blindness and Low Vision”** as eligible categories for double-rate TA. The O.M. dated 29.07.2025 records that it is issued with reference to the Department’s O.M. of even number dated 15.09.2022 and substitutes the relevant portion of the category list for the purpose of clarity/implementation. The express inclusion of **“Blindness and Low Vision”** settles the principal controversy in the present complaint.

6.4 On the question of retrospectivity, this Court observed that the double-rate TA framework was not a new concept and had been carried through successive revisions. Further, the applicability for arrears must be examined in light of the DoE instructions on procedure and certification, including the stipulation regarding the date from which admissibility accrues based on submission/receipt of the requisite disability certificate. It is also noteworthy that the 15.09.2022 OM is not a new instruction, but merely a compendium of 8 existing instructions issued between 1978 and 2017. Hence, this OM and the OM dated 29.07.2025, modifying the original compendium, by including the “Low Vision” in the list of admissible disabilities, rightly abstained from mentioning the date of effect.

6.5 Moreover, the Compendium itself contains an express stipulation on the **date of admissibility**, which materially answers the retrospectivity objection in the manner contemplated by DoE. Para 3.3 of the OM dated 15.09.2022 makes the following stipulations:

- (a) where a Government employee, **at the time of appointment**, submitted a valid disability certificate issued by the certified medical authority (as per the relevant DEPwD notification), double-rate TA is admissible **from the date of appointment**; and
- (b) in all other cases, admissibility is **from the date the requisite certificate is received** by the administrative authority.

6.6 This Court is also guided by the settled approach of the Hon’ble Supreme Court that disability rights statutes and measures are to be construed to advance **substantive equality**, dignity, and non-

discrimination, and that denial of entitlements on technical or overly formalistic grounds defeats the protective purpose. For example, *Jeeja Ghosh v. Union of India* emphasises dignity and non-discrimination for persons with disabilities; *Vikash Kumar v. UPSC* underscores substantive equality and reasonable accommodation; *Kunal Singh v. Union of India* recognises the protective character of disability law in service matters; and *Rajeev Kumar Gupta v. Union of India* reiterates enforceability of disability-related service protections against executive exclusions.

6.7 In view of - (i) the subsequent authoritative clarification by DoE expressly including "Low Vision" for double-rate TA, and (ii) the DoE's own stipulation on the operative date based on certification/receipt, the denial of double-rate TA to the Complainant **solely on the ground that "Low Vision" was not expressly written in the earlier category list** is not sustainable.

6.8 This Court has also noted that the Respondent was very well aware of the disability status of the Complainant since the date of his joining the service under their establishment, as the same was under a vacancy reserved for the PwD. The Respondent was obligated to inform the Complainant of his duties and dues, which they have clearly failed to do in this case.

6.9 Finally, on the issue of whether a certificate issued prior to the enactment of the RPwD Act, 2016, is valid for the purpose of granting the double transport allowance, a combined reading of rules 19 and 20 of the RPwD Rules, 2017, will make the position of law very clear. The said provisions are reproduced here:

**"19. Certificate issued under rule 18 to be generally valid for all purposes.-** A person to whom the certificate issued under rule 18 shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Governmental organizations funded by the Government.

**20. Validity of certificate of disability issued under the repealed Act.-** The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein."

## 7. Recommendations

7.1 The Respondent establishment is **recommended** to grant the Complainant **Transport Allowance at double the normal rates, treating him as covered under “Blindness and Low Vision” in terms of DoE O.M. dated 29.07.2025**, read with the Compendium instructions. Notably, this OM makes it clear that all other conditions stipulated in the ibid OM dated 15.09.2022 shall remain unchanged, which means that the stipulations at para 3.3 of the earlier OM continue to apply.

7.2 Hence, for the purpose of arrears, the Respondent shall determine admissibility strictly in terms of the DoE stipulation on the **date of effect**, namely:

(a) **from the date of appointment**, if the record establishes that at the time of appointment the Complainant submitted a valid disability certificate as contemplated by the applicable certification regime; or

(b) Otherwise, **from the date the requisite/valid disability certificate was received** by the administrative authority.

7.3 The Respondent shall complete the above exercise and release the admissible arrears and ongoing benefit **within 30 days** from receipt of these recommendations, and inform the same to this Court with supporting calculations and communications.

7.4 In addition, the Respondent shall forward a copy of these recommendations to the DRDO HQ, Ministry of Defence, as the administrative controlling authority for the Respondent establishment for conducting appropriate and adequate training programmes to ensure that all its employees are aware of the disability matters and rights. The DRDO Headquarters shall also issue an internal clarification to all establishments under its control to ensure a uniform implementation of DoE O.M. dated 29.07.2025 with respect to **“Blindness and Low Vision”**, so that similarly situated employees are not compelled to litigate identical issues.

7.5 In terms of Section 76 of the RPwD Act, 2016, the Respondent shall file an Action Taken Report (ATR) on the above recommendations of

this Court within 90 days, failing which the concerned authority shall furnish a reasoned reply for non-acceptance within the prescribed framework. Attention is also invited to the statutory consequences relating to non-compliance and/or withholding of information, including provisions relating to penalties and offences under the RPwD Act, 2016, as enshrined in Sections 77, 78, 89 and 93 of the Act.

8. Accordingly, the case is disposed of in these terms.

**(Dr. S. Govindaraj)**  
**Commissioner for Persons with Disabilities**