



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

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

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No: CCPD/14347/1022/2023

In the matter of:

Sh. N. K. Nirala

Asstt. Commandant, 125 Bn BSF
Painthee, Samba, Jammu & Kashmir

...Complainant

Versus

The Director General

Border Security Force (HQ)
CGO Complex, Lodhi Road
New Delhi

...Respondent

1. Gist of Complaint

1.1 The Complainant submitted a complaint dated 17.07.2023 stating that he is serving as an Assistant Commandant in the Border Security Force and is the caregiver of his son, Master Nibhanshu, who has 75% intellectual disability and requires continuous rehabilitation and medical care.

1.2 The Complainant requested consideration of his posting/transfer to a location where appropriate rehabilitation facilities for his disabled child are available, stating that his earlier requests in this regard had not been acceded to.

2. Issue of Notice

2.1 The matter was taken up with the Respondent vide notice dated 31.07.2023 stating the provisions of Sections 3, 20, 21, 23, 75 and 77 of the Rights of Persons with Disabilities Act, 2016 read with Rule 8 (3) (c) of the Rights of Persons with Disabilities Rules, 2017, advising the

Respondent to submit comments on the complaint along with relevant documents.

3. Respondent's Reply to the Notice

3.1 The Respondent, vide letter dated 29.08.2023, submitted that the request of the Complainant for posting/transfer had been examined by the competent authority keeping in view the disability of his son. It was further submitted that there were no vacancies of Assistant Commandant at the locations requested by the Complainant, except at STC BSF Jodhpur, for which the Complainant was not eligible due to lack of instructional grading.

4. Rejoinder of the Complainant

4.1 The Complainant reiterated that he is the caregiver of a child with 75% intellectual disability and requested consideration of his posting at a location where appropriate rehabilitation facilities are available.

4.2 Subsequently, the Complainant informed this Court that his grievance has been redressed and he has been posted at the place requested by him, and requested that the case may be closed.

5. Observation and Recommendations

5.1 Upon reviewing the facts of the case and the available records, particularly the submissions made by the Respondent and the communication received from the Complainant, the Court is of the view that the grievance raised by the Complainant stands redressed and no further intervention is deemed necessary.

6. Accordingly, the case is disposed of in these terms with the approval of the Chief Commissioner for Persons with Disabilities.

(Praveen Prakash Ambashta)
Dy. Chief Commissioner for Persons with Disabilities