



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/15557/1021/24

Dated: 23/03/2026

In the matter of:

Shri Mukesh Kr. Goyal

...Complainant

Versus

(1) The Secretary,

Railway Board

(2) The General Manager,

West Central Railway

South Civil Lines, Jabalpur

...Respondents

1. Hearing:

1.1 A hearing was conducted in hybrid mode on 20.03.2026 wherein the following parties/representatives were present:

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
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364,
20892275

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(पया भविष्य मे पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखे)

(Please quote the above file/case number in future correspondence)



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1.	Shri Mukesh Kr. Goyal	Complainant	Online
2.	Advocate Nitish Pandey	Respondent	Online
3.	Shri Aviral Sharma- Senior DPO, Kota	Respondent	Online
4.	Shri Sanjay Kumar - Dy. DPO- Headquarter- Indian Railways	Respondent	Online

2. Record of Proceedings:

2.1 The Complainant Mr. Mukesh, a person with benchmark locomoter disability and a railway employee of the Respondent raised the issue of diversion of the vacancy advertised for VI Category to the Locomoter Disability category in the first recruitment year itself. This was violative of the Section 34 of the RPwD Act and the DoPT O.M instructions dated 17 may 2022 in this regard.

2.2 The Respondent submitted that such diversion is permitted under para 10.3 of the Railway Board circular 74/2022 which empowers the Head of the Department (HOD) to decide the categories on the basis of the functional requirement.

2.3 The Court observed that the diversion of a reserved vacancy to another sub-category in the initial recruitment itself is not permissible under section 34(2) of the RPWD Act, 2016. The relevant extract of the section is reproduced as under:

"Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by

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interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability."

2.4 The Counsel for the Respondent sought additional time from the Court to file a fresh affidavit and a detailed reply to which the Court agreed and **adjourned the matter to Tuesday 24.03.2026.**

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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