



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/15645/1022/24

**Dated:** 24/03/2026

**Case No:** 15645/1022/24

**In the Matter of**

Mr. JITENDRA KUMAR MEHTA

... **Complainant**

Vs.

The Chairman, Ministry of Finance

...**Respondent 1**

The Principal Chief Commissioner, Ministry of Finance

... **Respondent 2**

**1. Gist of Complaint**

1.1 Shri Jitender Kumar Mehta, an employee of the CGST department, has submitted a grievance dated 07.08.24 contesting his transfer from Meerut to CGST Noida on humanitarian and regulatory grounds. He states that his 21-year-old son, Ayush Kumar Mehta, a person with 100% deaf blindness is entirely dependent on him for all daily life activities and emergency medical support. The complainant alleges that the Chief Commissioner, Meerut Zone, issued his transfer to a location approximately 30 km away from his residence, effectively bypassing DoPT guidelines that provide for the posting of caregivers of persons with severe disabilities at stations of their choice. He contends that the increased distance will significantly hinder his ability to provide the necessary constant care and immediate medical attention his son requires. Consequently, he seeks a modification of his transfer orders to a posting within CGST Ghaziabad or Station Ghaziabad to balance his professional duties with his essential caregiving responsibilities.

**2. Issue of Notice**

2.1 The matter was taken up with the Respondent vide notice dated 21.08.2024 stating the provision u/s 3, 21, 23, 75, and section 20 (3), Rule 8 (3), and DOP&T OM No. 36035/44/2023-Estt (Res-II) dated 02.02.2024.

**3. Respondent's Reply to the Notice**

3.1 The respondents submitted that the Complainant was transferred from CGST Noida to CGST Ghaziabad upon his own request to facilitate care for his son, in accordance with DoPT caregiver

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guidelines. As this was a self-requested transfer, the department maintained that Transfer Travelling Allowance (TTA) and joining time are not admissible, effectively addressing the primary grievance. Furthermore, Respondent 2 clarified that the matter falls outside its administrative purview and requested the case be handled exclusively by the CGST Meerut Zone.

#### 4. Hearing

4.1 A preliminary hearing was conducted on 18.03.2026 in hybrid mode wherein the following parties/representatives were present:

S. No.	Name and Designation of the Attendees	On Behalf Of:
1.	Mr. Jitender Kumar Mehta	Complainant
2.	Mr. Anil Kumar Singh, Deputy Secretary, VIC	Respondent1
3.	Mr. Deepak Kumar Sharma, Assistant Commissioner, CGST	Respondent 2
4.	Mr. Arun Kumar, Superintendent, CGST	Respondent 2

#### 5. Record of Proceedings

5.1 The Complainant requested retention at his current station (Meerut/Ghaziabad area) on the grounds of being a primary caregiver. He submitted that his son suffers from both hearing & visual impairments, and requires constant medical attention alongwith parental support.

5.2 The respondents produced Establishment Order No. 34/2024 dated 27.08.2024, which confirms that Mr. Jitendra Kumar Mehta has already been officially posted to CGST Ghaziabad. The respondents further clarified that this order was issued on his "own request," ensuring his placement at the desired station and addressing his apprehensions regarding the transfer exercise.

5.3 The Court noted that under the prevailing DoPT guidelines and the RPwD Act, 2016, employees who

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are primary caregivers of children with severe disabilities are entitled to exemption from routine rotational transfers to ensure the well-being of the disabled dependent. The Court observed that such cases require "reasonable accommodation" and cannot be treated under blanket administrative policies.

## 6. Observation and Recommendations

6.1 Upon reviewing the facts of the case and the records provided, it is clear that the Complainant's apprehensive request regarding his upcoming transfer has been partly addressed. The Respondent has already issued Establishment Order No. 34/2024 and informed the Court on 16.03.2026, which secures the Complainant's posting at CGST Ghaziabad.

6.2 However, the Court emphasises that needs of an employee with disabilities or an employee who is a caregiver differ from case to case. Hence, there is a need for reasonable accommodation which will also be different from case to case basis. Thus, the Respondent should fulfil the mandates of 20 (5) of the RPwD Act, 2016, the Rule (8) (c) of the RPwD Rules, 2017, and the DoPT O.M No. 36035/44/2023 Estt. (Res) dated 02.02.2024 not only in letter but also in spirit.

6.3. The Respondent is recommended to review this and all other similar pending grievances with an open mind in the light of the legal frameworks on the issue as mentioned above as part of reasonable accommodation of RPwD Act, 2016. An Action Taken Report (ATR) shall be submitted in accordance with Section 76 of the RPwD Act, 2016 within 90 days, failing which this Court may be constrained to initiate action under sections 77, 89 and 93 of the Act. The Court has determined that no further intervention is necessary.

7. Accordingly, the case is disposed of.

**Yours faithfully,**

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(S. Govindaraj)  
Commissioner

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