



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/16463/1022/26

Dated: 28/03/2026

Case No: CCPD/16463/1022/26

In the matter of:

Mrs. Rina Banerjee

...Complainant

Versus

The Director, Zoological Survey of India

...Respondent

1. Gist of Complaint

1. The Complainant, Smt. Rina Banerjee, a person with a benchmark hearing disability and multiple chronic health conditions, has filed a grievance dated 01.11.2025 under Section 75 of the RPwD Act, 2016, seeking the transfer of her son, Shri Soumojit Bandyopadhyay, from Port Blair to Kolkata. She contends that as a Senior Zoological Assistant with the Zoological Survey of India (ZSI), her son is her primary caregiver, and his distant posting deprives her and her ailing husband of essential medical and daily support, thereby violating her rights to reasonable accommodation and independent living under Sections 20 and 24 of the Act. While the Complainant seeks a direction to the Ministry of Environment, Forest and Climate Change to relocate her son on compassionate grounds, the Court observed that in service-related transfer matters, the grievance must technically be filed by the employee being transferred rather than the dependent. Consequently, the Court advised that the current filing is procedurally inapposite and instructed that a fresh complaint be filed in the name of the employee, Shri Soumojit Bandyopadhyay, asserting his claims as a primary caregiver under the relevant DoPT guidelines and statutory exemptions.

2. HEARING DETAILS

2.1. A hearing was conducted on 01.01.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Mrs. Rina Banerjee	Complainant

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275  
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(पया भविष्य मे पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

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2.	Dr. Gurupada Mandal, Scientist E and Head of Office	Respondent
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### 3. RECORD OF PROCEEDINGS

3.1 The Complainant, Mrs. Rina Banerjee, filed a grievance on behalf of her son, Shri Sumit Banerjee (candidate), who was recently offered the post of Senior Geological Assistant in the Geological Survey of India (GSI). The Complainant submitted that her son's initial posting was assigned to Port Blair, Andaman and Nicobar Islands, which is significantly distant from their home in West Bengal. She contended that she is entirely dependent on her son for daily medical needs and household support, and her husband suffers from chronic ailments. Consequently, she sought a posting for her son in Kolkata on compassionate and caregiving grounds to ensure the welfare of the family.

3.2 The Respondent submitted that the recruitment was conducted through the Staff Selection Commission (SSC) based on a specific merit list. It was clarified that for the 12 nominated candidates, preferences were sought; however, due to the high volume of candidates from West Bengal, the limited vacancies in Kolkata were filled by those higher in merit or as per category-specific allocations. The Respondent further informed the Court that Shri Sumit Banerjee has only been issued an "Offer of Appointment" and has not yet officially joined the department.

3.3 During the proceedings, the Court raised a preliminary objection regarding the maintainability of the complaint. It was observed that the grievance was filed in the name of the mother (Mrs. Rina Banerjee), whereas the underlying issue pertains to a service matter concerning her son. The Court noted that since the son is the one entering into a professional contract with the GSI, any legal challenge regarding the place of posting must be initiated by him in his own capacity.

### 4. Observation and Recommendation

4.1 The Court observed that as of the date of the hearing, the candidate had not yet joined the department. Until an individual officially assumes charge, they do not possess the full legal capacity to challenge the employer's administrative posting orders before this forum. The Court clarified that while a PwD or a caregiver has rights under the RPwD Act, 2016, those rights must be exercised through the proper legal personhood and at the appropriate stage of employment.

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4.2 In view of the facts that the complaint was filed by an incorrect party and the candidate has yet to join the service, the Court declined to admit the matter. The case is dismissed as non-admissible at this stage. The candidate remains at liberty to register a fresh case in his own name, in the capacity of a caregiver, once he has formally joined the organization.

5. Consequently, the case is disposed of.

**Yours faithfully,**

**(S. Govindaraj)  
Commissioner**

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