



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

Diary No. DNO/25/CCPD/3948

Dated: 27/03/2026

Case No: DNO/25/CCPD/3948

Dated: 23/03/2026

In the matter of:

Mr. Vishal Bhutada

...Complainant

Versus

Director General, Ministry of Defense (tsdgp-mes@nic.in)

...Respondent 1

Defense Secretary, Ministry of Defense (defsecy@nic.in)

...Respondent 2

1. GIST OF COMPLAINT

1.1 The Complainant, Shri Ankit Bhutada (representing his brother Mr. Vishal Bhutada), an Assistant Engineer (QS&C), had filed a grievance dated 28.05.2025 challenging his transfer from Pune to Leh, asserting his status as the primary caregiver for his brother, who suffers from 100% quadriplegic cerebral palsy. Despite exhausting internal grievance redressal mechanisms, the Respondent department has repeatedly denied his request for retention, allegedly disregarding statutory exemptions under Section 20 of the RPwD Act, 2016, and specific DoPT Office Memoranda (dated 08.10.2018 and 02.02.2024) that protect caregivers from rotational transfers. The Complainant contends that the forced relocation to a non-family station like Leh not only disrupts essential continuity of care but also violates CGHS residency requirements, effectively terminating his brother's critical medical benefits. Citing judicial precedents on reasonable accommodation and the right to dignity, the Complainant seeks an immediate stay and subsequent quashing of the transfer order to ensure his dependent brother's health and well-being are not irreparably harmed.

2. HEARING DETAILS

2.1. A preliminary hearing was conducted on 03.10.2025 in online mode, wherein the following parties/representatives were present:

| Sl. No. | Name of the Parties / Representatives | On Behalf of |
|---------|---------------------------------------|--------------|
|---------|---------------------------------------|--------------|

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
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| | | |
|----|-----------------------------|--------------|
| 1. | Mr. Ankit Bhutada | Complainant |
| 2. | Mr. Nikhil Saxena, Director | Respondent 1 |
| 3. | Mr. Sanjay Kumar | Respondent 2 |

3. RECORD OF PROCEEDINGS

3.1 The Complainant's representative, Mr. Ankit Bhutada, an Assistant Engineer presently posted in Leh, challenged his transfer from Pune. He submitted that he is the sole caregiver of his brother, Mr. Vishal Bhutada, who suffers from Cerebral Palsy and severe bedsores. He further stated that, following the demise of their father and considering his mother's advanced age and health issues, no other family member is available to provide the necessary intensive care. Relying on the DoPT Office Memorandum dated 08.10.2018 and related instructions granting exemptions to caregivers of disabled dependents, he sought a transfer back to Pune.

3.2. The Respondent (MES) contended that the Complainant's promotion to an officer grade entails "all-India transfer" liability, including mandatory service in remote or field areas, and that his posting to Leh was necessitated by critical infrastructure requirements in border regions. It was also noted that he had already joined his Leh posting in June 2025 and could be considered for transfer only after completing the prescribed tenure. The Court, however, held that while administrative exigencies are relevant, they must be balanced against statutory protections and executive instructions for caregivers of persons with benchmark disabilities. Taking into account the visual evidence of the brother's condition and the absence of alternative care, the Court emphasized that the Complainant's prior joining at Leh should not preclude relief where a genuine humanitarian and legal case for transfer is established.

4. Observation and Recommendation

4.1 The Court observed that in service-related transfer matters, the complaint must be filed by the concerned employee, even if the issue arises from their role as a caregiver. In this case, the complaint was filed in the name of Shri. Vishal Bhutada, rather than the employee subject to the transfer order. Accordingly, the Court advised Shri Ankit Bhutada to file a fresh complaint in his own name, as the applicable rights and exemptions must be claimed by the employee as the primary caregiver.

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
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5. Accordingly, the is disposed of.

Yours faithfully,

**(Praveen Prakash Ambashta)
Dy. Chief Commissioner**

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