



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. 14470/1022/2023

In the matter of:

Complainant:

Shri TK Anand Kumar

Versus

Respondent(s):

1. The Chief Administrative Officer
Indira Gandhi Centre for Atomic Research (IGCAR)
Kalpakkam
2. The Chief Administrative Officer
Bhabha Atomic Research Centre (BARC)
Mumbai

1. Gist of the Complaint

- 1.1 Mr. T.K. Ananda, a permanent resident of Madurai and

a person with 80% locomotor disability, filed his complaint on 17.08.2023. He stated that he has been serving for 12 years as a Technician (B) and is currently posted as an Assistant Foreman at the Indira Gandhi Centre for Atomic Research (IGCAR), Kalpakkam, under the Department of Atomic Energy (DAE). Being completely wheelchair-bound and living alone, he is facing significant difficulties in managing daily life, particularly due to his age (49 years) and ongoing health issues.

1.2 He had applied for a transfer on compassionate grounds to BARC's Trichy unit, located closer to his native place, in July 2022, and his application was forwarded by IGCAR authorities in October 2022. Despite several follow-ups, he has not received a response from BARC. He has requested intervention to facilitate his transfer to BARC Trichy or, alternatively, to any nearby DAE unit or other Central Government department in or around Madurai. Such a transfer would significantly improve his living conditions and enable him to receive support from his family.

2. Notice issued to the Respondents:

2.1 The matter was taken up with the Chief Administrative Officers of IGCAR and BARC, and a notice was issued to the Respondents on 13.09.2023, citing relevant provisions, including but not limited to Section 20(5) of the Act, as well as DoPT Office Memorandum No. 36035/3/2013-Estt. (Res) dated 31.03.2014 and No. 42011/3/2014-Estt. (Res) dated 08.10.2018, respectively. A final reminder was issued on 16-10-2023.

3. Submissions made by the Respondent No. 2:

3.1 The Chief Administrative Officer, BARC, submitted their reply dated 16.10.2023, stating that the Complainant joined IGCAR as Technician/B on 22.06.2011 and was promoted to Assistant Foreman in 2020. As an unmarried individual with 80% disability, he has requested a transfer closer to his brother's residence in Madurai to receive better support and care.

3 . 2 Complainant's initial transfer request, submitted in March 2021 for posting to IICHEP, TIFR, Madurai, was rejected as it is not a constituent unit of DAE. His subsequent request in July 2022 for transfer to BARC's Trichy, which is a valid DAE unit, was forwarded by the IGCAR to BARC Mumbai in October 2022. The Respondent further stated that they are committed to inclusive and transparent policies, particularly for employees with disabilities, and have appropriate infrastructure and support systems in place. Transfer policies prioritise health considerations, family needs, and mutual transfers within DAE units. Therefore, the Complainant's request has been processed in accordance with these guidelines and is currently awaiting BARC's decision.

4. Submissions made by Respondent No. 1 -

4 . 1 IGCAR (Respondent 1) filed their reply dated 16.10.2023 and submitted that the Complainant, Assistant

Foreman at IGCAR, Kalpakkam, requested a transfer on 11.07.2022 to BARC's unit at Trichy for compassionate reasons. His request was forwarded to the Director, Reactor Projects Group (RPG), BARC on 14.07.2022.

4.2 However, the transfer was deemed unfeasible as there is no permanent BARC unit or office in Trichy. The personnel currently posted at BHEL, Trichy, are deployed temporarily for specific inspection assignments that require professional certifications and entail high mobility, given the demanding nature of the industrial environment.

5. Submissions made in Rejoinder:

5.1 The Complainant submitted his rejoinder dated 09.11.2023, reiterating his earlier grievance. He further stated that his initial request for transfer to IICHEP, TIFR, Madurai was not approved. Subsequently, he applied for a transfer to the BARC unit (QS(T)/LWRD) located at the BHEL Campus in Trichy, which has been operational for over 30 years. He considered this a viable option, as engineers and a technician are already posted there. However, BARC officials rejected his request, stating that the transfer was not feasible. Therefore, he has requested compassionate consideration for a transfer to any Central Government department in or near Madurai.

6. Communication of Legal Framework on the Issue of Posting and Transfer of Employees with Disabilities and Caregivers:

6.1 A communication on the legal framework surrounding the Issue of posting and transfer of employees with disabilities and caregivers was sent to the Respondents vide this Court's letter dated January 29, 2024.

7. Action taken Report after issuance of Legal Framework letter:

7.1 The Chief Administrative Officer, IGCAR, Kalpakkam, submitted their reply via email dated 26-02-2024 and 28-02-2024, stating that the Bhabha Atomic Research Centre (BARC) does not have a branch or any sub-unit in Trichy. Two to three engineers from the relevant division of BARC were temporarily deputed to BHEL, Trichy, for specific assignments. Thus, BARC has no ongoing project or permanent office in Trichy to which the Complainant could be transferred.

8. Status Update on Grievance Redressal:

8.1 Since the issue was not reaching any amicable solution, it was decided to hear the parties and accordingly a notice of hearing dated 16.04.2025 was issued to the parties scheduling a hearing in hybrid mode on 24.04.2025.

8.2 In response to the notice of hearing, the Complainant vide his email dated 17.04.2025 informed that his transfer had been approved, indicating that his grievance had been addressed and resolved.

9. Observation and Recommendations:

9.1 Upon reviewing the facts of the case and the available records, it is clear that the Complainant's grievance has

already been addressed. As such, no further intervention is deemed necessary.

9.3 Consequently, the case is disposed of with the approval of the Chief Commissioner for Persons with Disabilities.

(Praveen Prakash Ambashta)

Dy. Chief Commissioner