



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

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Case No. 14731/1022/2023

In the matter of:

Shri Shyara Nitinkumar Jinabhai

...Complainant

Versus

The Managing Director and CEO

Bank of Baroda

Baroda, Gujarat

...Respondent

1. Gist of Complaint:

1.1 Shri Shyara Nitinkumar Jinabhai, a person with 50% Locomotor Disability filed a complaint dated 26.12.2023 and submitted that he is currently employed with Bank of Baroda at Dhrol Branch, Jamnagar Region, which is over 350 KM from his residence. He also submitted that further deputations to even more distant branches have caused him significant physical and mental hardships. He submitted a request for transfer to a branch near his residence in Bhat Village, Gandhinagar. He further submitted that his multiple requests since 2019 through various channels (including HRMS and HR-Connect) have been ignored and rejected despite recent promotions and available vacancies in nearby branches.

1.2 The Complainant also submitted that his request for transfer is in line with statutory provisions and government guidelines.

2. Notice issued to the Respondent:

2.1 A Notice dated 29.12.2023 was issued to the Respondent for forwarding their comments on affidavit on the complaint within 30 days to this Court u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016.

3. Reply from the Respondent:

3.1 Respondent filed their reply dated 23.01.2024 and submitted that Complainant joined the Bank on 07.06.2017 in Subordinate Cadre under ex-servicemen category. Complainant provided a Junagadh district address and was posted accordingly in the Jamnagar Region. Complainant did not declare any disability at the time of application, joining, or during medical examination, and consistently indicated that he was not in the PWD category.

3.2 The Complainant was promoted to the Clerical Cadre on 02.03.2023 and posted at Bhatia Branch, still within Jamnagar Region. However, he went on leave from 04.12.2023 and the transfer wasn't executed.

3.3 Subsequently, on 19.12.2023, Complainant submitted a Disability Certificate dated 04.10.2023 from Junagadh. No documents have been provided showing he belongs to Gandhinagar district, despite his recent request for a transfer there.

3.4 The Respondent emphasizes that the decision about his postings were based on the address provided by him and available in the records, and it has adhered to all government guidelines concerning PwDs, including policy implementation and grievance redressal mechanisms. His recent transfer request is under review. The Respondent requested that the matter be considered closed at this time.

4. Rejoinder from the Complainant:

4.1 The Complainant filed his rejoinder dated 27.01.2024 and submitted that he is a disabled ex-serviceman with 20 years of service in the Indian Army's Corps of Signals and his military records and pension through the Aadhar-enabled SPARSH system are linked to Junagadh, Gujarat, though he now resides in Bhat Village, Gandhinagar, for better access to healthcare and education.

4.2 Since joining Bank of Baroda on 07 June 2017 under the Ex-Serviceman category, Complainant been granted PWD status based on his military disability certificate. Despite declaring residence in Gandhinagar at the time of joining, multiple transfer requests to a nearby branch have been repeatedly denied due to administrative issues.

4.3 The Complainant further states that he is currently posted over 500 km from his home, and his recent transfer order again placed him at a distant location, causing hardship.

5. Hearing:

5.1 A hearing was conducted in hybrid mode on **25.04.2025**, wherein the following parties/representatives were present:

S. No.	Name and designation of the Party/Representative	For Complainant/Respondent	Mode of Attendance
1	Mr. Shayara Nitin Kumar Jinabhai	Complainant	Or
2	Mandeep Kumar - AGM, HR, Bank of Baroda; Abhishek Kumar - Chief Manager HRM, Preservation Cell, Bank of Baroda	Respondent	Or

6. Record of Proceedings

6.1 At the outset, the Complainant stated that he first requested a transfer to a location near his hometown in 2019 and made another request in 2020 but received no response. He explained that although he applied through the Bank of Baroda's online system, his application went unanswered. He was later informed about new software being introduced and reapplied in 2020, but this application was rejected because his disability certificate did not meet the Bank's guidelines.

6.2 In response, he applied for a UDID card, as he had previously held a military disability board record. He highlighted that the requirement for a UDID card had never been communicated to him in the past 5-6 years. Furthermore, he noted that since January 2020, he has been officially recognized as a PwD and has been receiving a disability allowance. He stated that other officers with comparable promotions were posted to nearby branches, while he alone was transferred to a remote location. He asserted that his repeated requests for a transfer closer to his home have been continually disregarded.

6.3 The Respondent stated that the Complainant was recruited under the ex-servicemen category and had provided an address in Junagadh district at the time of joining, which resulted in his posting within the Junagadh region. His later requests for transfer were to the Ahmedabad zone, which qualifies as an inter-zonal transfer. It was also noted that the Complainant had arranged accommodation in Gandhinagar, his preferred location. Additionally, the Respondent mentioned that the Complainant submitted disability certificate in December 2023. However, eligibility for inter-zonal transfers is based on seniority and his request would have been automatically considered if he had been included in the seniority list.

6.4 The Respondent further explained that the Complainant was promoted to the clerical cadre in 2023 and as per policy, a branch transfer is mandatory upon such a cadre change. Accordingly, he was posted to the nearest available branch. However, following the filing of this complaint, he has been retained at the same branch.

6.5 The Court inquired whether any record of the Complainant's disability was available at the time of his recruitment. The Respondent stated that no such record existed. In response, the Complainant explained that he had not disclosed his disability during recruitment because he joined under the ex-servicemen quota and did not apply under the Persons with Disability (PwD) category. The Court noted that an individual can be both an ex-serviceman and a person with a disability, and that the recruitment form requires disclosure of disability status regardless of the quota under which the candidate is applying.

6.6 The Court further asked about the nature of the "military disability board" record referred to by the Complainant. The Complainant explained that it was not a formal certificate but a classification placing him in a low medical category during his military service, following a spinal injury he sustained in 2011. The Court observed that this record did not qualify as a legal disability certificate, and that the Complainant's first official UDID certificate was issued only in October 2023, confirming permanent disability in both lower limbs.

6.7 The Court then asked what actions the Bank had taken following the issuance of the Complainant's UDID certificate. It was observed that several statutory provisions are applicable in this case — specifically, Section 20 (5) of

the Rights of Persons with Disabilities (RPwD) Act, 2016, which mandates a transfer policy for persons with disabilities; Section 21, which requires the publication, adoption and registration of an Equal Opportunity Policy (EOP) in the manner as prescribed by the Central Government. The Central Government vide Rule 8 of the RPwD Rules, 2017 prescribed the manner for formulating the EOP. Sub Rule (3) (c) of Rule 8 mandates preference in postings/transfer for Persons with Disabilities. Furthermore, circulars issued by the Department of Personnel and Training (DoPT) and the Department of Financial Services (DFS) in 2014 and 2024 direct banks to offer reasonable accommodation to employees with disabilities, including preference in postings, posting at a location of their choice and exemption from routine transfers.

6.8 The Court emphasized that these statutory protections are specifically designed for persons with disabilities (PwD's) and should not be treated the same as general service criteria such as seniority. It noted that despite multiple directives, the Respondent had failed to provide a copy of its Equal Opportunity Policy (EOP) or disclose the name of the Grievance Redressal Officer (GRO) as required under Section 23 of the RPwD Act. Only after several reminders did the Respondent submit a letter in November 2024, attaching an EOP; however, this policy did not include any specific provisions regarding transfer policies for persons with disabilities.

6.9 The Court noted that this failure prima facie establishes violation of the statutory requirements. The Court further noted the statement of the Respondent that transfer requests within the PwD category are evaluated based on seniority and an eligibility condition of completing five years

of service for inter-zonal transfers. The Court found that a strict residency of 5 years without considering the nature of disability, is not appropriate. The Court observed that the case had been pending for two years since the disability certificate was issued.

6.10 The Respondent is recommended to provide a clear update on the status of the Complainant's transfer request, taking into account the relevant statutory provisions rather than relying solely on administrative seniority. An Action Taken Report shall be submitted within 3 months in accordance with Section 76 of the Act. It is emphasised that non-submission of the ATR/Reasons for non-acceptance of recommendation within the stipulated time is a punishable offence in terms of Sections 76 and 93 of the Act.

7. This case is disposed of in the above terms.

(S. Govindaraj)
Commissioner for Persons with Disabilities