



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. 14685/1022/2023

In the matter of:

Complainant(s):

Shri Anmol Jain

Respondent(s):

The Dy. Comptroller and Auditor General

O/O The Comptroller And Auditor General Of India

1. Gist of Complaint:

1.1 The complainant, a person with Specific Learning Disability (SLD), filed his complaint dated 04.12.2023, and stated that he qualified the SSC CGL 2022 exam under the PwBD-SLD category (Rank 32963). His dossier was forwarded to the Comptroller & Auditor General (CAG) for appointment as an Accountant. However, he was allocated to the AG (A&E) office in Prayagraj, Uttar Pradesh, rather than being considered for posting in his native place, New Delhi.

1.2 Despite submitting multiple representations requesting a posting in Delhi as per the Disability Act, 2016, and DOPT guidelines, which prioritise home-state postings for PwBD candidates, his request was not considered. He emphasises that he lacks family support in Prayagraj and requires assistance due to his disability.

1.3 The complainant requests to enforce disability related provisions and reallocate his posting to New Delhi, where his family resides, and he can

live with necessary support.

2. Notice issued to the Respondent:

2.1 A Notice dated 12.12.2023 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 A reply dated 06.03.2024 was received from the Respondent, wherein they submitted that the Complainant filed a complaint seeking a posting in New Delhi under the PwBD category. The CAG authorities responded that his allocation to Prayagraj was made as per merit, preferences, and existing vacancies through an automated system. They clarified that unilateral transfers are not allowed.

3.2 Respondent further stated that the matter is already pending before the Central Administrative Tribunal, O.A. No. 4035/2023, making the complaint inadmissible and without merit.

4. Rejoinder from the Complainant:

4.1 Complainant filed his rejoinder dated 27.05.2024 and submitted that the Complainant was allocated a posting in Uttar Pradesh due to a lack of Accountant vacancies in Delhi. Despite government guidelines favouring home-state posting for PwBD candidates, Delhi was not an available option during preference selection.

4.2 The Complainant further submitted that multiple representations to SSC and CAG went unanswered. He requests his dossier be recalled and reallocated to a suitable post in Delhi, as per disability rights and DoPT guidelines.

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.	Sh. Anmol Jain	Complainant	Offline
2.	Sh. Ranjeet Kumar Singh - Senior Administrative Officer, Office of CAG of India	Respondent	Online
3.	Basanta Kumar Mohanty - Additional Administrative Officer, Office of CAG of India	Respondent	Online
4.	Advocate Arun Sanwal	Counsel for Respondent	Online

6. Record of Proceedings:

6.1 At the outset, the Respondent informed the Court that the Complainant had filed a similar matter before the Central Administrative Tribunal (CAT), while the Complainant clarified that the matter pending before the CAT is on a distinct issue from the present case, although the Comptroller and Auditor General of India (CAG) is also a party to those proceedings.

6.2. In response to a query from this Court regarding the exact prayers, the Complainant asserted that the reliefs sought in both forums are different. The Respondent, however, read out the prayers filed before the CAT, which included:

(a) Setting aside the letter dated 23.11.2023 issued by the PAG, Prayagraj, offering the Complainant the post of Accountant in Lucknow.

(b) Setting aside a notice issued by the CAG and seeking allocation of a suitable post in Delhi or near his residence, in terms of Section 20(2) of the Rights of Persons with Disabilities Act, 2016.

6.3 In view of the facts that emerged during the hearing, it is evident that the matter of place of posting is a substantive matter under examination of the Hon'ble CAT. The Court also noted the submission of the Respondent on the Tribunal's exclusive jurisdiction on recruitment and service matters under the Administrative Tribunals Act, 1985.

6.4 The Court acknowledged the statutory provisions of Sections 14 and 15 of the AT Act, 1985. This Court is of the view that in the light of Sections 20, 21, 22, 23, 33, 34, 44, 45 and 75 of the RPwD Act, where it has been mandated with grievance redressal on issues also relating to recruitment, reservation, identification of posts, inclusive training, aids and appliance, accessible workplace, posting and transfer, etc, it certainly has jurisdiction to investigate and recommend.

6.5 Based on the records of the case, submissions of parties and material publicly available on the website of the CAT (PB), however, this Court has concluded that the matter raised before this Court is also currently pending with the CAT (PB) in OA No. 4035/2023. The next hearing in this case has been scheduled for 24.04.2026. In view of the above, this Court concludes that further intervention of this Court is not warranted in this matter.

7. Accordingly, this case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities