



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/15575/1022/24

Dated: 06/04/2026

CCPD/15575/1022/2024

In The Matter of:

Complainant:

Dr. Sonam Kumar Pruthi

Respondent:

Director General,

Employees' State Insurance Corporation

1. Gist of Complaint

1.1 Shri Sonam Kumar Pruthi, a person with 41% Locomotor Disability filed a complaint dated 15.07.2024 regarding posting to his native place, namely, Delhi.

1.2 The Complainant submitted that he was selected for the ESIC Assistant Professor Pathology post, for which interviews were conducted in January 2024. During the submission of posting choices, he had filled in medical colleges in Basaidarapur and Faridabad, but his request for preferred placement was not considered, and he was posted at ESIMCH, Alwar, Rajasthan. He also submitted that, because of this disease, he is on immunosuppressive drugs, which increase the rate of acquiring infection, and his immunity is not good, as he has been taking the same for many years to keep the disease under control.

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2. Issue of Notice:

2.1 The matter was taken up with the Respondent vide notice dated 16.07.2024 followed by a reminder dated 31.08.2024.

3. Submissions From the Respondent:

3.1 No reply was filed by the Respondent.

4. Hearing :

4.1 A hearing was conducted in hybrid mode on **24.04.2025**, wherein the following parties/ representatives were present:

S.No.	Name and designation of the Party/Representative	For Complainant or Respondent	Mode of Appearance
1.	Dr. Sonam Kumar Pruthi	Complainant	Online
2.	Dr. Bhairavi Deshmukh, DMC	Respondent	Online

5. Record of Proceedings:

5.1 At the outset, the Court observed that the Respondent had submitted a reply by email rather than on affidavit as previously directed. The email stated that the Complainant's transfer had already been effected and that he had joined his new posting in 2024. The Court noted that if the grievance had been resolved in October 2024, the Complainant ought to have informed the Court, particularly in light of follow-up emails seeking status updates

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from both parties.

5.2 In response to the Court's query, the Complainant explained that the ESIC had advertised two separate vacancies: one for a teaching post (Assistant Professor) and another for a non-teaching Specialist post. He stated that he had been selected for both positions. However, due to his disability, he was unable to join the teaching post at Alwar and instead joined the non-teaching Specialist post at Rohini, Delhi, in October 2024. He clarified that this was a fresh appointment and not a transfer. The Complainant further submitted that his grievance before the Court pertains only to the teaching post and that he intends to pursue the matter in respect of that post.

6. Observations and Recommendations

6.1 The Court noted from the ESIC's reply that the issue concerning the teaching post was stated to be "in the pipeline," with no firm commitment provided. It also observed that ESIC had failed to respond to earlier notices dated 16 July 2024 and 31 August 2024, as well as follow-up emails seeking an update on the matter. The Court emphasised that failure to respond to statutory notices and to furnish information sought by the Commission may constitute a punishable offence under Section 93 of the Rights of Persons with Disabilities Act, 2016, potentially attracting departmental and criminal liability, and cautioned the Respondent accordingly.

6.2 The Court further noted that the response of the Respondent, stating that they had only received the email dated 17 April 2025, was found to be inconsistent, as all the notices and reminders were sent by this Court to the same email address. The Court further noted that as per the reply of the ESIC, the Complainant was selected for both the posts of Assistant Professor and Specialist and that his posting to Alwar was based on functional requirements.

6.3 The Court observed that the statutory requirement of Section 20 (5), and Section 21 read with Rule 8 (3) (c) covers both "posting" and "transfer" as reasonable accommodations

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for persons with disabilities. The instructions of the DoPT issued from time to time also reiterate the preference in posting for the PwD employees. The latest instruction of the DoPT is contained at par 2 H of their OM dated 36035/44/2023- Estt. (Res. II) dated 02.02.2024.

6.4 In view of the submissions of the parties, and the legal provisions on the subject, this Court recommends that the Respondent review their decision with an open mind and make fresh efforts to post the Complainant near his native place.

6.5 The Respondent shall submit an Action Taken Report within 90 days in terms of Section 76 of the RPwD Act, 2016. If the Respondent feel that administrative constraints force them against doing so, they should file detailed reasons for non-acceptance of the recommendation within the same time.

7. This case is disposed of accordingly.

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Yours faithfully,

**(S. Govindaraj)
Commissioner**

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