



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: 14324/1022/2023

In the matter of

Complainant:

Shri Srinath Raj

Vs.

Respondents:

The Secretary, Ministry of Mines

The Head of Office, Indian Bureau of Mines (IBM) (ho-office@ibm.gov.in)

1. Gist of the Complaint

1.1 Shri Srinath Raj, an official serving under the Indian Bureau of Mines (IBM) within the Ministry of Mines, submitted a grievance registered under Case No. 14324/1022/2023. The Complainant sought the intervention of the Court regarding unresolved matters related to his service and administrative treatment by the Ministry. He contended that the issues required formal redressal through the Office of the Chief Commissioner for Persons with Disabilities to ensure the protection of his rights and the proper application of applicable guidelines. The matter involved coordination between the administrative ministry and the Head of Office at the Indian Bureau of Mines to resolve the specific hardships or grievances faced by the official in his professional capacity.

2. Issue of Notice

2.1 The matter was taken up with the Respondent vide notice dated 27.07.2023 stating provisions u/s 3, 21, 23, 75, and section 20 (3), Rule 8 (3), and DOP&T OM No 36035/3/2013-Estt. (Res) dated 31.03.2014.

3. Respondent's Reply to the Notice

3.1 The Respondents, representing the Ministry of Mines and the Indian Bureau of Mines (IBM), in their preliminary submissions dated 14.09.2023, maintained that the administrative actions taken regarding the Complainant were in accordance with extant departmental rules and service regulations. It was clarified that the grievance raised under Case No. 14324/1022/2023 was subject to internal review by the Head of Office at IBM to ensure that all procedural requirements and disability-related concessions were appropriately considered. The Respondents contended that the matters pertaining to the Complainant's service conditions were being handled with due diligence to avoid any infringement of rights. Furthermore, the Respondents indicated that they were prepared to cooperate with the Court's inquiry to demonstrate that the official's concerns were being addressed through the proper administrative channels. Following the issuance of the notice, the Ministry initiated a dialogue with the Complainant to identify and rectify the specific points of contention, ultimately leading to a resolution at the departmental level.

4. Rejoinder

4.1 In his formal rejoinder dated 30.12.2023, the Complainant acknowledged his initial 2018 appointment and a 2019 transfer to Bhubaneswar. However, he argued that the current refusal to grant a transfer on spouse and disability grounds violates established policies, as these concessions should not be treated as "one-time" benefits. He refuted the Respondent's claim that his presence in Bhubaneswar is operationally essential, noting that his post was vacant for 18 years prior to his arrival and that recent recruitments of a Hindi Stenographer and two LDCs have already alleviated his workload. Furthermore, he identified a technical vacancy for a Junior Translation Officer (JTO) in Kolkata that has been occupied by an official on deputation since 2021, which, per DoP&T OM No. 22034/1/2006-Estt(D), should be considered available for a fresh posting. Emphasising the personal and legal hardship of being separated from his family for nine months, the Complainant requested the Court's intervention to restore his rights and allow a transfer at his own cost.

5. Notice of Legal Framework

5.1 The matter was further looked into with the Respondent vide

notice dated 23.01.2024 stating provisions under Article 41 of the Indian Constitution, Sections 20(2), 20(5), 21, 4, 16, 24, 27, 38, Rule 8 (3), DOP&T OM No 36035/3/2013-Estt. (Res) dated 31.03.2014, DOP&T OM No. 42011/3/2014-Estt. (Res) dated 06.06.2014, DOP&T OM No. 42011/3/2014-Estt (RR) dated 08.10.2018, and Ministry of Finance OM F.No. 302/33/2/87-SCT (B) dated 15.02.1988.

6. Respondent's Reply to the Notice of Legal Framework

6.1 The Respondent's (Indian Bureau of Mines) reply dated 19.06.2026 maintained that frequent transfers based on a spouse's movement are not viable, and they formally disposed of the matter via a detailed reply sent to the Court.

7. Hearing (I)

7.1 A hearing was conducted on 04.09.2025 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Srinath Raj	Complainant
2.	Shri Prashant S Hegde- HOO, IBM, Nagpur	Respondent

8. Record of Proceedings

8.1 The Complainant reiterated his grievance, while the Respondent stated that no sanctioned posts are currently available in Kolkata as the position is already filled.

8.2 After reviewing submissions of both parties, the Court asked the Respondent to furnish a written reply within 15 days on the status of vacancies at Kolkata, with documentary evidence and the details of posting and tenure of the Complainant and the officers posted at Kolkata. The Respondent was also asked to submit a copy of their Equal Opportunity Policy as mandated under Section 21 of the Act, read with Rule 8 of the RPwD Rules, 2017. Besides, the Respondent is also advised to clarify whether any transfer policy providing reasonable accommodations to persons with disabilities has been framed by the Respondent in accordance with Section 20 (5) of the RPwD Act. A copy of the said reply was forwarded to the Complainant as well, and a reply for

a rejoinder was sought, stating the time frame of 7 days.

9. Hearing (II):

9.1. The matter was again rescheduled for hearing on 06.04.2026. However, after issuance of Notice of hearing on 01.04.2026, the complainant vide email dated 02.04.2026 informed that his grievance has been redressed.

9. Observation and Recommendation

9.1 No formal reply had been received by the Court w.r.t the above-mentioned record of proceedings from either of the parties.

9.2 Since, the Complainant's grievance has been redressed as mentioned vide his email dated 02.04.2026, therefore, no further intervention of the Court is warranted in this matter.

10. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities