



## 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:** 14746/1022/2024

**In the matter of:**

Mr. Sanjeev Kumar

...Complainant

**Versus**

The Dy. Comptroller, CAG ([cagoffice@cag.gov.in](mailto:cagoffice@cag.gov.in))

...Respondent 1

The Auditor General, CAG ([mehtap@cag.gov.in](mailto:mehtap@cag.gov.in))

...Respondent 2

### 1. Gist of Complaint

1.1 Shri Sanjeev Kumar, a Senior Translator with 70% locomotor disability, filed a complaint on 03.01.2024 against the Office of the Comptroller and Auditor General (CAG) of India for transferring him to Mizoram upon his promotion to Hindi Officer. The Complainant, who has been posted in Chandigarh since 2012, alleges that the transfer disregards his need for familial support, as both he and his wife are disabled, and amounts to denial of the "reasonable accommodation" under the Rights of Persons with Disabilities Act, 2016

### 2. Issue of Notice

2.1 The matter was taken up with the Respondent vide notice dated 05.01.2024 stating the provision u/s 3, 21, 23, 75, and section 20 (3), Rule 8(3), and DOP&T OM No. 36035/3/2013-Estt. (Res.-II) dated 31.03.2014.

### 3. Respondent's Reply to the Notice

3.1 The Respondent (Director [Legal], CAG of India) submitted that the Complainant, posted in Chandigarh since 2012, was previously allowed to forgo a

2020 promotion to remain at his station. It was argued that the 2023 transfer to Mizoram was a standard rotational requirement for the Rajbhasha cadre because no Hindi Officer vacancies existed in Chandigarh. Following the complaint, the Respondent converted a local cadre post in Kapurthala to an All-India cadre post, issuing a revised order on 06.02.2024 to station the Complainant at Kapurthala as the nearest available location. Additionally, the Respondent raised a jurisdictional objection, asserting that under the Administrative Tribunals Act, 1985, service matters for Central Government employees must be adjudicated by Administrative Tribunals rather than the Disability Commissioner.

#### 4. Rejoinder

4.1 The Complainant, in his rejoinder dated 20.05.2024, reiterated that he has been posted in the Chandigarh region since his initial appointment in 2012 and remains dependent on his aging parents to help care for his two young children, as both he and his wife are persons with disabilities (70% and 30% locomotor disability respectively). He argued that his current support system in Chandigarh is essential for his physical and psychological well-being, enabling him to perform his official duties with full dedication, and that a transfer would cause insurmountable hardships. Furthermore, he contended that the Respondent's transfer and promotion policy is discriminatory under the Rights of Persons with Disabilities Act, 2016, as it forces him to choose between career progression and his necessary support environment. He requested the Court to direct the Respondent to accommodate him in any office within the Chandigarh region, specifically pointing out that a vacancy for a Hindi Officer recently arose in the Office of the PAG (Audit) Punjab, Chandigarh.

#### 5. Hearing

5.1. A regular hearing was conducted on 09.09.2025 in online mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of	Mode of Appearance
1.	Mr. Sanjeev Kumar	Complainant	Online
2.	Mr. Arun Sonowal, Advocate	Respondent	Online

## **6. Record Of Proceedings**

6.1 During the proceedings the Complainant contested his transfer to a place away from Chandigarh (his home-base). He is a person with 70% Locomotor Disability and can only walk with the help of an escort. He submitted that he is also a caregiver to his wife who is 30% disabled. The Complainant sought a posting at his home base in Chandigarh, citing the necessity of a stable environment for his daily living activities and family responsibilities.

6.2 The Respondent (CAG), represented by Advocate Mr. Arun Sonwal, raised a preliminary objection regarding jurisdiction, asserting that service matters related to transfers should be heard by the Central Administrative Tribunal (CAT) under Section 14 of the Administrative Tribunals Act. On merits, the Respondent submitted that the Complainant had been stationed in Chandigarh for 13 years. Upon his promotion to Senior Translator, he was initially posted to the Northeast. However, in response to his grievance, the Respondent created a special all-India cadre post in Kapurthala, approximately 160 km from Chandigarh, to accommodate him within the same state, as no vacancy for the promoted post existed in Chandigarh.

## **7. Observation and Recommendation**

7.1 After reviewing submissions of both parties, the Court noted that the Complainant's transfer was a direct consequence of his promotion, which he chose to accept. The Court further observed that an employee cannot simultaneously avail the benefits of a promotion and refuse the administrative exigencies (such as transfer) that come with it, especially when no vacancy exists at the current station for the higher post. The Court took note of the fact that the Respondent had already shown significant consideration by creating a post in Kapurthala to avoid a far-flung posting in the Northeast.

7.2 Addressing the jurisdictional challenge, the Court noted that while Section 14 of the Administrative Tribunals Act generally governs service matters, the Rights of Persons with Disabilities (RPwD) Act, 2016, provides a specific statutory mandate for monitoring "preference in transfer and posting". The Court affirmed its authority to look into complaints concerning the deprivation of rights under the Act. It further emphasized that government establishments must provide reasonable accommodation and a conducive environment for employees with disabilities to effectively discharge their duties.

7.3 The Court concluded that there is no evidence of discrimination or violation of the RPwD Act, 2016. Since the Complainant failed to forgo the promotion to retain his station at the time of the order, the grievance lacks merit. Hence, no further intervention of the Court is warranted in this matter.

8. Accordingly, the case is disposed of.

**(S. Govindaraj)**  
**Commissioner for Persons with Disabilities**