



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. CCPD/14259/1024/2023

In the matter of —

Shri Surendra Singh

...Complainant

Versus

(1) The Secretary,
Ministry of Railways

(2) The General Manager,
Ministry of Railways

...Respondents

1. Gist of the Complaint:

1.1 Mr. Surendra Singh Solanki, currently working as Office Superintendent in the Signal Department, Bundi (under Kota Division, West Central Railway), became 100% permanently disabled due to an "Injured on Duty" (IOD) incident where both his legs were amputated. At the time of joining railway service (on 02.06.1987), he was completely healthy and not disabled.

1.2 He was due to retire on 28.02.2025. Since the incident, he has been requesting the railway administration for compassionate appointment of his son, Mr. Vish Singh Solanki (aged 28, B.Tech graduate), in his place under the relevant disability and compassionate grounds.

1.3 He cites that:

(a) Many similar appointments have been made by Indian Railways since 2013

for employees aged above 50.

(b) Over 500 such appointments have been granted within the Kota division alone.

(c) His repeated applications for over 10 years have not been considered. Due to his disability, he is unable to wear prosthetic limbs and is suffering from severe obesity due to immobility. He requests the authorities to kindly consider the appointment of his son in the Railways at Kota Division.

2. Notice issued to the Respondents:

2.1 A notice dated 11.07.2023 was issued to the above mentioned Respondents for forwarding to this Court comments on affidavit on the complaint for violations of sections 20 (i) of the Act within the statutory time limit.

3. Reply filed by the Respondents:

3.1 The Respondents filed their reply dated 08.08.2023 and asserted that the complaint is based on a misconception and lacks legal merit. The Board contended that there is no provision in law that entitles an employee's son to a job on compassionate grounds solely because the employee became disabled during service, especially when the employee continues in service and has already been provided with an alternative post.

3.2 They confirmed that Mr. Solanki was appointed as an Electric Loco Fitter on 02.06.1987 and, after becoming medically decategorized on 15.04.1989 due to an in-service injury, was reassigned to the post of Junior Clerk based on his qualifications and physical condition. They denied his claim of having made repeated representations over the past 10 years, stating that his first official representation for compassionate appointment of his son was received only on 11.05.2023 and was duly examined. The Railway, through its letter dated 07.06.2023, informed Mr. Solanki that there is no provision for compassionate appointment in such cases where the medically decategorized employee is retained in service in an alternative role.

3.3 The reply emphasized that Mr. Solanki is nearing retirement after more than three decades of service and his documents relate only to his personal disability, not any provision justifying appointment of his son. Additionally, the

Railway affirmed that a Liaison Officer for persons with disabilities has already been appointed, as per requirements. In conclusion, the Railway Board requested that the complaint be dismissed outright as it has no basis in law or recruitment policy.

4. Hearing:

4.1 A hearing in hybrid mode was conducted on 01.09.2025. The following parties/representatives were present:

Sl. No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
1.	Mr.Surendra Singh	Complainant	Online
2.	Mr. Suprakash- Sr. Div. Personnel Officer- Kota Div.	Respondent	Online

5. Proceedings of the Hearing:

5.1 During the hearing, the Complainant informed the Court that he attained supernnuation on 28.02.2025, and he had filed this Complaint earlier regarding the appointment of his son on compassionate grounds.

5.2 During the proceedings, Court explained the legal framework governing compassionate appointments in government service. It was clarified that such appointments are ordinarily considered only in cases where a government employee dies while in service or suffers a disability that completely incapacitates him/her from continuing their duties. These provisions are intended primarily to provide immediate financial support to families facing sudden hardship, rather than to serve as a routine employment entitlement.

5.3 The Respondent Railway authorities submitted that after the Complainant acquired disability, he was not removed from service but was instead provided with an alternative suitable post as per applicable rules. They further stated that he continued in service, received promotions and other service-related benefits, and eventually retired with full retirement benefits. Therefore, according to them, the conditions required for granting compassionate appointment to a family member were not satisfied.

5.4 After hearing both parties and examining the facts on record, the Court observed that the Complainant had already been accommodated during service and had received all due benefits. Since the case did not meet the prescribed criteria for compassionate appointment and no exceptional grounds were established, the Court found no justification for granting further relief.

6. Observations and Recommendations:

6.1 After careful consideration of the pleadings, submissions made during the hearing, and documents placed on record, the Court observes that Complainant had sustained a serious disability while in service but was subsequently accommodated in an alternative suitable post in accordance with the applicable service rules of Indian railways. He continued in service for several years, received promotions, and ultimately retired with full retirement benefits. This indicates that the employer had taken reasonable steps to ensure continuity of service and financial stability despite the disability.

6.2 The Court notes that compassionate appointment is an exception to the normal recruitment process and is intended primarily to provide immediate financial relief to the family of a government servant who dies in harness or becomes completely incapacitated and unable to continue in service. In the present case, since the Complainant remained in service after disability and was provided alternative employment, the essential condition of sudden financial distress justifying compassionate appointment does not appear to be fulfilled.

6.3 The Court also observes that no statutory rule, circular, or Office Memorandum (OM) has been produced which specifically provides for compassionate appointment to a dependent solely on the ground that an employee became disabled but continued in service in an alternative post. The submissions of the Respondents, representing the Ministry of Railways, therefore appear consistent with the established policy framework governing such appointments.

6.4 At the same time, the Court acknowledges the hardship faced by employees who acquire severe disabilities during service. Government departments and public sector organizations are encouraged to strengthen rehabilitation measures, including accessible workplaces, medical assistance, counselling support, skill-based redeployment, and awareness regarding disability rights, in line with the spirit of the Rights of Persons with Disabilities Act and related executive instructions.

6.5 The Court recommends that authorities continue to ensure timely communication of rules and entitlements to employees acquiring disabilities, so that misunderstandings regarding compassionate appointment or other benefits may be avoided. Departments may also periodically review welfare schemes, training opportunities, and post-retirement support mechanisms for such employees to promote their dignity and financial security.

6.6 Since no legal provision supporting the request for compassionate appointment has been established, therefore, no further intervention is warranted.

7. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities