



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
 5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011)20892364
 5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
 Email: ccpd@nic.in; Website: www.ccpd.nic.in

Case No. 14563/1101/2023

In the matter of-

Shri Piyush Sardana

...Complainant

Versus

The Commissioner,
 Kendriya Vidyalaya Sangathan

...Respondent

1. Gist of the case:

1.1 Shri Piyush Sardana, a Primary Teacher with 70% permanent multiple disability, filed a complaint on 10.10.2023 after being transferred to KV Sector 31D, Chandigarh under the annual transfer policy. As all primary classes are on upper floors, access via ramps or stairs is extremely difficult due to his prosthetic leg, causing pain and damage to it.

1.2 He requested transfer to KV Sector 80, Mohali, where ground-floor primary classes and a vacant post are available, citing medical and compassionate grounds, and stating it would not cause financial burden.

1.3 A Notice dated 16.10.2023 was issued to the Respondent under Sections 75 & 77 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred as the Act), seeking comments within 30 days. Despite a final reminder on 22.11.2023, no response was received.

2. Hearing:

2.1 A hearing was conducted on 10.11.2025 in hybrid mode. Wherein following parties/representatives were present:

Sl.No.	Name of the parties /Representatives	Parties	Mode
1.	Shri Piyush Sardana	Complainant	Online
2.	Shri Amar Pal Singh Brar, Assistant Commissioner, Kendriya Vidyalaya Sangathan	Respondent	Online

3. Proceedings of the hearing:

3.1 At the outset, Complainant reiterated his complaint and the Respondent submitted that the Complainant was granted transfer to his first-choice station under the online transfer policy. It was stated that presently no vacancy exists at KV Mohali. Transfers are governed by an online, transparent policy based on transfer count points. The Complainant presently has 42 transfer points (to become 44 next year). Reservation or advance assurance of posting against a future vacancy is not permissible under the existing policy.

3.2 The Respondent further submitted that the Principal of KV Sector 31, Chandigarh, is willing to reorganize classes and make necessary arrangements to mitigate accessibility difficulties faced by the Complainant. It was also informed that KVS provides 40 transfer count points to employees with benchmark disabilities as reasonable accommodation.

3.3 The Respondent has submitted that ramps are available and that the Principal is ready to reorganize classes to reduce hardship.

4. Observations:

4.1 After hearing both parties and perusing the submissions, the following observations has been made:

4.1.1 The Complainant was granted transfer to his preferred station under the applicable transfer policy.

4.1.2 The grievance primarily concerns accessibility and reasonable accommodation in the present place of posting.

4.1.3 Under Sections 3 and 20 of the Act, persons with benchmark disabilities are entitled to reasonable accommodation and a non-discriminatory work environment.

4.1.4 While this Court does not interfere in routine administrative transfers

governed by transparent policy mechanisms unless discrimination is established, it is within the mandate of this Court to ensure accessibility and reasonable accommodation at the workplace.

5. Recommendations:

In view of the statutory mandate contained under the Act, particularly Sections 3, 20, and 21 thereof, which cast an obligation upon every establishment to provide reasonable accommodation, non-discriminatory treatment, and an accessible work environment to persons with disabilities, the following recommendations are issued:

5.1 The Respondent, to ensure reasonable accommodation and workplace accessibility to the Complainant in letter and spirit by undertaking the following measures:

- (a) Assigning, primary teaching classes and duties on the ground floor so as to ensure barrier-free access and mobility for the Complainant;
- (b) Avoiding, to the extent reasonably possible, any requirement compelling the Complainant to repeatedly access upper floors, particularly where such access may adversely affect his mobility, dignity, safety, or independent functioning;
- (c) Ensuring that all accessibility infrastructure, including ramps, lifts, railings, accessible pathways, and allied facilities, remains functional, safe, and compliant with accessibility standards prescribed under Sections 40 and 46 of the Act;
- (d) Providing reasonable accommodation within the meaning of Section 2(y) of the Act, so as to enable the Complainant to effectively discharge his professional duties without suffering discrimination on account of disability;
- (e) Ensuring compliance with Section 20 of Act, which mandates that no establishment shall discriminate against any person with disability in matters relating to employment, posting, or working conditions, and further obligates the employer to provide a barrier-free and conducive work environment.

5.2 The Respondent establishment also formulate and adhere to a non-discriminatory policy framework consistent with Section 21 of the Act, so as to safeguard the rights, dignity, and equal participation of employees with disabilities.

5.3 However, it is clarified that in the event of any future action, transfer, posting, administrative arrangement, or deviation from established policy resulting in denial of reasonable accommodation, unequal treatment, or impairment of the

Complainant's statutory rights under the Act, the Complainant shall be at liberty to seek appropriate legal remedies in accordance with law.

5.4 In terms of Section 76 of the Act, the respondent is recommended to submit the Action Taken Report on this Order within 90 days from the date of receipt of this Order.

5.5 Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities