



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. 14724/1022/2023

In the matter of:

Complainant(s):

Shri Vaibhav Kumar Sharma

Respondent(s):

The Commissioner, Kendriya Vidyalaya Sangathan (commissioner-kvs@gov.in)

1. Gist of Complaint:

1.1 The Complainant, Shri Vaibhav Kumar Sharma, a person with disability and working as a Trained Graduate Teacher (Social Science) in Kendriya Vidyalaya Sangathan (KVS), submitted a grievance dated 20.12.2023. He is currently seeking a transfer from his current posting in Meerut Cantt, Uttar Pradesh, to his home district of Jaipur or neighbouring areas in Rajasthan. The Complainant submitted that his current long-distance assignment causes significant logistical hardship on account of his disability and requested a reassignment to a more accessible location. It was further highlighted that suitable vacancies for his position currently exist in Jaipur, Dausa, Sikar, and Pali, and he seeks administrative re-allocation based on his physical handicap (PH) status to resolve these difficulties.

2. Notice Issued:

2.1 The matter was taken up with the Respondent vide email on 28.12.2023 citing statutory provisions and government instruction under Sections 75, 77, 3, 20(5), 21 and 23 of the Rights of Persons with Disabilities Act, 2016 read with Rule 8 of the RPwD Rules, 2017.

3. Respondents Reply to the Notice:

3.1 The Respondent submitted vide letter dated 11.01.2024 that the Complainant was appointed as TGT (Social Science) and was allotted to the Agra Division by KVS Headquarters, Delhi on 14.11.2023. At the time of allotment, vacancies for TGT (Social Science) were available at Kendriya Vidyalaya Punjab Lines, Meerut Cantt. and Kendriya Vidyalaya Mahoba. As per the Complainant's dossier, his native place is Jaipur, Rajasthan and considering the distance from Jaipur as well as ease of communication and transportation, he was posted to Kendriya Vidyalaya Punjab Lines, Meerut Cantonment.

4. Notice of Legal Framework Issued:

4.1 The matter was further looked into with the Respondent vide notice dated 29.01.2024 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.

5. Respondent's Reply to the Notice:

5.1 The Assistant Commissioner submitted on 25-01-2024 that the Complainant was selected as TGT (Social Science) through direct recruitment and allotted to Agra Region via software allocation to fill vacancies nationwide with due consideration for PwD candidates near their declared native places based on available posts. He received an offer from the Agra Regional Office (Memo dated 30.11.2023) for posting at Kendriya Vidyalaya, Punjab Lines, Meerut Cantt, where he joined on 21.12.2023. It implies no further transfer is feasible given the allocation process and vacancy constraints at the time.

5.2 Kendriya Vidyalaya Sangathan (KVS) HQ, in its detailed reply dated 02.05.2024 by Assistant Commissioner outlines the legal framework under RPwD Act 2016 emphasizes reasonable accommodation, preference in postings near native places for PwD employees in Groups A-D subject to administrative constraints, exemption from routine transfers where feasible and special consideration for caregivers of disabled dependents to support rehabilitation. KVS affirms adherence to its Transfer Policy 2023 which prioritizes organizational needs and equitable distribution but grants PwD employees the highest weightage (+40 Transfer Counts, -20 Displacement Counts), software-based initial allocations considering native place vacancies, same-station promotions where possible and post-transfer flexibility for exceptional PwD/caregiver cases against clear vacancies. While acknowledging court precedents mandating compassionate exemptions for PwD from rigid transfers despite service rules or All-India liability,

KVS asserts that individual requests like Complainant's are considered through proper channels subject to vacancy availability and administrative exigencies without claiming transfer as a right.

6. Status Update Sought by the Court:

6.1 Assistant Commissioner submitted their reply on 28.07.2025 and stated that the Complainant a TGT (S.St.) joined KV PL Meerut via direct recruitment on December 21, 2023. Although the Complainant applied for a transfer to several preferred locations including Jaipur, Deoli, Swaimadhopur, Bandarsindri and Bharatpur with a transfer count of 42, his request could not be granted. KVS stated that while his application was considered sympathetically during the Annual Transfer Process for 2025, the transfer was not possible due to a lack of vacancies at his chosen locations.

7. Hearing

7.1 A hearing was conducted on 24.12.2025 in hybrid mode wherein the following parties/representatives were present:

S. No.	Name & Designation	On behalf of
1	Shri Vaibhav Kumar Sharma	Complainant
2	Shri Saurabh Jaitly Assistant Commissioner	Respondent

8. Record of Proceedings

8.1 During the hearing, the Complainant, Shri Vaibhav Kumar Sharma, submitted that he has a 50% physical disability and is currently posted in Meerut Cantt, Uttar Pradesh, which is far from his home district of Jaipur, Rajasthan. He emphasized that his condition makes long-distance commuting and lack of family support a significant hardship, requesting a transfer to Jaipur or neighbouring areas such as Dausa, Sikar, or Pali.

8.2 In response, the Respondent, representing Kendriya Vidyalaya Sangathan (KVS), contended that the Applicant's previous requests could not be accommodated due to the non-availability of vacancies at the preferred locations at that specific time. The Respondent further clarified that the annual transfer portal is expected to open between December and January, and the Complainant remains eligible to apply through the formal online process.

8.3 The Court observed that while administrative constraints such as vacancy availability are valid, the Respondent must prioritize the needs of employees with benchmark disabilities. The Respondent was advised to provide proof regarding the lack of vacancies in the Complainant's preferred locations for the previous cycle and was further directed to consider the Complainant's upcoming application with a sympathetic lens. The Court emphasized that the Respondent should facilitate a posting at a more accessible location to ensure the employee can perform his duties without undue physical strain, subject to administrative feasibility.

9. Observation and Recommendation:

9.1 The Court observes that the Complainant's grievance regarding his posting far from his home district persists despite his disability, which necessitates further consideration under the mandate of Sections 3 and 20 of the Rights of Persons with Disabilities (RPwD) Act, 2016, regarding reasonable accommodation.

9.2 The Court emphasizes that transfer matters involving persons with disabilities must be adjudicated with due regard to their specific physical limitations and the necessity of a support system, rather than being subjected to routine administrative norms or rigid "demand and supply" balances that overlook inherent hardships. The posting and transfer of PwD employees must be guided by Reasonable accommodation, accessibility and humanitarian considerations. Native place preference, though not absolute but be meaningfully considered where vacancies exist. Software based allocations or transfer policy cannot override statutory protections under RPwD Act.

9.3 The Court highlights that the Respondent must fulfil the mandates of Section 20(5) of the RPwD Act, 2016, and relevant DoPT Office Memorandums which instruct that employees with disabilities should be posted near their native places or at their preferred stations to the extent possible. This mandate must be followed not only in letter but in spirit to ensure an inclusive work environment.

9.4 The Court notes that the Complainant has faced difficulty in securing a transfer for multiple cycles, the Respondent is advised to review the upcoming transfer application of the Complainant on a priority basis. If a vacancy exists in any of the preferred locations, the Respondent should facilitate the transfer. The Respondent is further recommended to submit an Action Taken Report (ATR) to this Court regarding the outcome of the Complainant's representation within 90 days in accordance with Section 76 of the RPwD Act, 2016 within 45 days, failing which this Court may be constrained to initiate action under sections 77, 89 and 93 of the Act. The Court has determined that no further intervention is necessary.

10. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities