



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.ccdisabilities.nic.in

Case No-14262/1024/2023

Complainant:

Shri Dhiraj Kumar

Respondent(s):

The Secretary

Railway Board (Ministry of Railways)

The General Manager,

East Central Railway Hajipur,

Vaishali, Bihar

1. Gist of the Complaint:

1.1 Dhiraj Kumar, filed an orthopedically disabled employee (45%), currently serving as Assistant Depot under the General Store Depot, Garhara, filed a complaint dated to revise his basic pay under the provisions of RBE No. 90/2016, Para-5. Despite submitting the application on 03/02/2023, the department rejected it.

1.2 He highlights that two other similarly placed PWD employees—appointed in the same month, year, and grade pay—were granted the same benefit after favorable decisions by the Chief Commissioner for Persons with Disabilities. Their current basic pay is ₹22,800, while his is ₹22,100, creating an unjustified discrepancy.

2. Notice to Respondents:

2.1 A notice dated 11.07.2023 was sent to the respondents for violation of Section 20 of the Act & RBE No. 90/2016 para 5 dated 28.07.2016 to submit to the Court their reply within the statutory time period.

3. Reply made by the Respondents

3.1 The Divisional Personnel Officer, East Central Railway, in their reply dated 11.09.2023, stated that the complainant, employed as Assistant Depot Stores (ADS) in Sonpur Division, submitted an application on 03.02.2023 requesting pay fixation at ₹22,800 in parity with two other disabled employees. However, the Respondent contended that the matter falls under the jurisdiction of the Central Administrative Tribunal (CAT), as there is no discrimination based on the complainant's disability.

3.2 They further clarified that as per RBE No. 90/2016, employees were required to exercise their option for pay fixation within three months of the notification, which the complainant failed to do. Consequently, he was deemed to have accepted the revised pay structure effective from 01.01.2016, and his pay was fixed accordingly under the 7th Central Pay Commission (CPC). Since the complainant submitted his option nearly seven years later, in 2023, the claim was considered abnormally delayed with no provision for condonation. The Respondent added that the Complainant is already receiving all disability-related benefits and therefore the complaint is without merit and liable to be dismissed.

4. Rejoinder filed by the complainant

4.1 The Complainant vide letter dated 19.09.2023 stated that he is not satisfied with the explanation provided by the department. He states that at no point was he asked by the department to exercise the option under RBE No. 90/2016, Para-5 dated 28/07/2016. If the department claims otherwise, it must clearly specify when and through which medium the option was sought from him.

4.2 Furthermore, Mr. Kumar draws attention to two earlier cases—Case No. 12912/1023/2021 (Amrit Kumar) and Case No. 13227/1023/2022 (Shamsher Kumar)—where the Hon'ble Court of the Chief Commissioner for Persons with Disabilities directed the department to extend the benefit of this rule to similarly placed employees. Mr. Kumar asserts that all three individuals were appointed in the same month, year, and grade pay under the PWD quota, and hence, he is similarly entitled to the benefit. In light of these facts and the precedent set by the aforementioned cases, the complainant respectfully requests that he also be

granted the benefit of pay re-fixation under RBE No. 90/2016, Para-5, in the interest of fairness and equality.

5. Hearing:

5.1 A hearing in hybrid mode was conducted on **08.07.2025**. The following parties/representatives were present:

Sl.No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
1.	Mr. Dhiraj Kumar	Complainant	Online
2.	Mr. Adesh Kumar, Joint Director	For Respondent No.1	Online
3.	Mr. Dilip Paswan Sr. DPO/SEE	For Respondent No.2	Online

6. Record of Proceedings:

6.1 At the outset, the Complainant reiterated his grievance regarding the rejection of his application for revision of basic pay. He cited an unjustified pay discrepancy, as two other employees with benchmark disabilities, appointed in the same month and year as the complainant were granted the same benefit following favourable decisions by this Court vide Orders issued in Case No.12912/1023/2021 & 13227/1023/2022.

6.2 The Respondent's submitted that the Complainant was required to exercise his option for pay fixation within three months from the date of issuance of the notification, which he failed to do. Consequently, he was deemed to have accepted the revised pay structure effective from 01.01.2016, and his pay was fixed accordingly under the 7th Central Pay Commission (CPC). The Respondent did not consider the Complainant's option as it was submitted nearly seven years later in 2023, hence was unreasonably delayed. The Complainant informed that there was no provision for condonation of such delay.

7. Observations and Recommendations:

7.1 After hearing both parties, the Court observed that there was no technical or legal error in the matter. The Complainant's claim appears to be delayed due to

negligence. Also, the three month limitation for exercising the option for pay fixation is applicable to all, including persons with disabilities. The Complainant's disability cannot be cited as a reason for unjustifiable delay.

7.2 While the Court is meant for the welfare of persons with disabilities, it does not find any legal basis for the claim after seven years. However, the Court suggests that the Respondent may consider making provisions to support the Complainant's livelihood, if possible. The Respondents must take a sympathetic view.

7.3 If the Complainant is not satisfied with the Court's observation, he may approach any other judicial body or Central Administrative Tribunal for relief.

7.4 In view of Section 20 of the RPwD Act, which mandates non-discrimination in employment, the Respondents may ensure that all time-bound service options, including pay fixation choices under relevant Railway Board Establishment (RBE) orders, are clearly communicated to employees with benchmark disabilities through verifiable and accessible means. Proper documentation of such communication should be maintained to prevent future disputes.

8. Accordingly, the case is disposed of .

(S. Govindaraj)

Commissioner for Persons with Disabilities