



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/14542/1011/2023

In the matter of —

K. Manikandan

... Complainant

Versus

The Secretary,
 Railway Board

... Respondent No.1

The Chairman,
 Railway Recruitment Cell

... Respondent No.2

1. Gist of the Case:

1.1 Mr. K. Manikandan, a person with a benchmark disability, filed a Complaint dated 05/10/2023 regarding the denial of appointment to a Group 'D' post in Indian Railways under the 20% horizontal reservation quota for Course Completed Act Apprentices (CCAA) who are Persons with Disabilities (PwDs), despite qualifying the RRC Cen. No. 01/2019 examination and being medically fit for the role of Carpenter.

1.2 The Complainant completed a 3-year Railway Act Apprenticeship (CCAA) as a Carpenter at Integral Coach Factory (ICF), Chennai, from 2007-2010, securing National Council for Vocational Training (NCVT) certification after clearing the written test, interview, certificate verification, and medical fitness, including workshop training where he stood for 8 hours daily. He applied for and appeared in the Railway Recruitment Cell (RRC), Southern Railway's Cen. No. 01/2019 Group 'D' examination on 18/09/2022 (Roll No. 184192180003357; Registration

No. 1230025036), under the 20% CCAA reservation for PwDs, and qualified. Document verification and medical examination were conducted on 17/02/2023 at Southern Railway HQ Hospital, Egmore, Chennai, where he was declared fit across all functional categories (S=Sitting, ST=Standing, W=Walking, BN=Bending/Lifting, KC=Kneeling/Crouching, RW=Reading/Writing, MF=Manipulation by Fingers, PP=Pulling/Pushing, SE=Seeing, C=Communication/Hearing). Despite this, RRC rejected his candidature on grounds that no posts in Group 'D' are identified/reserved for BL (Both Legs) category under Locomotor Disability (LD), unlike for OL (One Leg) category, despite his functional mobility being equivalent (he walks with one-side caliper, stands for 12+ hours, climbs stairs, and performs carpentry tasks like drilling, grinding, moulding, and emergency panel work). The issue arose in Chennai, Tamil Nadu, post-examination results in 2023, violating the 4% horizontal reservation for PwDs under the Rights of Persons with Disabilities (RPwD) Act, 2016. The Complainant argues that the BL category includes both severely and mildly affected individuals, and mildly affected PwDs like him (40-80% benchmark) should be treated at par with OL for identified posts, as per DoPT guidelines and RPwD Act provisions; he cites a similar case where another BL PwD was appointed after medical at Southern Railway Hospital, Perambur. Subsequent communications include CPGRAMS references (e.g., 306312/2024 dated 02/04/2025 from depwd.gov.in) and requests for early hearing (e.g., 333901/2025 dated 18/03/2025). The case involves alleged discrimination under Sections 3, 7, and 20 of the RPwD Act, 2016 (equality/non-discrimination in employment), and non-implementation of 4% PwD reservation under Section 34, read with the Apprentices Act, 1961 (20% CCAA quota for PwDs).

1.3 Relief sought by the Complainant is Appointment to the Group 'D' Carpenter post under CCAA 20% PwD quota (or equivalent OL-reserved post) with back wages from 17/02/2023; directions to RRC/Railway Board to identify suitable posts for mildly affected BL PwDs at par with OL; compensation for mental agony and wasted apprenticeship training; and general guidelines for Railways to revise post identification for BL category under RPwD Act.

2. Notice issued to the Respondents:

In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a notice dated 06/10/2023 was issued for violation under sections 3, 7, 20 & 34 of the Act to the above mentioned respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondents:

3.1 The Railway Board filed a detailed reply dated 09.11.2023, affirming the position of the Railway Recruitment Cell (RRC). In its reply, the Railway Board explained the framework of vertical reservations for SC/ST/OBC categories and horizontal reservations for Persons with Disabilities (PwD) in accordance with the Rights of Persons with Disabilities (RPwD) Act. The respondents further stated that Group 'D' posts, such as Trackman and Helper, have not been identified as suitable for candidates with Blindness and Low Vision (BL) due to the functional requirements of these posts, including prolonged standing and walking without assistive aids. It was also clarified that BL candidates may be appointed only if they are medically re-categorized and found suitable for a post equivalent to the One Leg (OL) disability category. While the Railway Board directed the RRC to explore the possibility of inter-category horizontal adjustment, it rejected the request for direct appointment on the ground that no backlog vacancy or available vacancy existed for the BL category. The respondents also enclosed recruitment data demonstrating that the prescribed 15% reservation for Scheduled Castes, along with the applicable horizontal allocation for PwD candidates, had been duly implemented.

3.2 The Railway Recruitment Cell (RRC), Southern Railway, Chennai, filed its reply, inter alia through status reports (including the report dated 31.08.2024) stating that the recruitment process was conducted strictly in accordance with Centralized Employment Notification (CEN) No. 01/2019. The respondents submitted that only specified posts, such as Helper and Mechanic, have been identified as suitable for candidates with Locomotor Disability-One Leg (LD-OL), and not for candidates falling under the Blindness and Low Vision (BL) category, in accordance with the guidelines issued by the Ministry of Social Justice and Empowerment and the Department of Personnel and Training (DoPT) Office

4. Rejoinder filed by the Complainant:

4.2. Through subsequent representations dated 14.11.2023, 26.10.2023, 23.04.2024, 31.05.2024, 19.09.2024, 22.10.2024, and 14.07.2025, the complainant highlighted his continued unemployment, requested early disposal of the matter, and submitted supporting documents, including CPGRAMS communications and disability certificates. He further urged the authorities to enforce Section 34 of the RPwD Act and fill backlog vacancies reserved for persons with disabilities.

5.1 A hearing was conducted in the hybrid mode on 09.12.2025 wherein the following parties were present:

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Sl. No.	Name & Designation of the Attendees (Smt./Shri)	On behalf of	Mode of Presence
1.	K. Manikandan	Complainant	Online
2.	Siddharth K Verma, IRPS Chairman, RRC Chennai	Respondent	Online

5.2 The Complainant, through his brother, reiterated that despite the specific disability category not being explicitly mentioned, he was functionally capable of performing the duties of the post. It was further submitted that he possessed relevant apprenticeship certification and that the application format did not provide an option for the BL (Both Legs) category, thereby limiting proper disclosure.

5.3 The Respondent submitted that the recruitment was conducted strictly in accordance with the notified advertisement and applicable guidelines. It was explained that due to safety considerations and category-specific identification of posts, only OL (One Leg) category candidates were notified as suitable, and therefore, the Complainant could not be considered under any other category.

5.4 The Court observed that rigid rejection based solely on predefined disability categories, without undertaking a proper functional assessment of the candidate's abilities is not in consonance with the principle of reasonable accommodation. It was further observed that identification of posts is not exhaustive in nature, and employers are required to assess actual functional capacity. While noting certain inconsistencies in disclosure by the Complainant, the Court emphasised that functional ability must take precedence over rigid categorisation. Accordingly, the Respondent, Indian Railways, was advised to incorporate functional assessment mechanisms in future recruitment processes to ensure compliance with the principles underlying the Rights of Persons with Disabilities Act, 2016.

6. Observation and Recommendations:

6.1 Upon consideration of the pleadings, submissions, and material placed on record, it is observed that the denial of appointment to the Complainant solely on account of his categorization under the BL (Both Legs) disability category, without undertaking an individualized functional assessment, appears inconsistent with the

spirit and objectives of Sections 3, 20, and 34 of the Rights of Persons with Disabilities Act, 2016. The Complainant had been declared medically fit and possesses relevant apprenticeship training. It is further observed that the list of identified posts is not exhaustive and that employers are required to assess the functional suitability of candidates in light of the applicable guidelines issued by the Department of Personnel and Training (DoPT) and the principles laid down by the Hon'ble Supreme Court in *Vikash Kumar v. UPSC*. While any misrepresentation in the application form cannot be encouraged, the absence of a specific column for the BL category and the consequent rejection of candidature without a functional assessment appear to defeat the object of the reservation framework under the RPwD Act.

6.2 In view of the above, it is recommended that the Respondents undertake a functional assessment of the Complainant for suitable Group 'D' posts, including the post of Carpenter or any other equivalent post, and consider his candidature against available backlog vacancies reserved for Persons with Benchmark Disabilities (PwBD), if he is found suitable. The Respondents may also examine the feasibility of extending consequential service benefits, in accordance with applicable rules and law, from the date on which the Complainant was declared medically fit, i.e., 17.02.2023.

6.3 It is further recommended that the Respondents review their existing post-identification framework and recruitment procedures to ensure greater alignment with the provisions and objectives of the Rights of Persons with Disabilities Act, 2016. The Respondents may also consider incorporating separate disability sub-categories in future application forms and adopting functional assessment-based evaluation wherever appropriate.

6.4 The Respondents are requested to furnish an Action Taken Report (ATR) on the above recommendations within a period of three (3) months from the date of receipt of this Order, in terms of Section 76 of the Rights of Persons with Disabilities Act, 2016.

7. Accordingly, the case is disposed of.

(S. Govindraj)
Commissioner for Persons with Disabilities