



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
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Case No.: 14396/1022/2023

In the matter of—

Complainant

Shri Kuldeep

Versus

Respondent(s)

The Commissioner, Kendriya Vidyalaya Sangathan (KVS), New Delhi

1. Gist of Complaint:

1.1 The Complainant, Shri Kuldeep, a person with 75% locomotor disability and wheelchair user, working as Primary Teacher at Kendriya Vidyalaya submitted a grievance dated 06.08.2023 seeking cancellation of his transfer order and retention at his existing station. The Complainant submitted that he had opted for “No Transfer” in the consent process; however, due to an alleged technical issue in the transfer portal, his request was wrongly processed as willingness for transfer, resulting in transfer to Gurugram. The Complainant further submitted that he had not completed the minimum tenure, was dependent on family support for commuting, was undergoing Panchkarma/Ayurvedic therapy, and transfer outside his native place would adversely affect his health, mobility and work efficiency.

2. Notice Issued:

2.1 The matter was taken up with the Respondent vide notice dated 16.08.2023 citing provisions u/s 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.

2.2 Thereafter, a final reminder dated 20.09.2023 was issued directing submission of comments within 15 days and drawing attention to Rule 38(2) of the

RPwD Rules, 2017 and Section 93 of the Act.

3. Submissions made by the Respondent:

3.1 The Respondent vide letter dated 20.10.2023 submitted that in compliance with the communication of this Court, the place of posting of Shri Kuldeep, PRT, earlier shown as KV No.1 AFS Gurugram (Shift-I), had been modified to KV Dwarka SPG vide order dated 20.10.2023. The Respondent accordingly stated that the representation of the Complainant stands disposed of.

4. Rejoinder

4.1 The Complainant thereafter submitted communication dated 05.11.2023/ 06.11.2023 stating that he sought cancellation of the transfer order, not merely modification, and requested that the first available position at KV Dwarka Sector-5 be reserved for him.

5. Hearing:

5.1 A hearing was conducted on 27.11.2025 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Saurabh Jaitly, Assistant Commissioner, KVS HQ	Respondent

6. Record of Proceedings:

6.1. The Complainant was absent during the hearing.

6.2 During the hearing, the representative of the Respondent submitted that the grievance of the Complainant had already been addressed. It was submitted that pursuant to the grievance raised, the earlier transfer to Gurugram had been cancelled/modified and the Complainant had been posted back to Dwarka. The representative of the Respondent further submitted that the relevant records/documents demonstrating redressal would be filed before this Court. This Court recommended the Respondent to submit all supporting records within seven days to establish that the grievance stands redressed. In view of the submissions made and material on record, the matter was reserved for final consideration.

7. Observations and Recommendations:

7.1 The record reflects that pursuant to intervention of this Court, the Respondent

reconsidered the grievance and modified the transfer/posting order by posting the Complainant back to Dwarka station. The remaining grievance of posting at a specific school/unit within Dwarka pertains substantially to administrative placement subject to availability, institutional requirement and applicable policy.

7.2 Nevertheless, while dealing with employees with benchmark disabilities, preference for accessible posting, continuity of medical support, family support systems and commuting feasibility ought to receive due consideration under Sections 3 and 20 of the Rights of Persons with Disabilities Act, 2016.

7.3 The Court further observed that the proceedings reveal that the institution of Grievance Redressal Officer, mandated under Section 23 of the RPwD Act read with Rule 10 of the RPwD Rules, 2017, is not shown to be fully functional in the Respondent establishment. The Respondent is advised to strengthen internal grievance redressal mechanisms and to consider future posting requests of employees with disabilities in a rights-based and accessibility-oriented manner.

7.4 Since substantial redressal has been provided by the Respondent, therefore, the Court has determined no further intervention in the matter is required. However, the Respondent is directed to submit a copy of the Cancellation Order.

8. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities