



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: 14419/1022/2023

In the matter of:

Complainant

Shri Aman Kumar Bansal

Versus

Respondent(s)

The Commissioner, Kendriya Vidyalaya Sangathan, New Delhi

1. Gist of Complaint:

1 . 1 The Complainant, Shri Aman Kumar Bansal, a person with 100% visual impairment (benchmark disability), filed the present complaint submitting that he is employed with Punjab National Bank and posted at Saharanpur, Uttar Pradesh. The Complainant submitted that his wife, Smt. Bharti Garg, is working as Primary Teacher (PRT) in Kendriya Vidyalaya Sangathan and was posted at Kendriya Vidyalaya Amhat Sultanpur, Uttar Pradesh, at a place around 700–800 kilometres away from him. It was further submitted that under the KVS Transfer Policy, 2023, employees who are caregivers of dependent persons with disabilities (including spouse) are entitled to due consideration for transfer. However, the Principal allegedly declined to endorse the application of his wife on the ground that since the Complainant was employed, he could not be treated as dependent.

2. Notice Issued:

2.1 The matter was taken up with the Respondent vide notice dated 27.08.2023 u/s 75 and 77, 3, 20(5), 21 and 23 of the RPwD Act, 2016 read with Rule 8 of the RPwD Rules, 2017.

3. Respondent's reply to the Notice:

3 . 1 The Respondent submitted reply vide dated 24.11.2023 and further submissions thereafter. It was submitted that transfers in KVS are processed through online system and are governed by the notified Transfer Policy, 2023. The

Respondent further submitted that the wife of the Complainant had subsequently been allotted a nearer station approximately 75 kilometres away and further requests could be considered subject to vacancy in future transfer cycle.

4. Rejoinder:

4.1 The Complainant, in his rejoinder dated 17.12.2023, reiterated his appreciation for the transfer of his wife to KV Muzaffarnagar but emphasized that as her least preferred choice, it fails to facilitate the spousal care mandated under Part-1-A, Para 3, II of the Transfer Policy 2023, subsequently requesting a posting to Saharanpur to resolve their continued separation. Furthermore, he sought a formal justification regarding the contradictory administrative actions taken by the Principal of KV Amhat Sultanpur and requested information on any disciplinary measures initiated against the said official to address the inconsistencies and mental harassment faced during the process.

5. Hearing:

5.1 A hearing was conducted on 10.12.2025 in hybrid mode wherein the following parties/representatives were present:

S. No.	Name & Designation	On behalf of
1	Shri Aman Kumar Bansal	Complainant
2	Shri Saurabh Jaitly, Assistant Commissioner, KVS HQ	Respondent

6. Record of Proceedings:

6.1 During the hearing, the Complainant submitted that although he is employed, he has 100% visual impairment and continues to require the assistance of a caregiver for his daily activities. He, therefore, contended that the denial of the caregiver benefit was unjustified.

6.2 The Respondent submitted that the Complainant's spouse had already been posted to a nearby station and that any future request for transfer or posting would be considered subject to the availability of vacancies and the applicable policy.

6.3 Upon consideration of the submissions, this Court observed that the mere fact of employment or financial independence cannot, by itself, be construed as absence of dependency in the case of persons with disabilities. The requirement of functional and physical support is an equally relevant consideration while examining claims relating to caregiver assistance and allied benefits.

7. Observations and Recommendations:

7.1 This Court notes that the posting of the Complainant's spouse to a nearby station has substantially redressed the grievance. However, the initial denial of the caregiver benefit solely on the ground that the Complainant was employed reflects

an unduly restrictive interpretation of the provisions of the RPwD Act, 2016. The Respondent is, therefore, advised to ensure that the prescribed Grievance Redressal mechanism is effectively operationalized and that any future request for posting or transfer of the caregiver is considered empathetically, subject to administrative feasibility and availability of vacancies.

7.2 This Court further observes that the support requirements of employees with disabilities, as well as those of employees who are caregivers of persons with disabilities, vary from case to case. Consequently, the requirement of reasonable accommodation must also be assessed on a case-specific basis. The Respondent is, therefore, advised to implement the provisions of Section 20(5) of the RPwD Act, 2016, Rule 8(c) of the RPwD Rules, 2017, and the DoPT Office Memorandum No. 36035/44/2023-Estt. (Res.) dated 02.02.2024 in both letter and spirit.

7.3 Furthermore, the Respondent is recommended to review the matter in the light of the aforesaid statutory provisions and policy guidelines as part of its obligation to provide reasonable accommodation under the RPwD Act, 2016. The Respondent is further advised to furnish an Action Taken Report before this Court within 45 days from the date of receipt of this Recommendation Order, indicating the steps taken to implement the above recommendations. In the event of non-compliance, this Court may consider initiating appropriate proceedings under the relevant provisions of the RPwD Act, 2016, including Sections 77, 89 and 93, as may be applicable.

8. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities