



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: 14211/1022/2023

In the matter of

Sh. Diwan Singh Negi

...Complainant

Versus

The Chairman, State Bank of India, Mumbai

...Respondent

1. Gist of Complaint

1.1 The Complainant, Shri Diwan Singh Negi, a Chief Manager at SBI with 42% locomotor disability, submitted a grievance dated 06.06.2023 appealing for the cancellation of his inter-circle transfer on medical grounds. Initially promoted to SMGS-IV on 26.04.2023 at Kotkhair (H.P.), he was transferred from the Chandigarh Circle to the Chennai Circle on 03.05.2023 and relieved on 08.05.2023. His disability stems from a 2014 road accident, and he was certified with locomotor disability by the CMO, Kinnaur, on 15.05.2023 under the RPwD Act, 2016, with a certificate valid until 15.05.2025 and reassessment due in two years. Following the transfer order, the Complainant appealed for its cancellation on medical and disability grounds and met officials at LHO Chandigarh on 23.05.2023, who advised him to approach the Corporate Centre, Mumbai. Since then, he has repeatedly written to the AGM (HR) Chandigarh Circle and the Cadre Management Department Mumbai but received no response, while HR personnel have directed him to communicate via WhatsApp with the Corporate Centre while continuing to press him to join LHO Chennai. Despite his deteriorating health and doctors recommending hip replacement surgery, his requests have been ignored, leading him to seek the formal cancellation of his transfer to Chennai and a requested posting at Shimla or near his native place in District Kinnaur, Himachal Pradesh, on medical disability grounds.

2. Notice Issued

2.1 The matter was taken up with the Respondent vide notice dated 13.06.2023 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.

3. Respondent's reply to the Notice

3.1 The Respondent submitted that while PWD employees are generally exempted from routine transfers, they must officially update their disability status in the HRMS by submitting a valid certificate. The Complainant had not done so prior to his transfer order dated 03.05.2023 and only submitted medical documents later on 23.05.2023 with the certificate itself issued on 15.05.2023. SBI emphasized that his disability was recorded as temporary, valid for two years. The Bank further noted that during his promotion interview, the Complainant had signed an undertaking agreeing to postings anywhere in India or abroad. It maintained that the transfer was issued in accordance with rules and existing records but assured that the matter had been referred to Corporate Centre, reaffirming its commitment to protecting the interests of PWD employees.

4. Rejoinder

4.1 The Complainant in a formal rejoinder vide email dated 21.06.2023, argued that most SMGS-IV officers promoted in 2023–24 were retained within the Chandigarh Circle, while only a few including himself, were transferred out indicating non-uniform and undisclosed transfer criteria. He further stated that as per practice, officers generally remain in their parent circle up to SMGS-V and the undertaking for transfer is a mandatory formality during the promotion process, without which officers cannot appear for the interview.

4.2 The Complainant stated that his disability details are now updated in the Bank's HRMS and that his condition is worsening, with doctors recommending joint replacement surgeries due to severe pain and improper healing of past fractures. He argued that Inter Circle Transfers require a minimum five-year stay, which would be extremely difficult for him in Chennai given his medical condition and lack of family support there. He expressed disagreement with the Bank's response.

5. Notice of Legal Framework

5.1 The matter was further looked into with the Respondent vide notice dated 19.01.2024 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.

6. Reply to Legal Framework

6.1 The General Manager vide letter dated 19.03.2024 informed that the Complainant was promoted and transferred from Kotkhai (H.P.) to the Local Head Office, Chennai on 03.05.2023. It was stated that until the date of transfer, he had not declared or updated his disability status in the Bank's HRMS. SBI contended that since no such record existed earlier, the transfer order remained valid. The Bank further highlighted that while PWD employees are generally exempt from routine transfers, such exemption is contingent upon the official submission of a disability certificate in HRMS. Furthermore, during his promotion interview, the Complainant had given an undertaking agreeing to postings anywhere in India or abroad. While reiterating its commitment to safeguarding the interests of PWD employees, the Bank requested closure of the case, noting that the Complainant had already assumed charge at Chennai on 08.09.2023.

7. Hearing

7.1 A hearing was conducted on 08.09.2025 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Diwan Singh Negi	Complainant
2.	Shri Atul Sharma, Manager (Law), Chandigarh LHO	Respondent
3.	Shri Anna Tuli, AGM, Chennai LHO	Respondent

8. Record of Proceedings

8.1 During the proceedings, the Complainant, Shri Diwan Singh Negi, reiterated the complaint. He noted that while he never previously sought a disability certificate or claimed benefits, his health has deteriorated, and doctors have recommended total hip replacement surgery. He highlighted that following his promotion to scale four, his transfer from the Chandigarh Circle to Chennai, approximately 3,000 kilometers away, imposes severe physical hardship, particularly since several non-

disabled colleagues promoted around the same time were retained within the same region. He requested the cancellation of his inter-circle transfer to Chennai and a posting closer to his native place in Himachal Pradesh on medical and disability grounds.

8.2 The Respondent, State Bank of India (SBI), represented by officials from the Chennai and Chandigarh circles, submitted that the Complainant joined the bank's services on 01.03.2011 and worked across seven branches after his 2014 accident without ever recording a disability. The Respondent maintained that when the transfer order from Kotkhai to Chennai was issued on 03.05.2023, following his promotion from manager to chief manager, the Complainant was treated as a general officer because no medical certificate had been uploaded to the HRMS portal. Furthermore, the Respondent asserted that the Complainant signed an undertaking to serve anywhere upon his promotion interview and that his temporary disability certificate, valid until May 2026, does not attract the absolute protections of a permanent benchmark disability. The Respondent added that Chennai functions as a prominent medical hub with major institutions like Apollo Hospital located less than a kilometer from the office, but stated that the bank would comply with the Court's directives and consider a repatriation request once the Complainant completes his local assignment tenure.

9. Observation and Recommendations

9.1 The Court noted that the Complainant has already been relieved from his previous posting and has successfully reported to and served within the Chennai Circle for a period of two years. While the Complainant highlighted ongoing physical hardships and doctors' recommendations for a total hip replacement surgery, the Court observes that his current disability certificate is temporary in nature and valid only until May 2026, which restricts the absolute application of permanent benchmark disability transfer exemptions. Furthermore, the Court takes cognizance of the Respondent's submission that Chennai serves as a prominent medical hub equipped with advanced healthcare facilities, including major hospitals situated within close proximity to the workplace.

9.2 The Court emphasizes that administrative rules should not be interpreted in a rigid, top-heavy manner that inflicts genuine suffering on employees with physical vulnerabilities. Noting that the bank requires a minimum tenure before processing inter-circle repatriation requests, and taking into account that the Complainant has already completed two years of service in Chennai, the Respondent is advised to constructively look into the matter when the Complainant submits a fresh transfer request to return to his home circle.

9.3 The Court recommends the Respondents to submit Action Taken Report in accordance with Section 76 of the RPwD Act, 2016, within three months from the date of this order. Failure to do so may compel this Court to initiate action as per Sections 78, 89, and 93 of the Act. Consequently, the Court has determined that no further intervention is necessary.

10. Accordingly, the case is disposed of.

S. Govindaraj
Commissioner for Persons with Disabilities