



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.: DNO/25/CCPD/4780

In the matter of:

Shri Abhinav Jain (Rep by Shri Manoj Jain)

...Complainant

Versus

1. The Secretary, Department of Revenue
2. The Chairman, Central Board of Indirect Taxes and Finances
3. The Principal Commissioner of Customs (General),
Mumbai

...Respondents

1. Hearing

1.1 A preliminary hearing was conducted on 28.10.2025 in hybrid mode, wherein the following parties/representatives were present:

S.NO	NAME /DESIGNATION OF THE PARTY REPRESENTATIVE	PARTIES
1	Shri Abhinav Jain	Complainant
2	Smt. Himabindu Mudumbai, Joint secy, Dept of Revenue	Respondent 1
3	Shri Arjun Tripathi, Commissioner Customs General, Mumbai	Respondent 3

2. Record of Proceedings

2.1 The Complainant, Shri Abhinav Jain (represented by his father Shri Manoj Jain), submitted a grievance in Case No. CCPD/AD/00007/2026 against the Department of Revenue, Central Board of Indirect Taxes and Customs (CBIC), and the Commissioner of Customs (General), Mumbai. He submitted that his recent transfer order from Zone II (Nhava Sheva) to Zone I (Mumbai) directly violates statutory protections. He contended that as a primary caregiver to a child with a

benchmark disability, he is legally protected under DoPT mandates against routine rotational transfers. Citing the Gauhati High Court judgment in *Padma Kanta Bora v. State of Assam* (WP(C) No. 6714/2003), he argued that service matters involving the fundamental rights of a disabled child as a dependent fall squarely within the protection mandate of the CCPD rather than the Central Administrative Tribunal (CAT). He further alleged that the department failed to consider his statutory representation during the Annual General Transfer (AGT) cycle, despite accommodating several other employees on non-disability grounds.

2.2 During the preliminary proceedings on admissibility, the Respondent, represented by Smt. Himabindu Mudumbai, Joint Secretary (Administration), CBIC, along with field representatives from the Mumbai Customs Commissionerate, submitted that the Complainant had already completed a stable three-year tenure at Nhava Sheva (Zone II), with an additional one-year supplementary extension previously granted on compassionate grounds. The Respondent argued that the new assignment to Zone I does not shift the employee's residential base or significantly alter the physical transit distance, thereby causing no structural or geographical discomfort to the dependent child. The Respondent maintained that the transfer was driven entirely by administrative exigencies and standard tenure rotation rules.

2.3 The Court evaluated the matter under the statutory framework of the Rights of Persons with Disabilities (RPwD) Act, 2016, specifically referencing the mandate of reasonable accommodation under Section 20(5), Rule 8(3)(c) of the RPwD Rules 2017, and the updated DoPT Office Memorandum dated February 2, 2024. The Court observed that active government instructions provide explicit administrative relief to employees who are caregivers of disabled dependents, including exemption from routine rotational transfers, preference in choice posting, and proximity to native places. The Court highlighted that under the division bench ruling of the Delhi High Court in *Mukesh Kumar v. NPTI*, executive authorities cannot bypass these protective instructions unless they conclusively demonstrate an overwhelming, non-negotiable administrative exigency.

2.4 Accordingly, the Court rejected the Respondent's preliminary objections and formally admitted the case for regular adjudication. The Respondents are advised to submit a detailed, para-wise written statement along with explicit documentary proof justifying the administrative exigency behind the transfer within 15 days.

2.5 This is issued with the approval of the Commissioner for Persons with

Disabilities.

Ipsita Mitra
8.7.26
(Ipsita Mitra)

Dy. Chief Commissioner