



सत्यमेव जयते
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
5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No.			
15111/1022/2023	15667/1022/2024	15542/1022/2024	14508/1022/2023

In the matter of:

S. No.	Complainant(s)
1.	Mr. Vikash Kumar
2.	Mr. Ravi Shankar Gupta
3.	Ms. Pallavi Kumari
4.	Mr. Abhijeet Kumar

Vs.

The Chairman, Central Board of Direct Taxes

...Respondent

1. Gist of the Complaint

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1.1 The Complainant, Mr. Vikash Kumar, a Multi-Tasking Staff (MTS) employee with a 40% low-vision disability, submitted a grievance dated 07.02.2024, seeking a permanent Inter-Charge Transfer (ICT) from Kolkata to his home state of Bihar. He cited the necessity of managing his own visual impairment while providing essential care for his elderly parents, one of whom suffers from 80% hearing loss.

1.2 In response to the notice issued by this Court on 12.02.2024, the

Respondent (CBDT) submitted a reply dated 26.03.2024, contesting the request. The Respondent argued that the ICT policy was withdrawn effective 22.12.2020 and, citing Supreme Court precedents, maintained that transfers are an administrative exigency rather than a vested right of the employee.

1.3 In his rejoinder dated 29.04.2024, the Complainant highlighted the extreme hardship of living alone with a disability without a support system. Consequently, on 18.10.2024, this Court issued a recommendation under Section 20 of the RPwD Act, 2016, and relevant DoPT O.M.s, advising the Respondent to review the matter "afresh" and prioritize the rehabilitation needs of PwD employees and their caregivers.

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1.4 The Complainant, Mr. Ravi Shankar Gupta, a Tax Assistant currently posted in Chennai, submitted a grievance dated 12.08.2024, seeking a transfer to his native Bhopal, Madhya Pradesh. He emphasized his role as the primary caregiver for his elderly family members, including his father (locomotor disability), his mother (chronic asthma), and his 85-year-old grandfather, who is bedridden and partially blind.

1.5 The matter was examined under Section 2(d) of the RPwD Act, 2016, and DoP&T O.M. dated 08.10.2018, which mandates that government employees who are the main caregivers for dependent parents or family members with disabilities should be exempted from routine transfers. The Complainant argued that his presence is essential for their rehabilitation and medical needs within their native support system, which cannot be replicated in Chennai.

1.6 In his submissions, the Complainant contested potential administrative constraints by citing the precedent of *Shri Pawan Kumar Vs. JCIT (Case No. 12971/1022/2021)*. He asserted that the government has a progressive duty to balance official exigencies with the statutory rights of employees to care for disabled dependents, thereby necessitating his transfer from the Tamil Nadu region to the Madhya Pradesh region to ensure an uninterrupted rehabilitation process.

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1.7 The Complainant, Ms. Pallavi Kumari, a Hindi Stenographer with 100% visual impairment (blindness), submitted a grievance dated 20.06.2024, seeking a

transfer from the Income Tax Department, Bangalore, to her native Delhi. She cited the urgent need for a familiar environment and family support to manage her daily activities and professional responsibilities effectively.

1.8 In response to the notice issued to the Chairman of the Central Board of Direct Taxes (CBDT) and the Pr. CCIT Bangalore, emphasizing obligations under Sections 3 and 20 of the RPwD Act, 2016, the Respondent submitted a reply dated 10.10.2024. While acknowledging the Complainant's difficulties, the Respondent stated that the permanent Inter-Charge Transfer (ICT) policy was abolished in December 2020. Furthermore, the existing "transfer on loan basis" policy typically requires two years of service, whereas the Complainant had only served six months.

1.9 Despite these policy constraints, the Respondent's local office forwarded her request to the Pr. DGIT (HRD) with "strong recommendations" for an exception based on her 100% disability. In her subsequent submissions, the Complainant urged for immediate adjudication, invoking DoP&T O.M. dated 08.10.2018 regarding the preferential posting of persons with disabilities to facilitate their rehabilitation and ensure a supportive environment.

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1.10 The Complainant, Mr. Abhijeet Kumar, a Stenographer Grade-I with a 40% locomotor disability, submitted a grievance dated 20.09.2023, seeking a permanent transfer to his home district of Nalanda (Bihar Sharif) due to significant health challenges in Kolkata, a lack of family support, and his role as the sole caregiver for his ailing parents. Following his initial 2014 application and subsequent reminders that went unanswered despite his appearance on a 2017 shortlist.

1.11 In response to the notice containing legal framework u/s Section 20(5) of the Rights of Persons with Disabilities Act, 2016 ; issued to the Chairman of the Central Board of Indirect Taxes and Customs (CBIC), the Respondents vide e-mail dated 20.11.2023 and 08.12.2023 submitted that while the Complainant was moved to Patna on a "loan basis" in September 2022, his permanent transfer request could not be fulfilled because the original Inter-Charge Transfer (ICT) policy had been withdrawn on 22.12.2020. The new policy contains no provision for permanent absorption.

1.12 In his rejoinder dated 07.12.2023, the Complainant argued that the new policy should not be applied retrospectively to his 2014 application and highlighted the lack of transparency regarding other disabled employees transferred during the

same period. The proceedings concluded with the respondent noting a reference made to the Pr. DGIT(HRD) to consider making policy exceptions for persons with disabilities to facilitate transfers to their native regions in line with judicial recommendations for a dignified life.

2. Hearing

2.1 A combined hearing was conducted on 17.07.2025 in hybrid mode wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Mr. Vikash Kumar	Complainant 1
2.	Mr. Ravi Shanakar Gupta	Complainant 2
3.	Ms. Pallavi Kumari	Complainant 3
4.	Mr. Abhijeet Kumar	Complainant 4
5.	Sh. Anand Ratkal, DCIT Personnel, Mumbai	Respondent
6.	Smt. Indrani Singh Chaudhary – DCIT, HRD Directorate, CBDT	Respondent

3. Record of Proceedings

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3.1 The Complainant reiterated his grievance regarding the need for a transfer to Bihar to support his highly disabled parents, while the Respondent submitted that the Inter-Charge Transfer policy was abolished in 2020 and transfers are now only considered on a temporary "loan basis" subject to administrative exigencies.

3.2 The Court observed that the rehabilitation of a person with a disability is a continuous process requiring a support system, and subsequently recommended that the Respondent review the case afresh in light of Section 20 of the RPwD Act, 2016, and relevant DoPT guidelines concerning the posting of caregivers.

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3.1 The Complainant's representative highlighted the critical medical condition of the complainant's father (locomotor disability) and grandfather (bedridden), asserting that his presence in Bhopal is essential for their rehabilitation, while noting that the Respondent had failed to file a timely reply to the notice.

3.2 The Court took serious note of the non-responsiveness of the Respondent on the matter and further advised the Respondent to submit a comprehensive written version within 15 days, specifically addressing the vacancy status in the Madhya Pradesh region and the feasibility of providing a support system for the caregiver under the DoP&T O.M. dated 08.10.2018.

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3.1 The Complainant, a person with 100% Visual Impairment, emphasized the extreme difficulty of residing in Bangalore without a family support system, while the Respondent noted that she had not completed the two-year service requirement typically necessary to apply for a transfer under the current loan policy.

3.2 After considering the severity of the disability, the Court noted the Respondent's internal recommendation to the Pr. DGIT (HRD) for a policy exception and advised the Respondent to provide a final decision on the transfer request within 30 days, keeping in view the mandate of providing a barrier-free and supportive environment for employees with benchmark disabilities.

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3.1 The Complainant argued that his 2014 transfer application should not be governed by the restrictive 2020 policy, whereas the Respondent maintained that permanent absorption is no longer permissible and the Complainant is already serving in his desired region on a temporary loan basis.

3.2 The Court recommended the Respondent to furnish details regarding the number of PwD employees transferred between 2014 and 2020 and further advised the Chairman, CBIC, to ensure the notification of an Equal Opportunity Policy as mandated under Section 21 of the Act to provide reasonable accommodations for such transfers.

4. Observation and Recommendation

4.1 The Court observed that the issues raised in these cases regarding the transfer and posting of employees with disabilities and caregivers are recurring in nature and involve fundamental questions of reasonable accommodation and statutory compliance u/s 20(2) and 21 of the RPwD Act, 2016. The Court has already deliberated on these systemic issues and provided comprehensive advisory to the department. Consequently, the Court finds it pertinent to refer its important recommendations in Order dated 30.03.2026 issued vide case No. CCPD/15109/1022/24.

4.2 However, it is recommended that the Respondent ensure consistent application of the above-mentioned recommendations across all similar grievances. An Action Taken Report of the above mentioned cases shall be submitted to this Court within 30 days from the date of issuance of this Order. Non-compliance to the same shall attract penal action under relevant sections of the RPwD Act, 2016.

5. Accordingly, the abovementioned cases are disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities