



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: 14593/1022/2023

In the Matter of

Shri Alok Ojha

...Complainant

Versus

The Secretary, Ministry of Defence

...Respondent (1)

The Director General, Military Engineer Services

...Respondent (2)

1. Gist of Complaint

1.1 The Complainant, Shri Alok Ojha, a person with benchmark disability submitted a complaint on 25.10.2023 alleging that his transfer has been ordered in violation of DoPT guidelines governing the posting of persons with disabilities. The Complainant was serving as a Military Engineer Services (MES) employee with Benchmark locomotor disability, having joined the service under the permanent disabled category on 08.09.2017, and is currently posted as Assistant Director (Contracts) in the office of the Chief Engineer (Air Force), Prayagraj since December 2019. The Complainant states that his medical condition necessitates family support, emphasizing that employees with disabilities should be given preferential posting near their native place and be exempted from routine transfers. It is further alleged that his transfer from the Prayagraj Zone to the Jabalpur Zone was issued without considering these essential needs or exceptional circumstances. The Complainant contends that the transfer order is arbitrary, illegal and issued in disregard of the legal safeguards ensuring equality, dignity and protection of persons with disabilities. Accordingly, he has requested cognizance of the matter, cancellation of the transfer to continue at Prayagraj or an alternative formation, and a direction for his promotion on an in-situ basis on humanitarian and legal grounds.

2. Notice Issued

2.1 The matter was taken up with the Respondents on 02.11.2023 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. Notice of Legal Framework

3.1 The matter was further looked into with the Respondent vide notice dated 09.02.2024 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.

4. Hearing (I)

4.1 The case was scheduled for a hearing on 20.11.2025; however, the proceedings could not commence as both the parties/representatives failed to join the session. Consequently, no substantive discussion on the submissions of the case took place.

5. Hearing (II)

5.1 The case was scheduled for a hearing on 17.12.2025; however, the proceedings could not commence as both the parties/representatives failed to join the session. Consequently, no substantive discussion on the submissions of the case took place.

6. Observation and Recommendation

6.1 The Complainant, Shri Alok Ojha submitted vide e-mail dated 17.12.2025 that he wishes to withdraw the case. Hence, the Complainant has requested an official closure of the proceedings.

6.2 In light of the facts mentioned above and the documents available on record, specifically complainant's e-mail dated 17.12.2025, no further intervention of the Court is warranted in this matter.

7. Accordingly, the case is disposed of.

S. Govindaraj
Commissioner for Persons with Disabilities