



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.13704/1021/2023

In the matter of:

Complainant:

Shri Sunil Kumar Singh

Respondents:

1. The Principal Chief Personnel Officer
Eastern Railway, Kolkata

2. The Chief Work Manager
Eastern Railway, Kanchrapara
West Bengal

1. Gist of the Complaint:

1.1 Shri Sunil Kumar Singh, a person with 85% locomotor disability filed a Complaint dated 16.12.2022 regarding violation of reservation for PwBD employees in promotion to the post of Chief Office Supritendent. The Complainant submitted that promotion Order of Chief Office Superintendent in Level - 7 has been issued by Chief Works Manager, Kanchrapara, Eastern Railway vide office order dated 19.11.2022 without implementation of Reservation for PwBDs in Promotion.

1.2 The Complainant requested that reservation roster should be prepared for allposts and he should be promoted from retrospective date as per rules of reservation for PwBD in promotion. The

Complainant submitted that he is the senior most employee for promotion.

2. Notice issued to the Respondents:

2.1 A notice dated 30.01.2023 was issued to the above mentioned Respondents for forwarding to this Court comments on affidavit on the complaint for violations of section 34 within the statutory time limit.

3. Submissions made by the Respondent:

3.1 The Assistant Personnel Officer for Principal Chief Personnel Officer, Eastern Railway reply vide letter dated 14.02.2023 submitted that for the promotion from Office Superintendent to Chief Office Superintendent, the assessment was made on 24.05.2022. The reservation roster was duly vetted by RP Cell & Liaison Officer with communal break-up on 03.06.2022. It was prior to order issued by the Railway Board on 21.07.2022 regarding reservation in promotion to PwBD. Hence, the reservation for PwBD could not be implemented in the instant case.

3.2 Further, the reservation roster for Persons with Benchmark Disabilities (PwBD) has already been prepared in respect of all posts, including the post of Chief Office Superintendent. It is further submitted that the Complainant is not entitled to claim promotion under the PwBD reservation category, as he does not fulfill the criterion of seniority and is not the senior-most eligible employee, contrary to his assertion.

4. Submissions made in Rejoinder:

4.1 The Reply was forwarded to the Complainant vide letter dated 29.03.2023 for submission of Rejoinder. However, no response has been received from the Complainant till date.

5. Hearing I: An online hearing was conducted on 18.12.2023. The following parties/representatives were present during the hearing:

- (1) None for Complainant
- (2) Shri K. C. Das, Dy. C. P. O, for Respondent number 01
- (3) Shri Kundan Kumar Sahay, Workshop Personnel Officer, (for Respondent number 02)

5.1 The Respondent submitted that the Complainant is not the senior-

most employee belonging to the Persons with Benchmark Disabilities (PwBD) category. It was stated that the senior-most PwBD employee in the cadre is Shri Kamal Kanjilal, a person with visual impairment, who has already been granted promotion in accordance with the applicable seniority and eligibility criteria. The Respondent further submitted that the Railway Board's Order dated 21.07.2022 relating to reservation in promotion for PwBD employees has been duly implemented. It was also informed that, in the Complainant's cadre, the next round of promotions is expected to take place within the next five to six months.

5.2. Despite due notice, none appeared on behalf of the Complainant during the hearing.

5.3 TThe Court observed that the Railway Board's Order does not operate retrospectively. It further noted that the issue regarding the effective date of implementation is presently under consideration by the Central Government pursuant to the directions of the Hon'ble Supreme Court in Contempt Petition No. 873/2023. In the absence of any contrary directions, the actions taken by the Respondent in accordance with the existing policy framework cannot, at this stage, be faulted. Nevertheless, the Court emphasized that the issue of promotion of Persons with Benchmark Disabilities (PwBD) employees should be resolved expeditiously in accordance with the applicable seniority principles and any clarification or further instructions that may be issued by the Department of Personnel and Training (DoPT) or any other competent authority in this regard.

6. Hearing II : This case was further rescheduled for 08.07.2025 but the Complainant didn't join the hearing. Therefore, again reschedule on 13.05.2026.

7. Hearing III:

7.1 A hearing was conducted in hybrid mode on 13.05.2026 wherein the following parties/representatives were present:

S. No.	Name and designation of the Attendees	On behalf of	Mode of Attendance
1.	Shri Sunil Kumar Singh	Complainant	Online
2.	Shri Md. Tarik, Dy. CPO - Headquarter	Respondent	Online

3.	Shri Sanjay Das - APO	Respondent	Online
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8. Record of proceedings:

8.1 The Court recalled that the matter had already been heard in December 2023 and sought clarification from the complainant regarding any developments since the last hearing and the present outstanding grievance. Mr. Singh stated that his grievance concerning reservation in promotion and related promotional benefits was still unresolved.

8.2. The representative of Eastern Railway submitted that the delay in processing the matter was attributable to the requirement of obtaining approval for the creation of posts from the Ministry of Finance. It was stated that the requisite approval was eventually accorded on 4 May 2026 and had thereafter been communicated to the concerned Railway units for necessary action. The Respondent further submitted that, consequent upon the said approval, the cases of all eligible employees would now be examined and processed strictly in accordance with the applicable eligibility criteria and the relevant rules governing promotion.

8.3 The Court expressed concern over the excessive delay, noting that the matter had remained unresolved for nearly four years despite legal clarity existing since 2022. The Court questioned why such a long time had been taken and emphasized that the complainant deserved timely redressal. The railway representative assured the Court that the department was now taking positive action and that the process would move forward expeditiously following the receipt of approval from the Ministry of Finance.

9. Observations in the case:

9.1 The Court observed that the promotion process predated the Railway Board's reservation order and that implementation was delayed due to pending post-creation approval.

10. Recommendations in the Case:

10.1 The Court recommended that the Respondents complete the promotion process for eligible Persons with Benchmark Disabilities (PwBD) employees strictly in accordance with the applicable rules,

reservation roster, seniority, and eligibility criteria. It further recommended that the approvals received from the Ministry of Finance and the Railway Board be implemented expeditiously and that all consequential promotional and notional benefits, wherever admissible under the rules, be granted without unnecessary delay. The Respondents are recommended to submit an Action Taken Report within 90 days.

10.2. Additionally, Eastern Railway was advised to maintain and periodically update reservation rosters for PwBD employees to ensure transparency, statutory compliance, and prevention of future disputes.

11. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities