



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: 13866/1022/2023

In the Matter of

Shri Nishil Kumar

...Complainant

Versus

Department of Posts, Dak Bhawan

..Respondent

1. Hearing

1.1. A hearing was conducted on 10.11.2025 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Nishil Kumar	Complainant
2.	Shri Vinod Kumar, ADG	Respondent

2. Record of Proceedings

2.1 The Complainant, Shri Nishil Kumar, a central government employee with a benchmark disability of 72% visual impairment (including severe night blindness), has submitted a grievance seeking an administrative transfer out of the Tamil Nadu region. The Complainant submitted that he was appointed to the Respondent in June 2022. He contended that his placement in Tamil Nadu, which was his lowest priority option during recruitment, causes severe logistical and safety hazards due to his progressive night blindness, making traveling and daily displacement extremely difficult. He further alleged that the Respondent failed to accord him the mandatory statutory preferences and exemptions in postings and

transfers as provided under the Rights of Persons with Disabilities (RPwD) Act, 2016. Consequently, he seeks an immediate transfer to a geographically closer or more accessible region, such as Bihar, asserting that candidates lower than him in the merit ranking were allocated preferential home postings.

2.2 During the proceedings, the Court observed significant communication delays and technical lapses on the part of the Respondent, who joined the formal legal session unprepared and via a mobile interface. Upon being asked regarding the Respondent's allocation metrics, the Respondent maintained that postings and transfers are heavily managed through an automated online portal. The Respondent submitted that while special provisions do exist under the rules, the automated transfer interface requires verification against systemic configurations. He further stated that exceptional transfer requests outside the standard portal rules require manual overriding, which can only be executed in rare instances upon explicit clearance from the Director General of Posts (DGP).

2.3 The Court evaluated the matter to determine the extent of administrative compliance under Section 20 and Section 21 of the Rights of Persons with Disabilities (RPwD) Act, 2016, which mandate reasonable accommodation and equal opportunity policies in employment. The Court observed that the transition to automated or online transfer portals does not absolve a public department from its statutory obligations. The Court noted that whether an administrative setup is digital or manual, its core system must incorporate filtering rules that prioritize the posting choices of Persons with Disabilities (PwDs). The Court emphasized that forcing a highly visually impaired employee to serve in an unaccommodated zone because of rigid software design goes entirely against the spirit of the law. To determine if a systemic bias occurred, the Court noted that the Complainant must formally submit his updated medical board review certificate from a government medical college to the Court to verify the 72% disability parameters.

2.4 Accordingly, to settle the fact-finding process of this pending matter, the Court recommends the Respondent to submit a comprehensive written response backed by an affidavit within fifteen days, from the date of receipt of this Interim Order. The Respondent must explicitly clarify its operational transfer policy for PwD employees, explain why the online portal fails to provide prioritizing facilities, and present a viable remedial path for the Complainant's transfer request. The next

date of hearing accordingly has been scheduled as **27.7.2026**.

Ipsita Mitra
14.7.26
(Ipsita Mitra)

Dy. Chief Commissioner for Persons with Disabilities

Digitally signed by
Ipsita Mitra
Date: 14-07-2026
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