



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: CCPD-AD-0073/2026

In the Matter of

Shri Kartik Sharma

...Complainant

Versus

The Principal Chief Electrical Engineer,
 Metro Railway, Kolkata

..Respondent

1. Gist of the Complaint

1.1 The Complainant, a person with 50% locomotor disability working in Metro Railway, Kolkata, submitted that he had sought an inter-railway transfer to Bikaner Division to be closer to his family in Sri Ganganagar, Rajasthan, due to the hardship caused by his disability and the long distance from his home. He stated that although his transfer had been approved by the competent authority and a No Objection Certificate (NOC) had been issued, his release order has remained pending with the Principal Chief Electrical Engineer, Metro Railway, Kolkata, without any valid reason. He alleged that the delay in issuing his release order has caused him mental and physical hardship. He further alleged that he was not allowed to meet the concerned officer regarding his grievance and was threatened with disciplinary action if he left his workplace to pursue the matter.

2. Hearing

2.1. A preliminary hearing was conducted on 15.07.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Kartik Sharma	Complainant
2.	Shri Sumit Tayal, Dy. Chief Electrical Engineer	Respondent

3. Record of Proceedings

3.1 During the proceedings, the Respondent, represented by Shri Sumit Tayal, Deputy Chief Electrical Engineer, submitted that the organization was presently facing an acute shortage of manpower due to the commissioning of multiple new metro corridors over the preceding years without corresponding sanction of additional staff. It was argued that the severe staffing constraints had made it administratively difficult to relieve the Complainant at the present stage. The Respondent further submitted that, in its understanding of the applicable Railway Board Circulars, persons with disabilities are ordinarily entitled to posting at a station nearest to their native place within the same railway zone, and that the Complainant had already been accommodated on the Green Line to facilitate easier connectivity. The Respondent maintained that releasing the Complainant to another railway zone could adversely affect operational efficiency and potentially create similar claims from other employees. However, the Respondent also acknowledged that the transfer proposal had been processed earlier and requested that a formal order of this Court be issued, if considered appropriate, to facilitate administrative compliance.

3.2 The Complainant reiterated that his application pertained specifically to an inter-railway request transfer, for which separate Railway Board instructions were applicable. He asserted that the Respondent had incorrectly relied upon provisions governing zonal transfers and had consequently misinterpreted the applicable policy framework. He further submitted that the approval granted by the competent authority and the issuance of the NOC conclusively established that the transfer had already been sanctioned, leaving only the issuance of the relieving order pending.

3.3 Upon hearing the submissions of both parties, the Court observed that the principal dispute did not relate to the Complainant's eligibility for transfer, but to the continued withholding of the relieving order despite the transfer having been approved by the competent authority. The Court noted that while administrative exigencies and manpower shortages may present operational challenges, such considerations cannot ordinarily override the statutory rights and reasonable accommodations available to persons with disabilities where the competent authority has already approved the transfer.

3.4 The Court further observed that the Rights of Persons with Disabilities Act,

2016 recognizes the need to provide appropriate workplace accommodations and reasonable facilitation to employees with disabilities. Once the transfer proposal has received approval from the competent authority and the requisite NOC has been issued, the subsequent withholding of the relieving order requires cogent justification. The Court was of the view that internal administrative constraints should not unnecessarily impede the implementation of decisions already taken in accordance with the applicable rules, particularly where the employee seeks transfer on disability-related grounds.

3.5 Accordingly, the Court recommended that the Respondent verify the transfer approval, No Objection Certificate, and other relevant records submitted by the Complainant, and, if found to be in order, take expeditious steps to process and issue the relieving order in accordance with the applicable Railway Board instructions and the provisions of the Rights of Persons with Disabilities Act, 2016. The Respondent was further advised to place on record a comprehensive Action Taken Report before this Court detailing the action taken pursuant to these recommendations within 30 days from the date of this order.

4. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities