



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
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Case No: **14131/1022/2023**

In the matter of—

Dr. Niharika Ranjan Lal

...Complainant

Versus

The Director General,
 Employees' State Insurance Corporation (ESIC)
 New Delhi

...Respondent

1. Gist of the case:

1.1 Dr. Niharika Ranjan Lal, a person with 58% locomotor disability in the right leg (benchmark disability) and working as Assistant Professor, Department of Dermatology, ESIC Medical College & Hospital, Joka, Kolkata, filed the present complaint challenging her transfer from Joka, Kolkata to ESIC Medical College, Rajajinagar, Bengaluru.

1.2 The Complainant submitted that she is an unmarried woman doctor residing alone at Kolkata for service purposes and faces continuous difficulty in mobility and accessibility on account of disability.

1.3 The Complainant further submitted that despite furnishing relevant details in the HRMS portal and to the competent authority, the transfer order dated 20.05.2023 did not adequately consider her disability status and other relevant grounds. She relied upon the ESIC transfer policy and DoP&T guidelines regarding exemption/consideration of persons with disabilities under rotational transfer policy.

2. Notice Issued:

2.1 Vide Notice dated 21.06.2023 under Sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016, the matter was taken up by this Court calling for comments from the Respondent in light of Sections 3, 20, 21 and 23 of the Act.

Later, reminder/current status communication dated 23.10.2023 was also issued.

3. Submissions made by the Respondent:

3.1 The Respondent submitted reply dated 20.07.2023.

3.2 It was submitted that the transfer/posting orders were issued pursuant to annual general transfer exercise under applicable ESIC transfer policy and recommendations of the competent committee. It was further submitted that transfer matters are governed by administrative requirements, policy provisions and availability of vacancies.

4. Submissions made in the Rejoinder:

4.1 The Complainant filed rejoinder by email dated 20.07.2023 reiterating that her disability, mobility constraints and special circumstances had not been duly considered.

4.2 The Complainant further reiterated that the transfer order caused undue hardship and sought reconsideration/cancellation of the transfer order.

5. Proceedings Thereafter:

5.1 A Notice of Hearing was issued scheduling the matter for 11.11.2025. In response, vide email dated 10.11.2025 the complainant submitted that the matter has been resolved with the cancellation of her transfer Orders.

6. Observations and Recommendations:

6.1 Upon consideration of the records placed before the Court, it is evident that the grievance raised by the Complainant has been resolved. However, the Court observes that matters relating to the transfer/posting of employees with benchmark disabilities require due consideration in accordance with Sections 3 and 20 of the Rights of Persons with Disabilities Act, 2016, particularly with regard to the principles of equality, non-discrimination, and reasonable accommodation.

6.2 The Court further observes that the Grievance Redressal Officer mechanism mandated under Section 23 of the Rights of Persons with Disabilities Act, 2016, read with Rule 10 of the Rights of Persons with Disabilities Rules, 2017, has not been effectively implemented in the Respondent establishment, particularly with respect to its operationalization and employee awareness. The Respondent is, therefore, advised to strengthen the internal grievance redressal mechanism and ensure that disability-related considerations are duly taken into account while dealing with transfer/posting matters.

6.3 The Respondent shall submit an Action Taken Report to this Court within three months in terms of Section 76 of the Rights of Persons with Disabilities Act, 2016. In the event of failure to submit the Action Taken Report within the stipulated period or non-compliance with the above directions, this Court shall be constrained to initiate appropriate proceedings in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016, without any further notice.

7. Accordingly, the case is disposed of.

Digitally signed by
Ipsita Mitra
Date: 28-07-2026
12:20:13

(Ipsita Mitra)
Dy. Chief Commissioner