



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/16510/1022/26

Dated: 03/08/2026

Notice u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016

To,

1. The Secretary, Department of Revenue

Email – rsecy@nic.in

...Respondent No. 1

2. The Chairman, Central Board of Indirect Taxes and Finances

Email: chmn-cbic@gov.in

...Respondent No. 2

3. The Principal Commissioner of Customs (General)

Email: ccu-cusmum1@nic.in

...Respondent No. 3

4. The Commissioner of Customs (General)

Email: chiefcom@jawaharcustoms.gov.in

...Respondent No. 4

Sub: Notice to file comments in the complaint dated 23.09.2025 of Mr. Abhinav Jain, a person with 75% Intellectual Disability regarding transfer to his native place and Record of proceeding in admissibility matter- Reg.

Madam /Sir,

I am directed to enclose a copy of documents related to the complaint dated **23.09.2025** of **Mr. Abhinav Jain, a person with 75% Intellectual Disability** on the above-mentioned subject, which is self-explanatory.

2. Whereas, vide Interim Order dated 08.07.2026 the Court rejected the Respondents' preliminary objections, admitted the complaint for regular adjudication, and recommended the

Respondents to file a detailed para-wise reply with documentary evidence justifying the administrative exigency behind the transfer within 15 days.

3. And whereas, no response was received in the matter, hence after registering the case, the same was rescheduled for hearing on 29.07.2026.

4. And whereas, another hearing was conducted in Case No. CCPD/16510/1022/26 on 29.07.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1	Adv. Nishant Kumar Tyagi	Respondent 3
2	Shri Ajay Pandey, Principal Commissioner of Customs (General)	Respondent 3

4.1 And whereas, just before the hearing the complainant submitted that due to certain exigencies he will be unable attend the hearing.

4.2. And whereas, the Respondents submitted that Respondent Nos. 1 and 2, namely the Secretary, Ministry of Finance and the Chairman, Central Board of Indirect Taxes and Customs (CBIC), had been unnecessarily impleaded, as the representation relied upon by the Complainant had neither been addressed to nor required any action from those authorities. On merits, the Respondents submitted that the impugned transfer of Shri Manoj Jain, father and caregiver of the minor Complainant, did not require any change in residence, government accommodation, or the Complainant's educational, therapeutic, or familial environment, and merely altered the caregiver's place of work, resulting in an additional travel time of approximately 10–15 minutes. It was further submitted that the transfer had been in effect strictly in accordance with the applicable Transfer and Placement Guidelines, that Shri Manoj Jain had already completed his normal tenure and had been granted a one-year extension beyond the prescribed period, and that any further extension was not permissible under the prevailing policy. The Respondents also sought for some time to place their detailed written submissions and supporting documents on record, submitting that the learned Counsel had only recently been engaged in the matter.

4.3 And whereas, upon consideration of the submissions, this Court observed that although rotational or tenure-based transfers of caregivers of Persons with Benchmark Disabilities (PwBDs) are generally discouraged in furtherance of the principles of reasonable accommodation under the Rights of Persons with Disabilities Act, 2016 and DOP&T's guidelines; such protection is facilitative in nature and must be assessed on the facts of each case.

4.4 And whereas, the Respondents' submission that the impugned transfer neither alters the caregiver's residence nor adversely affects the Complainant's care, treatment, or educational environment, with the new place of posting being only 10–15 minutes away, prima facie indicates that the caregiving arrangement may not be substantially disturbed.

4.5. And whereas, this Court accordingly recommended the Respondents to file a comprehensive written statement, along with documentary evidence substantiating the factual assertions made during the hearing, **within five (5) working days**, with a copy to be furnished to the Complainant, who shall be at liberty to file a rejoinder within **three (3) days thereafter**.

The matter shall thereafter be considered on the basis of the evidences/documents placed on record.

4.6 And whereas, this Court further advises the Complainant that as a matter of procedural propriety, service-related grievances concerning transfer, posting, or other conditions of service ought ordinarily to be instituted by the concerned employee through the prescribed service grievance mechanism, and not by the employee's minor child, notwithstanding that the latter may be the beneficiary of the caregiving arrangement.

5. And whereas Section 3 of the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as "the Act" provides as under:

"3. (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities."

6. And whereas Section 21 of the Act, mandates that every establishment shall notify Equal Opportunity Policy and shall register a copy of the same with the Chief Commissioner.

7. And whereas Section 23 of the Act makes it mandatory for every government establishment to appoint a Grievance Redressal Officer and to inform the Chief Commissioner about such appointment.

8. And whereas Section 75(1) (a) and (b) of the Act mandates the Chief Commissioner for Persons with Disabilities to identify, suo motu or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps and to look into complaints inter-alia, concerning matters relating to deprivation of rights of persons with disabilities either on his own motion or on the application of any aggrieved person or otherwise.

9. And therefore, you are hereby advised to forward your comments on the Complaint on an **affidavit** signed by an officer of an appropriate seniority not below the level of Group 'A' officer and to produce all the requisite documents upon which you base your Comments or Claim and where you rely on any other document as evidence in support of your comments or claim, you shall enter such documents in a list to be annexed to the Comments on Complaint along with action taken in compliance with statutory provisions as mentioned at paras 3 & 4 above, to this Court within **05 working days** from the date of issue of this communication, failing which, the Complaint may be disposed of ex-parte. While responding to this notice due care may be taken of relevant provisions of the Act, other statutory provisions, and government instructions such as the ones mentioned above including but not limited to sections 20 (5) & 21

of the Act read with Rule 8 (3) (c) of the RPwD Rules, 2017 and DoPT OM No. 36035/44/2023-Estt. (Res-II) dated 02.02.2024.

10. A copy of your reply should also be served to the Complainant **via email/by post/by hand to this Court along with your Reply**. You may also provide additional inputs, relevant to the case, if desired. However, it is to be informed that in case any statutory provision, any judgment of a High Court or the Supreme Court, rules formulated under any statute, Office Memorandum, or bye-law is relied upon, you shall attach a copy of the same along with your comments on the Complaint. The Complainant may file his rejoinder, if any, to this Court within **a further 03 working days** with a copy to the Respondent(s).


03.08.26
(Vikas Trivedi)
Dy. Chief Commissioner