



सत्यमेव जयते
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-0135/2026

In the Matter of

Complainant

Shri Ajay Kumar

Versus

Respondent(s)

The Commanding Officer, Cantonment Board

1. Hearing

1.1. A preliminary hearing was conducted on 27.07.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Representative of the Cantonment Board	Respondent

1.2 No representatives on behalf of the Complainant were present during the proceedings.

2. Record of Proceedings

2.1 During the proceedings, the Court noted that the grievance was related to a Complainant, Shri Ajay Kumar, a person with 100% hearing impairment employed as a Safaiwala at the Cantonment Board, Morar (Gwalior), who is seeking for an urgent job transfer on compassionate grounds from Gwalior to Delhi. The Complainant submitted that he is required to care for his 76-year-old critically ill mother, Srimati Amar Devi, who suffers from severe medical conditions including aspiration pneumonia, motor neuron disease, and breathing difficulties needing

continuous medical support. He further highlighted that both he and his wife, Srimati Kavita, are 100% hearing impaired, placing an extreme burden on his wife alone in Delhi to care for their newborn child and ailing mother. Supported by official UDID disability certificates, employee identification, and hospital discharge records, the Complainant requested the Court's intervention to facilitate a transfer closer to his family residence in Central Delhi.

2.2 The representative appearing for the Respondent (Cantonment Board, Morar) submitted that the Complainant was appointed specifically to the local post under the applicable service rules. The Respondent stated that under the prevailing Cantonment Fund Servants Rules and the Employee Service Rules, 2021, the Cantonment Board functions as an autonomous body under the Ministry of Defence, and there exists no administrative provision or mechanism to effect inter-board or inter-station transfers. It was contended that non-transferability is an established condition of service, as explicitly stipulated in the employment notification and the appointment letter issued to the Complainant.

2.3 Upon hearing the submissions, the Court examined the preliminary maintainability and administrative constraints highlighted by the Respondent. The Court sought clarification regarding the governing recruitment rules, employment conditions, and specific policy framework that allegedly bar the transfer of employees with benchmark disabilities under the Cantonment Board service regulations.

2.4 The Court observed that while administrative and statutory service rules govern cadre management, the Respondent must formally substantiate its position with documentary evidence rather than oral assertions. The Court highlighted that the Respondent is required to produce all relevant service records, including the original employment notification, the Complainant's appointment order, and the applicable transfer guidelines or recruitment rules that restrict such mobility.

2.5 The Court further observed that compassionate requests involving severe personal hardship and benchmark disabilities warrant careful examination against statutory protections and policy norms. The Court noted that the Respondent must file a clear written justification providing explicit reasons why a transfer or alternative administrative adjustment cannot be extended to the Complainant under the existing regulatory framework.

2.6 Accordingly, the Court recommended the Respondent to file its detailed written reply supported by documentary evidence, including the employment notification, appointment order, and relevant service/transfer rules, within fifteen

(15) days, with a copy served simultaneously to the Complainant. The Court further advised that upon receipt of the Respondent's written submission, the Complainant shall be granted five (5) days to file a rejoinder response.

(Vikas Trivedi)

Dy. Chief Commissioner